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House of Representatives

The House met at 10 a.m.

The Reverend Michael E. Robinson, Head of Upper School, St. Patrick's Episcopal Day School, offered the following prayer:

O God, You have so revealed Yourself in the glory of the heavens and in the many faces of the nations, in the still small voice and in the might of the forces of nature. Make us aware of Your presence as You come in judgment through the events of our time. Help us to discern through the many competing claims, the right and the just by using the tools of reason, compassion and wisdom. Help us to be good citizens, to work for the common good, to be willing to sacrifice whatever it takes to work with You, and to remake this world into Your kingdom, the place where Your will is done, where Your children may know no other way but the way of righteousness, justice, and peace. This we ask, anxious yet calm in You; unsure, yet certain in You; weak, yet strong in You; through Him who is the saviour of us all, Jesus Christ our Lord. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland (Mr. BARTLETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARTLETT of Maryland 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

S. 447. An act to deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

The message also announced that pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Military Academy—

the Senator from Pennsylvania (Mr. SANTORUM), from the Committee on Armed Services; and

the Senator from Texas (Mrs. HUTCHISON), from the Committee on Appropriations.

The message also announced that pursuant to section 6968(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Naval Academy—

the Senator from Arizona (Mr. MCCAIN), from the Committee on Armed Services; and

the Senator from Mississippi (Mr. COCHRAN), from the Committee on Appropriations.

The message also announced that pursuant to section 9355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the United States Air Force Academy—

the Senator from Colorado (Mr. ALLARD), from the Committee on Armed Services; and

the Senator from Montana (Mr. BURNS), from the Committee on Appropriations.

The message also announced that pursuant to Public Law 94–304, as amended by Public Law 99–7, the Chair, on behalf of the Vice President, appoints the following Senators to the Commission on Security and Cooperation in Europe (Helsinki)—

the Senator from Texas (Mrs. HUTCHISON);

the Senator from Michigan (Mr. ABRAHAM); and

the Senator from Kansas (Mr. BROWNBACK).

WELCOME TO REV. MICHAEL E. ROBINSON

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

Mr. WISE. Mr. Speaker, the gentleman from Texas (Mr. BENTSEN) and I take great pleasure in introducing to the House today the Reverend Michael Robinson.

The gentleman from Texas and I are proud parents of children at St. Patrick's Day School here in the District of Columbia. The Reverend Robinson is the Upper School director for St. Patrick's and has just done an incredible job. He and his wife Frances and their two children are members of the St. Patrick's community in every way, whether it be the church or through the school. I saw him this morning directing traffic, shepherding students and parents in. He will be doing the same thing this evening, as well as guiding them spiritually and educationally throughout the day. I think it is a tribute to Reverend Robinson that he is always the teacher. He is accompanied today by the St. Patrick's Student Council as well.

Reverend Robinson will leave St. Patrick's and join the St. Nicholas

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School in Chattanooga, Tennessee, this next semester as Headmaster. He will leave behind many parents and students who have been touched forever by his work, as I say, both spiritually, educationally, in so many ways. We wish him well and take great pleasure and celebrate all that he has done for St. Patrick's and the many students and parishioners that attend therein.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will entertain 15 one-minutes on each side.

NEW DOCUMENTARY FEATURES MEMBER AS HOLOCAUST SURVIVOR

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

Ms. ROS-LEHTINEN. Mr. Speaker, a new documentary by renowned filmmaker Steven Spielberg, entitled ''The Last Days,'' tells the tragic tale of the Nazi Holocaust through the eyes of five Hungarian Jews who personally experienced and survived this horrific period of history.

One of the survivors featured in the documentary is one of the most articulate Members of Congress, our colleague from California, TOM LANTOS. TOM is one of the five Hungarian Jews who describes their experiences in a Nazi war camp. Fortunately, unlike an estimated 438,000 other Hungarian Jews and millions of other Jews in Europe, our colleague was able to escape his death sentence.

It is to TOM's credit that, decades after his experience with totalitarianism, he has not forgotten those around the world who live under repressive regimes. From China to Cuba, TOM gives voice to those who are forced to remain silent by repressive regimes. I urge all of our colleagues to view ''The Last Days'' to remind ourselves that we must always fight against tyranny.

UNVEILING 1999 DEMOCRATIC AGENDA

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

Mr. PALLONE. Mr. Speaker, I am very proud to say that in just a short period of time over at the Library of Congress, President Clinton, Vice President GORE and Democrats in the House and the Senate will unveil our 1999 Democratic agenda which, once again, is a families first agenda. The centerpiece of our congressional agenda is to invest the surplus, to save Social Security and Medicare and pay down the debt.

What Democrats are doing with this agenda is continuing on the path of fiscal responsibility by investing the surplus to save Social Security and Medicare and pay down the debt to keep our economy growing. With regard to Social Security, we reserve 62 percent of the projected budget surplus to preserve Social Security until 2055. With regard to Medicare, we reserve 15 percent of the projected surplus for Medicare, ensuring that the Medicare trust fund is secure for 20 years.

We are paying down the debt, Mr. Speaker. We are investing a total of 77 percent of the surplus in Social Security and Medicare to reduce the national debt to its lowest level since 1917. This is what the Democrats are all about.

MAKING TAX RELIEF A REALITY

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

Mr. ARMEY. Mr. Speaker, the American people are overtaxed. Americans work almost 3 hours every 8-hour workday just to pay their taxes. Federal taxes, State taxes, income taxes, sales taxes, utility taxes, death taxes and on and on.

But what many folks do not realize is that they are paying way too much. The government is charging the American people more than it needs to pay its bills, an estimated $2.6 trillion over the next 10 years of tax overcharge. That is a whopping $27,000 per family, money those families could put forward to buy a home or pay for their children's college.

Mr. Speaker, no one would tolerate a phone company or cable company that overcharged them and then refused to return the money. Indeed, we would all call upon the government for relief. Yet the government is overcharging the American taxpayer. It is time they knew about it.

Mr. and Mrs. America, help is on the way. Today I will announce a national initiative designed to make tax relief a reality. I will be joined by many colleagues who, like myself, are committed to showing that Americans are overtaxed. We are united in the belief that we can both save Social Security and return a portion of the overcharge to Americans in the form of a tax cut.

Mr. Speaker, that money does not belong to the government. It belongs to the American taxpayers. Americans earned it, Americans paid it, Americans deserve a refund. Return the tax overcharge, and the American people will be treated properly and fairly by this government.

1999 DEMOCRATIC AGENDA

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

Ms. DELAURO. Mr. Speaker, today Democrats from both Chambers will unveil our agenda for the 106th Congress. At the top of that agenda are the two pillars of retirement security, Social Security and Medicare. So that there can be no doubt about our priorities, I will state it loud and clear. Democrats are committed to using the lion's share of the Federal surplus to protect Social Security and Medicare well into the future.

For the first time in three decades, the Federal Government has a surplus. This is a historic opportunity to protect Social Security and Medicare so that our seniors can live independently and with dignity. Protecting Social Security and Medicare is sound fiscal planning. Two-thirds of our seniors rely on Social Security for over one-half of their income. Medicare ensures that 99 percent of our seniors have health insurance. These two programs are paramount to a strong and a vibrant America and should come before a 10 percent tax cut that benefits mostly the wealthy. The surplus must be used carefully, not spent irresponsibly on a one-time, feel-good tax break.

On behalf of our peers and our parents and our children, let us not squander this historic opportunity.

PRESIDENT'S BUDGET DOES NOT ADD UP

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

Mr. SCHAFFER. Mr. Speaker, the Congressional Budget Office, or the CBO, has issued a report confirming what everyone in Washington has known for 1 month now. The President's budget does not add up.

The nonpartisan CBO has carefully documented exactly why the President's budget does not do what it says it does. The numbers in his budget are not even close. The spending caps are busted. Social Security is endangered. The surpluses are not what they appear to be.

The administration has no response to this nonpartisan report. Through slick accounting and deception, the budget looks wonderful on paper. The problem is that there is not an economist to be found who can defend it. The double counting of imaginary money and the shifting of funds make a mockery of the budget promises signed into law just 2 years ago in the bipartisan balanced budget agreement. That agreement was supposed to prevent exactly the kind of budgetary chicanery that is contained in the President's budget.

The American people deserve better, Mr. Speaker.

THE ONLY SURPLUS IN WASHINGTON

(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, who is kidding whom? The only surplus in Washington, D.C., is in the Social Security trust fund. The truth is, Social

Security money coming in one door today is going out the other door tomorrow, because the facts are very clear. The Social Security trust fund is a big basket full of IOUs. The reason is very simple: Politicians from both parties have reached in and borrowed money from the Social Security trust fund and have not repaid it. Billions and billions of dollars. Beam me up. Now we are saying Social Security is going to run out of money. I say not one dime of Social Security should be used for anything but Social Security.

I yield back any economic common sense that may be left down here.

THE SURPLUS BELONGS TO THE TAXPAYERS

(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, I have a simple question to ask. To whom does the surplus belong? Anyone listening to the other side would conclude that the surplus belongs to the government. In speech after speech, I have heard implied that politicians in Washington have the first claim to the money as if it is their money.

The surplus belongs to the taxpayers. It is their money. The surplus is in fact nothing more than tax overpayment made by taxpayers.

Anyone who has ever looked at Washington for any length of time knows that one of only two things will happen to the surplus. We can give it back to the people who earned it or Washington will find a way to spend it.

I think Jesse ''The Body'' Ventura was right. The government should apologize and then refund the money back to the people to whom it belongs in the first place, the taxpayers of America.

ANOTHER VIEW ON SOCIAL SECURITY AND MEDICARE

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

Mr. MCDERMOTT. Mr. Speaker, let me set the record straight. The money that comes in here belongs to the American people. But what we fail to deal with is the history.

All during the Reagan administration, Democrats and Republicans in this House spent Social Security money and used it like a credit card. We built up a $5 trillion debt for the Cold War. Now, after almost 10 years of work, since I have been in the Congress, since 1988 and under Mr. Clinton for the last few years, we have got a surplus. What does the majority leader offer us? Let us take the surplus and give it away and leave that credit card debt there.

No American family, when they receive money in a Christmas bonus or whatever, says, ''Well, we got all this credit card debt; let's go get deeper in debt.'' That would not be a financially prudent family. The United States Congress, acting on behalf of the American people, ought to pay off the credit card debt in Medicare and in Social Security.

CONGRATULATING COACH JIM PHELAN AND MOUNT ST. MARY'S MOUNTAINEERS ON EARNING BID TO NCAA BASKETBALL TOURNAMENT

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to congratulate coach Jim Phelan and the Mount St. Mary's Mountaineers on earning a bid to the NCAA basketball championship for only the second time in their school's history.

The Mounties won the right to go to the Big Dance by defeating the Blue Devils of Central Connecticut State on Monday night by a 72–56 margin. Monday night's victory was the third straight upset for the Mountaineers who were seeded sixth entering the Northeast Conference Tournament. The Mount was led by the smooth shooting of Gregory Harris and the tenacious defense of Melvin Whitaker.

In addition to earning a right to play in the NCAA championships, Monday's victory was also an historic event for their longtime coach. Jim Phelan became only the fourth coach in NCAA history to win 800 games. He joins the ranks of Adolph Rupp, Dean Smith and Clarence Gaines and is the winningest active coach in the NCAA. Coach Phelan's 800 wins demonstrate his commitment to the school, his players and his community. I am convinced the Hall of Fame is just around the corner.

Congratulations Mount Saint Mary's, and congratulations Coach Jim Phelan.

□ 1015

GUNS OVER PEOPLE

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

Mr. GUTIERREZ. Mr. Speaker, during the past year did we not hear the Republicans say something about the rule of law? I think I recall some Republicans saying everyone deserves his or her day in court, even if it means tying up Congress, the White House and the judiciary, costs the taxpayers $40 million, huge legal bills for everyone. But when it comes to their good friends in the gun lobby and their precious time and money, well, the Republicans simply will not allow them to be threatened with a lawsuit or held accountable through civil action.

Mr. Speaker, once again the GOP does the bidding of the National Rifle Association, preempting cities like Chicago who dare to sue the gun industry, the modern-day merchants of vengeance. A Republican bill will be introduced limiting lawsuits against the gun makers, ironically sponsored by the same gentleman who once told the Committee on the Judiciary a plaintiff deserved her day in court. In the eyes of the GOP, a sitting President can be dragged into a civil suit, but not the gun industry.

Clearly, the Republicans care more about guns than people. I guess that is what GOP stands for: ''Guns Over People.''

THE PRESIDENT'S BUDGET DOES NOT ADD UP

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

Mr. WATTS of Oklahoma. Mr. Speaker, the truth is now out about the President's budget. The nonpartisan Congressional Budget Office, the CBO, has now documented the obvious. The President's budget just does not add up.

It is not simply a case of the usual Washington accounting tricks. The accounting is so outrageous that no serious analyst can defend it. In fact, the nonpartisan CBO, Congressional Budget Office, shows exactly where and why it does not add up. The budget busts the spending caps that were signed into law by the President in 1997, in the summer of 1997. And even more disturbing, Mr. Speaker, this budget, not only does it not save Social Security, it even dangers Social Security.

Mr. Speaker, the American people deserve better.

They deserve an honest budget.

They deserve a budget that will continue American prosperity.

They deserve a budget that protects Social Security.

Mr. Speaker, the President's budget does not do that.

PROTECT SOCIAL SECURITY AND MEDICARE FOR FUTURE GENERATIONS

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

Ms. STABENOW. Mr. Speaker, I rise today to support a Democratic administration that has brought us from very large deficits to large surpluses and to say that the next step is to protect Social Security and Medicare and pay back the Social Security Trust Fund. We are not really out of debt until we do that.

Mr. Speaker, if we cannot pay off the national debt when we have a surplus, when will we do it?

Never.

Mr. Speaker, this is a test of the current Congress. Are we going to continue fiscal responsibility or go back to the spending and the deficits of the 1980s?

I stand to support Social Security, Medicare and paying off the debt. If we

do that, we put real dollars back into people's pockets by lowering interest rates, which means our mortgages, our credit cards, our car payments go down.

Mr. Chairman, we need to bring down the debt and protect Social Security and Medicare for future generations, and I call on my colleagues to join us in doing that.

THE REPUBLICAN PLAN IS BETTER THAN A PAY RAISE

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

Mr. TIAHRT. Mr. Speaker, tax relief is as good as a pay raise, maybe even better. A pay raise could mean higher taxes. It could result in sending more money to Washington, D.C., and have very little extra money jingling around in our pockets. But tax relief is more money in the household budget.

Mr. Speaker, Americans do one of two things when they get a little extra money in their pocket. It is saved or it is spent. Either is good for the economy. Saving the money from a tax cut would provide more resources, more capital for creating new jobs and new businesses. Spending the tax relief not only provides for the needs of hard-working Americans, but the demands for products will create new jobs and sustain the jobs we have.

Mr. Speaker, tax relief can be as good, if not better, than a pay raise, and the Republican plan will not only restore the integrity of Social Security, rebuild our national defense, strengthen education, but it will also provide much-needed tax relief for hard-working Americans.

SAVE OUR AMERICAN TREASURES: MEDICARE AND SOCIAL SECURITY

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

Mr. GREEN of Texas. Mr. Speaker, this is a good day. I am glad the debate is on tax cuts versus Social Security and Medicare and paying down our national debt. Medicare and Social Security are two of the greatest, most effective programs our country has ever created. They provide the two fundamental keys to retirement security: medical and financial security.

Mr. Speaker, this Congress has the responsibility to every American, past, present and future, to save these national treasures.

The good news is that we have the opportunity to ensure the long-term stability of these programs. The bad news will only come if people try to politicize the programs or, worse yet, dismantle them. We can strengthen Social Security, Medicare and pay down the debt. They are popular with the American people for the simple reason that they work.

Mr. Speaker, let us work together to strengthen Medicare and Social Security. Social Security and Medicare are needed for the current seniors, the baby boomers, and our children and our grandchildren.

NO EXIT STRATEGY

(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, today I rise to talk about our administration's foreign policy and the men and women in our Nation's military service. I have three words to describe the administration's strategy for deployment of U.S. troops to police Kosovo, and they are:

No exit strategy.

Can we honestly ask the men and women of our Armed Services to stand up and once again become the world's police of foreign policy decisions? Should we not justify to the American people the need for intervention based on some realistic, identified and threatened vital national interest?

I should think so.

However, when a defective strategy results in a multi-year deployment, billions of dollars in cost to the American taxpayer and the risk in lives of every American soldier over there, it is time for us to say no. It is time that our foreign policy marches to a new cadence, one that protects our vital national interests and the lives of our hard-working, dedicated men and women in our nation's military.

On behalf of our Nation's interests and the lives of our service men and women, I yield back this dangerous foreign policy and the balance of my time.

EDUCATION MUST BE OUR NUMBER 1 PRIORITY

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

Ms. WOOLSEY. Mr. Speaker, I ran for Congress, and I am here today because I believe that our children's education must be the number one priority in our country. Education is another of President Clinton's major budget priorities because he also agrees that we must prepare all of our children for the high-skill, high-wage jobs that will insure America's leadership in the world marketplace and at the same time prevent dependency on welfare here at home.

Public education is the backbone of our country. It is why we are a great Nation. Public education is available to all.

This Congress we have an opportunity that comes along once every 5 years, and that opportunity is to review and update the Elementary and Secondary Education Act. ESEA is best known for Title I, the program that educates the disadvantaged. Title I is important because it helps disadvantaged children achieve along with their more fortunate peers.

Title I must be supported. Tax relief for the well off must wait.

UNITED STATES VULNERABLE TO BALLISTIC MISSILE ATTACKS

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

Mr. CHABOT. Mr. Speaker, it is the official policy of the United States to remain vulnerable to a ballistic missile attack. That might be surprising to many, but it is true, even though it flies in the face of common sense. Iraq, North Korea, Iran are all embarked on nuclear weapons programs that would enable them to reach the United States with a ballistic missile, and China already has that ability.

Mr. Speaker, the only thing we have to protect us is a relic of the Cold War, an ABM treaty with a country that no longer even exists.

Do my colleagues think the leaders of Iraq and North Korea and Iran and Communist China are impressed with our ABM treaty? I do not think so.

Mr. Speaker, the administration's timid, weak and uncertain steps to begin building a national defense system are not enough. They are too little, and I am afraid they are going to be too late.

I urge the Congress to take the lead on this vital issue, Mr. Speaker, and as my liberal colleagues so often love to say:

Let us do it for the children.

TRIBUTE TO JUDGE LEON HIGGINBOTHAM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to invite my colleagues of the House of Representatives to join me this evening for a special order to pay tribute to a wonderful and outstanding American, a jurist of great renown, the late Judge Leon Higginbotham. He was awarded the Presidential Medal of Honor in 1995 and the Raoul Wallenberg Humanitarian Award, and in 1994 South African President Nelson Mandela asked Higginbotham to be an international mediator. I would hope that we would spend our evening, this evening, paying tribute to this great American.

I STAND HERE FOR THE CHILDREN

Mr. Speaker, let me also say that I stand here for the children. Be it liberal or conservative or moderate, I do not know who could not stand for the children.

I believe we should, if my colleagues will, pay off the debt and as well save Social Security and Medicare. At the same time, we can give targeted child tax credits to businesses that provide child care services, and we can

also provide targeted tax credits to stay-at-home parents. We can do all of this at once by doing the right thing and standing for our children.

AIR FORCE JUNIOR ROTC PROGRAM AT ROME HIGH

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

Mr. BARR of Georgia. Mr. Speaker, it seems as if every day we are reading or hearing a new story about the difficulty our military forces are having recruiting and retaining top-notch personnel. Our military is being stretched thinner and thinner by missions of some dubious value around the world, and we are paying the price with the loss of key personnel and lower retention.

I am pleased today to announce that at least one program in Georgia's 7th District is taking steps to reverse this trend. That program is the Air Force Junior ROTC Program at Rome High School. The Air Force Junior ROTC Program at Rome High School official is only 4 years old, yet it is already having a major positive impact. It offers students a variety of challenges and learning experiences in airplanes and on flight simulators as well as in classrooms that help prepare them for a career in military aviation. Additionally, it helps teach students the kind of work ethic and values that will enable them to succeed as leaders no matter where their future takes them.

This program and programs like it deserve our support. I am proud to honor today the Rome High School Junior ROTC Program.

HONORING MARK BROWN, ONE OF OUR NATION'S FALLEN LAW ENFORCEMENT OFFICERS

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

Mr. INSLEE. Mr. Speaker, I rise today to urge adoption of House Resolution 31 in honor of fallen police officers and, more personally and specifically, in honor of a great Shoreline City police officer and King County sheriff's deputy, Mark Brown, who died in the line of duty Saturday, February 27, leaving his wife, Laurie, and Hannah and Alex, his children; and it is a personal matter because he was my cousin.

Mr. Speaker, I want to tell the Members that I am proud that my cousin responded to an alarm last Thursday on his motorcycle and was pursuing his duties and was involved in a collision and died early Saturday morning, and I want to tell them that it brings home that we have many public servants who get up and risk their lives every day, and their families do not know whether they are coming home.

Mr. Speaker, I want to tell my colleagues that in 1993 I voted for a bill that established community police officers, and I want to tell them Mark Brown was the epitome of a community police officer.

On the TV stations in Seattle I listened to tribute after tribute after tribute to a man in his grocery stores and in his restaurants who was a pillar of his community. Mark Brown, as a community police officer, I want his children, Hannah and Alex, to know they lost a father and we lost an American hero, Mark Brown.

□ 1030

ED-FLEX AND ENDING SOCIAL PROMOTION

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

Mr. FORD. Mr. Speaker, I also extend my prayers to the Brown family, as we all do.

Mr. Speaker, I rise in support of H.R. 800, as my friend just did, the Ed-Flex Partnership Act of 1999. I support this bill because it gives States and local school districts the flexibility to tailor Federal programs to meet their local needs.

But with flexibility also comes accountability. Ed-Flex works to require States to identify specific and measurable goals they have for those students and groups affected by the waivers. In other words, Ed-Flex requires States to have accountability systems in place prior to granting them the authority to waive specific requirements.

But Ed-Flex alone will not solve all of our problems. Our public schools still have pressing needs: Unmet school construction and modernization, a shrinking pool of qualified teachers, and a lack of technology in the classroom.

At a time when children are being promoted to successive grades based on age and not achievement, social promotion is an issue that should concern us all. It must stop. That is why I urge my colleagues, cosponsors of Ed-Flex, to not only cosponsor Ed-Flex, but to support the Democrats' plan to reward those school districts who end social promotion and close underperforming schools by providing them with additional funds to build new schools and hire new teachers. Ed-Flex is good, but alone it will not solve all our problems.

FRESHMAN REPUBLICANS ARE WORKING TO RETURN DOLLARS, DECISIONS, AND FREEDOM BACK HOME

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

Mr. DEMINT. Mr. Speaker, I rise today on behalf of my fellow freshmen Republicans to thank the leadership for recognizing our ideas and allowing us to quickly turn our campaign promises into action.

Yesterday the House passed a resolution that directs this body towards real social security reform. That bill was sponsored by a freshman, the gentleman from Wisconsin (Mr. PAUL RYAN). The gentleman from Nebraska (Mr. LEE TERRY) has already introduced a bill to eliminate a tax on international home pages, and the gentleman from Wisconsin (Mr. MARK GREEN) is heading up a project for the freshman class that will reduce Federal mandates on our State governments.

We believe local people can best secure our Nation's future: parents, teachers, pastors, small business owners, and civic leaders. These are not only the heroes of our home towns, they are the heroes of our country. The answers to our problems are seldom found here in Washington. They are found on Main Street, in board rooms and community centers, in church sanctuaries and classrooms, and in family rooms all across our Nation.

Freshmen Republicans are working to return dollars, decisions, and freedom back home.

COMMEMORATING THE NAVAL RESERVE ASSOCIATION

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

Mr. GARY MILLER of California. Mr. Speaker, I rise today in recognition of the men and women of the Naval Reserve Association, and to congratulate them on the 84th anniversary of the founding of the Naval Reserve, celebrated on March 3, 1999. At the same time, I wish the Association's Spring National Conference to be held on the same day in San Diego, California, the best of success.

The American people owe the 94,000-strong Naval Reserve a debt of gratitude for the sacrifices they have made, both past and present. America's strength and position as the sole superpower in the world is the result of our dedication to our country's defense. Without the Naval Reserve's contribution, America would not have become the beacon of democracy it is today in the world. For that, I, along with the residents of the 41st Congressional District in California, thank them.

I look forward to working with them and other members of the Naval Reserve Association on issues which affect all the men and women of our military.

WELCOME TO WHITNEY ELIZABETH GERRO

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

Mr. BARTON of Texas. Mr. Speaker, having a Member of Congress in your family is kind of like a white elephant gift. You are kind of glad you have it, you just do not quite know what to do

with it. But every now and then it pays off to have a congressman in your family.

Today is one of those days. On December 7, 1998, Mike Gerro and Jan Barton Gerro had a beautiful baby daughter, Whitney Elizabeth Gerro. They have written this poem to announce her arrival to the world, and I want to read it for my colleagues here in the House. It is entitled, ''A Special Arrival.''

She's an angel of sweetness
A treasure of love
A beautiful blessing
From heaven above.
A daughter adored.
Who with nurture will grow.
What a pleasure to welcome
Whitney Elizabeth Gerro.

She really is a blessing. She had her baptism this past Sunday in Arlington, Texas. I am very, very proud to be one of her uncles.

THE REPUBLICAN PARTY WORKS DILIGENTLY TO PROTECT SOCIAL SECURITY

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

Mr. KINGSTON. Mr. Speaker, the Republican Party is working very diligently and very intensely with the Senate to try to protect social security. We have a lot of concerns about the President's proposal, which only protects or earmarks 62 percent of the social security trust fund dollars for social security.

Many of us believe that we should put 100 percent of social security dollars into social security and not spend it on any other program; not for roads, not for bridges, not for congressional salaries, not for anything else. We hope that we can get the President to come around to our way of thinking.

We also feel that we need to pay down the debt. We have a debt of $5.4 trillion. Which costs the American families, on an average for a family of four, about $2,000 dollars a year. That is $2,000 for a college tuition, for house payments, for a nice vacation, for a car, whatever the need of the family is. Now it just goes to interest on the debt. It does not even pay down the principal.

These are things we think the President's budget ignores. We want to put it on the table. We are working in that direction. I hope that the President will decide to join us.

PROVIDING FOR CONSIDERATION OF H.R. 603, CLARIFYING THE APPLICATION OF THE ''DEATH ON THE HIGH SEAS ACT'' TO AVIATION INCIDENTS

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 85 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That at any time after the adoption of this resolution the speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 603) to amend title 49, United States code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 85 is an open rule providing 1 hour of general debate. It would be equally divided and controlled between the chairman and the ranking member of the Committee on Transportation and Infrastructure.

The rule provides that each section of the bill shall be considered as read. Furthermore, the rule authorizes the Chair to accord priority in recognition to members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also permits the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 603, reported by the Committee on Transportation and Infrastructure, would clarify that the Death on the High Seas Act shall not be the controlling law in lawsuits arising from aviation crashes into the high seas.

The purpose of this legislation is to ensure that families of passengers killed in airline disasters are not treated differently under law depending on whether the aircraft crashed over land or water.

This discrepancy arises from a Supreme Court ruling in Zicherman versus Korean Airlines that applied the Death on the High Seas Act to lawsuits related to crashes over the ocean. Under the Death on the High Seas Act, Mr. Speaker, families are denied the ability to seek compensation in a court of law for such noneconomic factors as a loss of companionship of a loved one, relatives' pain and suffering, or for punitive damages. Under existing law, for example, parents receive virtually no compensation in the death of a child. On the other hand, if a plane crashes over land, State tort laws usually apply, offering a broader range of legal remedies to surviving family members.

Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) and his colleagues on the Committee on Transportation and Infrastructure have made this legislation an early priority this session, and have requested an open rule, which was granted by the Committee on Rules without dissent.

Accordingly, I encourage my colleagues to support House Resolution 85, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is an open rule. It will allow for full and fair debates on H.R. 603. As my colleague has described, it will allow for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

H.R. 603 would allow the families of ocean plane crash victims the same rights to file lawsuits as when the crash takes place on land. It was introduced in response to TWA Flight 800, which crashed off the coast of New York in 1996. In 1997, the House passed a similar bill by a voice vote under suspension of the rules, but the Senate failed to take action on the bill.

This is an open rule. It was adopted by a voice vote of the Committee on Rules. I urge adoption of the rule and of the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 661, COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 86 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 86

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

Mr. HASTINGS of Washington. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 86 is an open rule waiving clause 4(a) of rule XIII, that requires a 3-day layover of the committee report, against consideration of the bill. I would advise my colleagues that the committee's report was, however, filed yesterday on March 2.

The rule provides 1 hour of general debate to be equally divided and controlled between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides that the bill shall be open for amendment at any point.

Furthermore, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 661 will prohibit the operation of supersonic aircraft, such as the Concorde, in the United States if the European Union adopts a rule prohibiting the operation of U.S. aircraft that have been modified to reduce noise emissions or fitted with new engines.

The Europeans claim the EU rule is an environmental issue, but in fact it is a trade issue, because the rule would effectively prevent U.S. airlines from selling their aircraft to European airlines if those aircraft have been modified.

Ironically, however, the proposed EU regulation would not prevent European airlines from selling their own modified aircraft to other European airlines. This legislation, then, is intended to send a signal that the U.S. will not sit for such blatant discrimination and that U.S.-modified aircraft should be treated no differently than similarly modified European airplanes.

Mr. Speaker, CBO estimates that H.R. 661 would have no immediate impact on the Federal budget and that the bill contains no intergovernmental mandates as defined by the Unfunded Mandates Reform Act. The bill would, however, provide a new private-sector mandate on British Airways and Air France, the operators of the Concorde, although such mandates are not expected to exceed the $100 million threshold.

Mr. Speaker, none of us relishes retaliatory measures of this type. Indeed, we wish they were, in fact, unnecessary. But fair is fair and, accordingly, I urge my colleagues to support H. Res. 86 and the underlying bill, H.R. 661.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise in support of this open rule providing for the consideration of H.R. 661, Conditionally Prohibiting the Operation of Supersonic Aircraft.

This bipartisan bill is brought to the House by the Democratic leader on the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. SHUSTER), our Committee on Transportation and Infrastructure chairman. They are joined by the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Tennessee (Mr. DUNCAN).

Since this has been described as the ''year of aviation'' in Congress, this may then be the first in a series of appearances by these thoughtful and capable leaders on aviation issues. I thank them for their efforts on this legislation and look forward to their good work as the session proceeds.

The rule will allow our highly skilled aviation leaders on both sides of the aisle to make the case for the bill, which I will address just briefly in discussing the rule.

In short, the bill would respond to action being considered by the European Union which would severely restrict the use of some 1,600 U.S.-registered aircraft used by cargo, package services and passenger airlines.

The straw man in this case is airline noise, as the EU proposes to take action against these U.S.-registered aircraft which have been engineered to meet or exceed all applicable noise standards. And I repeat, the United States aircraft are in compliance.

If taken, this action will make it more difficult to sell the United States-owned aircraft because they would be barred from operating internationally.

H.R. 661 says that if the EU persists in taking such action, our Secretary of Transportation must respond by prohibiting the arrival of the supersonic transport, the Concorde, an aircraft which by comparison to our ever-more-quiet United States aircraft is a regular roof-rattler.

H.R. 661 sends a simple message to our friends ''across the pond'' in the European Union that we will respond in kind should they choose to take action that prohibits the use of U.S. aircraft which are completely in compliance with international standards.

That being said, I commend my friends from the committee of jurisdiction, the Committee on Transportation and Infrastructure, and urge support of the rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLAIRFYING THE APPLICATION OF THE ''DEATH ON THE HIGH SEAS ACT'' TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 85 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 603.

□ 1052

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 consideration of the bill (H.R. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes. The gentleman from Illinois (Mr. LIPINSKI) will control the time of the gentleman from Minnesota (Mr. OBERSTAR).

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1996, the Supreme Court decided that the Death on the High Seas Act applied to aviation accidents. This took everybody by surprise because the Death on the High Seas Act is a shipping law and the Federal Aviation Act states that shipping laws do not apply to aviation.

Nevertheless, the Supreme Court said it did apply when the plane crashed into the ocean outside of U.S. territorial waters. The effect of this decision is to treat families differently depending on whether their relative dies in an aircraft that crashes into the ocean or one that crashes into the land.

If the plane crashes into the ocean, the Death on the High Seas Act applies. This act prevents a family from collecting damages for their relatives' pain and suffering or from the loss of the companionship of their loved one. However, if the plane crashes into land, there is no legal bar to collecting these damages.

So, there really is no reason why the monetary recovery from a lawsuit should depend upon where the plane happens to come down, whether it is into the water or into the land.

Mr. McDade, who was the predecessor of the gentleman from Pennsylvania (Mr. SHERWOOD), introduced this bill last year, and it was passed overwhelmingly in this House, but it died in the Senate. The gentleman from Pennsylvania (Mr. SHERWOOD) is to be congratulated for moving this legislation so expeditiously through our committee so that we can be here on the floor today to correct this obvious, nearly bizarre inequity. It is something that we certainly should do.

Now, this bill, sponsored by the gentleman from Pennsylvania and supported by many of us on both sides of the aisle, will be very helpful to the families of the victims of TWA 800, some of whom reside in the gentleman's district, and the families of aircraft crash victims throughout the United States. It will ensure that all families are treated equally, regardless of whether a loved one died, be it in the water or on land.

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

Mr. LIPINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support H.R. 603, a bill to clarify the application of the Death on the High Seas Act. An identical bill overwhelmingly passed the House of Representatives last Congress. Unfortunately, the full Senate did not consider the bill before the end of Congress.

H.R. 603 addresses a gross inequity which was brought to our attention by the family members of the victims of TWA flight 800, which is created when the Death on the High Seas Act is applied to aviation accidents.

If a plane crashes into the ocean more than 3 miles from land, as did TWA flight 800, the Death on the High Seas Act applies. This act denies families the ability to win noneconomic damages in a lawsuit. This means that a family member could not be compensated, for example, for the loss of companionship of a loved one; parents could not be compensated for the loss of their teenaged sons and daughters; sons and daughters could not be compensated for the loss of their elderly parents. However, if a plane crashed on land, State tort law or the Warsaw Convention would apply. Both permit the award of noneconomic damages.

The effect of applying the Death on the High Seas Act to aviation accidents is to treat families differently depending on whether the loved ones die in an aircraft that crashed into the ocean or one that crashed on land. This is obviously unfair. The value of an individual's life does not change depending on where the plane happens to come down.

H.R. 603 would correct this critical flaw of the Death on the High Seas Act. First, the bill simply adds the bill to the list of shipping laws that do not apply to aviation. Secondly, the bill makes this change applicable to all cases still pending in the lower courts, which includes the family members of the victims of TWA flight 800.

Mr. Chairman, I strongly urge my colleagues to support this bill. It is a simple piece of legislation that will fix the harmful inequity that results when the Death on the High Seas Act is applied to aviation disasters.

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

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Chairman, I rise in strong support of this legislation which was introduced by the very distinguished gentleman from Pennsylvania (Mr. SHERWOOD). Let me just say that this legislation, I think, shows that the gentleman from Pennsylvania really cares about his constituents and is willing to try to help them in any way he can. This legislation is an example of that, because many young people from the gentleman's district in Montoursville, Pennsylvania, died tragically in the TWA 800 crash. But this legislation will help people all over the Nation and it could help families years from now if, God forbid, we have another similar crash in the ocean.

Mr. Chairman, this legislation is designed simply to clarify the application of the Death on the High Seas Act to aviation accidents. This issue arises because, in 1996, the Supreme Court really surprised everyone in deciding the case of Zickerman versus Korean Airlines in holding that the Death on the High Seas Act applies to lawsuits that arise out of an aircraft crash in the ocean that occurs more than 3 miles from land.

□ 1100

The effect of this decision is to treat families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed on land.

I think it is fair to say that almost no one in the aviation or legal communities believe that this Death on the High Seas Act would apply to the TWA crash until the recent decision in the Zickerman case.

Moreover, as a matter of simple fairness and equity, a 1920 maritime shipping law should not apply to the victims of the TWA crash, and this is the injustice that this legislation will correct if we pass this bill.

As of now, if we do not enact the bill of the gentleman from Pennsylvania (Mr. SHERWOOD), if a plane crashes into the ocean, the Death on the High Seas Act applies. This Act denies families the ability to seek compensation in a court of law for the loss of companionship of a loved one, their relatives' pain and suffering, or punitive damages. Basically, these people are limited to recovering only lost wages.

Because of the Zickerman decision and this law, it means that parents will

receive almost no compensation in the death of a child.

On the other hand, if a plane crashes on land, State tort laws apply. These would permit the award of nonpecuniary damages such as loss of companionship and pain and suffering.

Simply put, Mr. Chairman, H.R. 603 amends the Federal Aviation Act so that the Death on the High Seas Act does not apply to airline crashes. It would accomplish this by specifically stating that the Death on the High Seas Act is one of the navigation and shipping laws that do not apply to aircraft.

With this legislation, we will ensure that all families will be treated the same, regardless of whether a plane crashes into the ocean or on land.

Again, Mr. Chairman, let me thank the gentleman from Pennsylvania (Mr. SHERWOOD) for introducing this legislation, which will help a number of constituents in his district and others across the Nation who were devastated by the loss of their loved ones in the TWA Flight 800 tragedy.

As the gentleman from Illinois (Mr. LIPINSKI) noted, this bill passed the House last year overwhelmingly. Unfortunately, we did not get it worked out in the Senate and in conference, and we need to do that this year. I think we can very quickly.

Let me also thank the gentleman from Pennsylvania (Mr. SHUSTER), the very distinguished chairman of the full committee, for his support on this legislation, as well as the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and especially my good friend, the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

This is a good bill, and I urge all Members to support it.

Mr. LIPINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I thank my good friend, the gentleman from Illinois (Mr. LIPINSKI), for yield me this time. I compliment him on the splendid job of leadership he has done in working to craft this legislation and to bring it to the floor. I thank the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the full committee, for moving so quickly and decisively last year and again this year to correct the clear gap in the law that amounts to an abuse of the rights of the families of victims. I thank, of course, the gentleman from Tennessee (Mr. DUNCAN), our splendid chairman of the Subcommittee on Aviation, the ever judicious and thoughtful advocate for aviation.

This legislation arises out of a tragedy that occurred in Long Island Sound, but it arises also out of the genuine, deep, profound humanitarian concern of our former colleague, the gentleman from Pennsylvania, Mr. McDade.

I have known Joe McDade all the years I served in this body, at first as a staff member and then as a colleague. There is one quality that shines through this thoughtful and sparkly, ever-with-a-twinkle-in-his-eye gentleman who chaired the Subcommittee on Energy and Water Development, and that was his concern for his fellow human beings, his splendid representation of the people of his District, the remarkable locomotive museum that I visited when I took my daughter up to look at a college in his District, the everlasting memorial that he has created in one after another community project to serve the needs of his people.

But none of those accomplishments will be a greater memorial than the enactment of this legislation, which has been introduced by the gentleman from Pennsylvania (Mr. SHERWOOD), his successor in the Congress and our committee.

It is really unfortunate the other body did not act on this legislation in the last Congress. We hope that moving the bill early this year will give them motivation to proceed with dispatch and to take action on the mark of delayed justice overdue.

Those of us who have served on the PanAm 103 Commission, my good friend, John Paul Hammerschmidt, former ranking member of the Subcommittee on Public Works and the Committee on Transportation and Infrastructure, and I served on the PanAm 103 Commissions. We learned that families of the victims realize nothing that we could do will bring back their loved ones.

What they ask is that the injustice in that case, that the tragedy not be repeated through terrorist actions against aviation, and in this case that justice be done for families in the future that may have, God forbid that it should happen again, but who may have such a tragedy occur.

PanAm 103 did not raise this issue because it crashed on land. Had PanAm 103 not been delayed a half hour on the ground in London and taken off on time, it would have been blown up over the North Atlantic.

It would have raised the same issues that TWA 800 raises for us in this legislation of Death on the High Seas, that ancient piece of legislation that prohibits recovery for those who are lost beyond the territorial limits of the United States.

I will not repeat all of the points that have been made about the details of the legislation. I do not think it is necessary to do so. The gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) have already made that case.

What we do hear, though, is a lasting memorial to the families of the victims, to the victims themselves, that justice in the future will be done should ever a tragedy of this magnitude occur on the high seas.

It is a great tribute to our committee that, as we build memorials of concrete, steel, and we create great transportation systems, move America, that we also have the compassion to act in matters of this kind that do justice for those of our fellow citizens and those whom we represent in this great body.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), the principal author of this legislation.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of H.R. 603, the Airline Disaster Relief Act. I want to thank my distinguished chairman, the gentleman from Pennsylvania (Mr. SHUSTER) for his hard work and leadership in shepherding H.R. 603 to the floor.

Additionally, I am grateful for the guidance and support of the gentleman from Tennessee (Mr. DUNCAN), the subcommittee chairman, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Illinois (Mr. LIPINSKI), ranking members.

The Committee on Transportation and Infrastructure's swift consideration of this measure is greatly appreciated by me and by the families of the victims of TWA Flight 800 and the Swiss Air tragedies.

This bill, above all, is about fairness. It is about providing equitable treatment for the families who lost loved ones in airline disasters over international waters. Right now, we apply a 79-year-old maritime law written to help the widows of sailors lost at sea in cases of modern airline disasters. This maritime law is known as the 1920 Death on the High Seas Act.

On July 17, 1996, 230 people lost their lives in the tragic crash of TWA Flight 800. Among the victims were 21 people from Montoursville, Pennsylvania, a small town in my district. The people of Montoursville were brutally impacted by the sudden loss of 16 high school seniors and five chaperones on a trip to France for educational purposes. For the families of the victims aboard Flight 800, this tragedy has been made worse by the Supreme Court's application of this dated maritime law.

If a plane crashed on land, family members can seek redress for losses in State courts for various different types of compensation. However, if a loved one crashed at sea, one can only seek compensation for loss of income in a U.S. District Court.

In the case of a child or a retired person lost at sea, the Supreme Court's application of this archaic maritime law makes that child valueless in the face of the law.

Clearly, the application of this law is patently unfair and cruel. Why are we standing here in 1999 and applying a 1920's maritime law to modern aviation disaster claims? The time has come to create one level playing field and one process for all airline crash claims.

The current treatment of land and sea crashes as separate and unequal must come to an end. This bill clarifies

that the 1920s Death on the High Seas Act does not apply to aviation.

I urge my colleagues to overwhelmingly approve this bill for it is the right thing to do. It is the fair thing to do. It is the compassionate thing to do.

Mr. LIPINSKI. Mr. Chairman, I do not believe that I have any other speakers, and I yield myself such time as I may consume.

Mr. Chairman, I would simply like to say in conclusion that this is a very important piece of legislation. I agree that it should be passed overwhelmingly.

I want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the gentleman from Pennsylvania (Chairman SHUSTER), and the Democratic and Republican staff for their outstanding cooperation and work on behalf of this bill.

Everyone has worked very diligently to bring this bill to the floor as early as possible in this session of Congress so that we could give the other body ample and sufficient time to pass it. Because, as it has been stated here, it is definitely the right thing to do, the fair thing to do, the equitable thing to do. So, please, everyone vote on behalf of this bill.

Mr. FORBES. Mr. Chairman, today I rise in support of H.R. 603, the Death on the High Seas Act.

As many know, I have been an outspoken proponent of the ideas contained within this bill because of a tragedy that struck my district on July 17, 1996, the crash of TWA 800, and the loss of all of its passengers and crew.

This important act would allow full compensation for the families of victims of aviation disasters like TWA 800. Current law makes certain distinctions between different types of aviation disaster victims. These distinctions prohibit the families of some disaster victims from receiving the type of compensation that they truly deserve. As a result, many aviation disaster victims suffered both the loss of a loved one and the economic assistance that such persons provided.

H.R. 603 would replace outdated provisions of a law adopted 79 years ago that was designed to allow the surviving family members of sailors lost at sea to sue for lost wages. Subsequent court rulings determined that the act applies to all maritime and aviation disasters that occur more than one marine league, or three miles, from America's shoreline.

TWA 800 crashed nine miles off of Long Island's South Shore. Therefore, the Supreme Court ultimately determined that the incident was covered by existing law that limits compensation to the families of victims of aviation disasters. I am sorry to say that victims of TWA 800 and their surviving families have suffered greatly as a result.

As a matter of justice and human decency, I ask my colleagues to support H.R. 603. We cannot fully restore the lives of those affected by the crash of TWA 800 and similar disasters, but can, and should, do what we can to ease their pain.

Mr. ROTHMAN. Mr. Chairman, on July 17th, 1997, 230 people died when TWA Flight 800 exploded 9 miles off the coast of Long Island. To this day the crash continues to be a national tragedy. For almost 2 years, the families of those who perished have had to deal with more than the unbearable pain of losing a loved one in such a sudden, violent and public manner. To this day they have to live with not having many answers for their loss, as they continue to wait for an explanation about why the disaster occurred.

As if this disaster alone is not enough, the tragedy is made all the worse by an outdated law that prevents survivors from suing in state court, in front of a jury, for damages like pain and suffering and loss of companionship that are traditionally available under the tort law system. Had the plance crashed seconds earlier—when the plane was only two miles off of New York's coast—this would not be an issue. However, at nine miles out, the 1920 ''Death on the High Seas Act'' governs. This out-dated law dictates that lawsuits arising from aviation accidents that occur more than 3 miles off of the United States shoreline be brought in Admiralty Court, and limits recovery of damages for survivors to lose income only. While this may have been an appropriate law 79 years ago, in 1999 it is nothing short of outrageous.

A constituent of mine, Carol Ziemkiewicz (ZEM-ka-witz), lost her daughter on that flight. Jill Ziemkiewicz had been working as a flight attendant for only a month and a half when she was assigned to her first international flight on TWA Flight 800. She would be going to Paris, where she was eager to visit the Garden of Versailles. An hour before TWA Flight 800 left to take Jill to Paris, she called her mother and summed up her anticipation—her last words to her were ''I'm psyched.''

Jill was only twenty-three years old at the time she was killed and it is accurate to say that her life, along with every other on the plane, ended to early. But the 230 people who died in that crash were not the only victims on that fateful night. Those victims left behind families, friends, and loved ones, people who continue to live but whose lives will never be the same because of this tragedy.

I am proud to support H.R. 603. H.R. 603 will help to ensure that Carol Ziemkiewicz and the hundreds of other surviving family members like her know that the lives of their loved ones had value—that what happened to them was a tragedy and we all must do what we can to ease their pain and suffering. They have been through enough. I urge my colleagues to support H.R. 603.

Mr. HOLDEN. Mr. Chairman, I rise today in support of H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. I would like to commend Chairman SHUSTER and Ranking Member Mr. OBERSTAR for quickly moving this bill through the Transportation Committee. I would also like to call commend Representative DON SHERWOOD for all of his hard work on bringing this bill to the floor.

Mr. Chairman. H.R. 603 will correct an inequity in the law which currently treats families differently depending on whether their relative died in an aircraft that crashed into the ocean or one that crashed into land. This is especially harsh for families which lose a child in a crash. This creates cruel inequality depending on where a plane happens to come down.

Mr. Chairman, the need for this bill became clear after TWA 800 crashed 8 miles off Long Island, New York on July 16, 1996. Two of my constituents, Kyle and Amy Miller of Tamaqua, PA, were aboard this flight en route from New York to Paris. They were on their way to Paris to celebrate their fifth wedding anniversary. Their loss, and the loss of all of the passengers and crew on the plane, was a horrible tragedy.

Kyle and Amy symbolized the American spirit and were outstanding members of their community. Kyle was a small businessman and owned part of his family hardware and plumbing businesses. Amy worked at the hardware store and was a member of the Tamaqua Area School Board. Her work in local education programs was outstanding and she was the top vote-getter in both the primary and general election.

Both Amy and Kyle were well liked and well respected in the community. The effect of this change in the law would allow families such as Kyle and Amy's to receive the same monetary awards families receive when planes crash over land.

I strongly encourage all members to support H.R. 603 The Death on the High Seas & Airline Disaster Act of 1999. To help all families who lose loved ones in aircraft accidents regardless of where the plane crashes.

Mr. LIPINSKI. Mr. Chairman, I yield back the balance of my time.

GENERAL LEAVE

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 603.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All time for general debate has expired. Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. CLARIFICATION AMENDMENT.

Section 40120(a) of title 49, United States Code, is amended by inserting ''(including the Act entitled 'An Act relating to the maintenance of actions for death on the high seas and other navigable waters', approved March 30, 1920, commonly known as the Death on the High Seas Act (46 U.S.C. App. 761–767; 41 Stat. 537–538))'' after ''United States''.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Hearing none, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. APPLICABILITY.

The amendment made by section 1 applies to civil actions commenced after the date of the enactment of this Act and to civil actions that are not adjudicated by a court of original jurisdiction or settled on or before such date of enactment.

The CHAIRMAN pro tempore. Are there any amendments to section 2?

There being no amendments, under the rule, the Committee rises.

□ 1115

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WICKER) having assumed the chair, Mr. BURR of North Carolina, 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. 603) to amend title 49, United States Code, to clarify the application of the Act popularly known as the ''Death on the High Seas Act'' to aviation incidents, pursuant to House Resolution 85, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed until later today.

COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT

The SPEAKER pro tempore. Pursuant to House Resolution 86 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 661.

□ 1116

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 consideration of the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, with Mr. BURR of North Carolina in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Recently, the European Union took the first step in adopting a very discriminatory regulation that would effectively ban most U.S.-based stage 3 hushkitted and certain U.S. re-engined aircraft from operation in the European Union, even though they meet all international noise standards.

Hushkitted aircraft are older aircraft that have what is essentially a muffler added so that they can meet the current stage 3 noise requirements. Re-engined aircraft are stage 2 aircraft that have stage 3 engines added to meet current noise requirements.

Now, the proposed European Union regulation, on which they have already taken the first step, limits the number of possible buyers of U.S.-owned hushkitted and re-engined aircraft. Under the regulation, the European Union operators can only buy these hushkitted and re-engined aircraft from other European operators. They cannot buy them from American operators.

In addition, the regulation significantly increases U.S. costs of operation in European Union countries. New U.S. operations will have to be flown by aircraft originally manufactured to meet stage 3 requirements even though the retrofitted engines meet all the requirements. U.S. hushkitted aircraft will not be allowed to fly in Europe.

This is blatant, outrageous discrimination. This regulation implements a regional standard that is substantially different from that agreed upon through international standards and unfairly targets U.S. operations.

The bill before us takes the first step to respond to these discriminatory practices by effectively banning flights of the Concorde in the U.S. if a final regulation is adopted by the European Union. The Concorde does not meet the stage 3 noise requirements that the U.S.-owned hushkitted aircraft currently meet. It does not even meet the less restricted stage 2 requirements.

So it is important that we, today, take our first step in response to the Europeans, having already taken their first step, so that we demand a level playing field. I strongly urge support of this bill.

It is our hope that we do not need to proceed further with the Senate and having this signed into law, because our hope is that the Europeans will not proceed beyond the step they have already taken. But if they do, we are certainly prepared to respond in a similar fashion, and I urge strong support for this pro-American legislation.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume. I want to thank the chairman of our full committee for that very strong, forceful, well-phrased statement but, more importantly, for his prompt action on this legislation, moving it through subcommittee and full committee to the floor quickly, because the situation demanded quick action. The gentleman is a strong advocate for American interests, whether in steel or in other modes of transportation, but especially here in this case in aviation.

I did my graduate studies at the College of Europe in Brugge, Belgium, at the time of the formation of the European Common Market. I have continued to follow events in Europe very closely, from the coal and steel community, through the European Common Market, to the European Parliament and the Council of Ministers developments, all of which have united Europe, have brought a higher standard of living to Europe in the post-World War II era, all of which developments have been strongly supported by a succession of U.S. presidents and Congresses.

We want a strong, economically strong, united Europe. It is in our best economic interest. It is in our national security interest. But it is to be a Europe that will trade fairly with the United States, that their markets must be open to ours on the same terms and conditions that ours are open to theirs. And we have the world's largest open, free market for any commodity, and especially in aviation.

We have negotiated one after another liberal aviation trade agreement with European countries, beginning with the Netherlands. Free open-skies agreements. We have with Germany. We have with Italy. We are negotiating one now with France. Why, then, in the face of this openness to trade, why in the face of U.S. cooperation with Europe in aviation matters, joint ventures with Airbus industry, the joint venture between GE and Snekma, the French engine manufacturer, why in the face of some 60 percent of the materials and parts produced for Airbus aircraft coming from the United States, why is the European Community taking anti-competitive action as they have done with their proposal to eliminate some 1,600 U.S. aircraft from the European air system?

The European Commission made a recommendation to the European Parliament, which debated this issue, and then adopted a proposed regulation, submitted to the European Council of Ministers, that would restrict the use in Europe of some, but not all, aircraft that have either a new engine or a hushkit installed on existing engines to meet their highest current noise standards, Chapter 3 of ICAO, or stage 3 as we call it in the United States.

On the face of it, it looks fair, but in practice it applies only to U.S. aircraft and U.S. engines. Conveniently, it excludes the engines produced by the GE alliance with the French manufacturer

Snekma, the CFM series engines. U.S. aircraft engines are quieter than their European Chapter 3 counterparts, and if this regulation is finalized, the effect would be to cost American businesses over a billion dollars in spare parts and engine sales and reduce the resale value of some 1,600 U.S. aircraft as well as reduce the market for U.S. hushkitted manufacturers.

Now, I have been to the Nordham facilities in the United States where they manufacture hushkits, and I have seen the splendid job they do. And their hushkits have been installed, starting with Federal Express and then with other U.S. airline operators, to meet our Stage 3 standards. They do a superb job. They quiet those engines down. We are down now from the 1990 noise law in the United States, from 2,340 aircraft in 1990 that were Stage 2, we are down to just under 900 aircraft. By the end of this year we will be down to under 600, and by the end of next year we will be down to zero.

We have done a far superior job of noise control in the United States than the European Community has done. Our aircraft are seen worldwide as the standard. Our technology is seen worldwide as the standard. So why has Europe chosen to take this policy initiative? Hushkits have been used for over 15 years to quiet aircraft. The regulation says that engines with a higher bypass ratio would be allowed in the European airspace, but those high bypass engines are mostly European manufactured.

An engine's bypass ratio is only one of several factors in determining the actual noise produced by that equipment. Compare a 727–200 re-engined with a Pratt & Whitney JT8D–217C/15 engine and a Airbus A300B4–200 equipped with a CF6–50C2 engine. The 727, and I want to be very precise about this, because the Europeans have made a big stink about this issue, the 727 I have described is quieter than the Airbus 300. The 727 re-engined has a performance standard of 288.8 decibels; the Airbus A300, 293.3 decibels. Yet, under the European Union proposed regulation, the Boeing aircraft would be banned, the Airbus aircraft will fly.

Well, I got news for the Europeans, that does not fly here in the United States. Furthermore, I think this would be destructive in the long run for the Europeans to enact this and permanently put into place this regulation because it will create havoc in the international community in negotiations on future noise regulation and air emissions standards from aircraft.

Probably there is no one today who can remember what the skies over Washington looked like 25 years ago. Huge clouds of smoke, 12,000 tons of pollutants deposited on the Nation's capital from aircraft taking off from National Airport. We have cleaned that all up. We do not see those black smoke trails any longer. Well, Europe caught on, too. They followed our path, but now they want to be discriminatory.

If the proposed recommendation is adopted, then our bill banning the Concorde is an appropriate response to Europe's anti-competitive practice.

□ 1130

The Concorde is European aviation's flagship aircraft. The Concorde is Europe's signature technological mark on world aviation. It is a mark of pride for Europe. We have been allowing their market pride to fly in our airspace, even though it does not meet our noise standards. We have been tolerant of and cooperated with airlines flying the Concorde. British Airways and Air France operate four daily flights, eight operations, that is, eight arrivals and departures each day into U.S. airspace. Yesterday, March 2, was the 30th anniversary of the first Concorde flight to the United States.

It is rather appropriate we bring this legislation to the floor today. I am willing, and I know the chairman of our committee is willing, to cooperate and to support continuation of the waiver that has been in place for these three decades. But we are not going to do it unless the Europeans play fair and unless they drop their regulation that would prohibit certain U.S. aircraft from operating in European airspace. Fair is fair.

There will be positive environmental benefits from prohibiting the Concorde in our airspace. Preliminary analysis from the FAA says that eliminating the Concorde and its noise from New York airspace will reduce the noise footprint around John F. Kennedy International Airport by at least 20 percent. I think that is a very strong argument. The Europeans I hope will see the wisdom of changing their ways. The Clinton administration, I am very pleased, has responded vigorously to this thinly veiled attempt to give a competitive advantage to European aircraft and engine manufacturers. Transportation Secretary Slater, Commerce Secretary Daley and U.S. Trade Representive Ambassador Barshefsky have already appealed to the European Commission to defer action and to let this go to the proper forum, the ICAO, the International Civil Aviation Organization.

Last week, Commerce Under Secretary for International Trade Aaron testified before the Finance Committee of the other body:

> The acceleration of consideration at the Council level appears aimed at precluding consultations between the United States and the European Union before implementation on April 1, 1999. Because of its potential impact on our bilateral commerce, Secretaries Daley and Slater, and Ambassador Barshefsky have written not only the European Commission but also to Ministers of the Member States asking that the Council not proceed with adoption of the regulation until consultations could be held. We are deeply concerned that this regulation remains on track for approval without meaningful consultations having taken place. I have informed the EU that the United States is prepared to respond appropriately to the harm our industry will suffer.

Mr. Chairman, we are responding today. Our action moving this bill through committee and to the floor so quickly has already had a positive effect. Deputy Transportation Secretary Mort Downey informed me yesterday that he was advised at an ICAO meeting on Friday that the President of the EU has postponed action for at least 3 weeks on the pending proposal, which means that the Council of Ministers will not be able to consider the banning of U.S. engines and hushkitted engines at least until the end of this month. The reason: They took very careful note of this bill moving through committee and to the House floor. The Secretary of Transportation and the State Department have asked for consultation with the EU. We understand that those consultations are likely to take place within the next week or so, certainly before the end of this month.

I share the administration's hope that the Europeans will come to their senses and realize that they have a lot at stake in working with us rather than against us. We have already been through the banana wars. We have had steel trade issues between the United States and the European community. Countervailing duties have been imposed on unfair trade practices by the European community and by Russia. I think Europe should get the message that in aviation, cooperation, competition on a fair and equitable playing field is right, but protective practices are not. We take a strong stand today and I think we have got their attention. We have just got to keep the heat on.

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), the distinguished chairman of our Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time, and I rise in strong support of this bill by one of the great aviation experts, the gentleman from Minnesota (Mr. OBERSTAR). I am proud to be a cosponsor of this bill.

H.R. 661, Mr. Chairman, would prohibit the commercial operation of supersonic transport aircraft if the European Union adopts a rule that would prohibit operation of U.S. aircraft that have been modified with hushkits or fitted with new engines. The Europeans contend that their regulation is merely intended to improve the environment by reducing aircraft noise, but this is really ridiculous. The European Union, if they adopt this rule, would be asking us to allow one of the noisiest airplanes in the world into the U.S., the Concorde, which does not even meet Stage 2 noise standards, while banning some of the quietest airplanes in the world, planes that meet the more advanced Stage 3 noise requirements. These would be banned only because they come from the United States.

This is not an environmental issue. This is a trade issue. What the EU is

proposing goes against every principle of free trade and open skies and in fact would be very unfair trade. In fact what the Europeans are trying to do is to keep U.S. aircraft out of their market. The regulation in question would prevent U.S. airlines from selling their aircraft to European airlines if those aircraft have been modified with these more advanced hushkits or new engines. But the regulation would not prevent European airlines from selling their hushkit modified aircraft to other European airlines.

This is blatant discrimination, Mr. Chairman. There is no reason that U.S. hushkitted aircraft should be treated differently from European ones. Moreover, aircraft with a hushkit or a new engine are environmentally friendly. As I have noted, they meet the Stage 3 standards established by our own FAA and the Chapter 3 standards established by the International Civil Aviation Organization, ICAO. In many cases, these aircraft are quieter than aircraft that the Europeans would continue to allow.

The gentleman from Minnesota (Mr. OBERSTAR) has acted quickly in addressing this issue and he and the gentleman from Pennsylvania (Mr. SHUSTER) are both to be commended for moving this bill so quickly. I know that there is some concern regarding the speed with which we are moving. Some people really wanted us to go much further. But this bill is an appropriate and I think measured response to the European action. It would target the commercial flights of the Concorde which meet neither the Stage 3 nor Chapter 3 standards for noise. In fact, as I noted earlier, they do not even meet Stage 2 noise standards. They make much more noise than the hushkitted aircraft that the Europeans want to ban. The EU refused to enter into consultations regarding its measure until this bill was introduced. It is important that we move ahead with this bill to keep up the pressure on the EU. This approach will give our State Department added leverage in its consultations and negotiations on this matter.

This is a very good bill, Mr. Chairman. I urge my fellow Members to support it.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. LIPINSKI), ranking member of the Subcommittee on Aviation, and thank him for his splendid support for this issue.

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota for yielding me the time. I want to compliment him on this piece of legislation. My only regret in regards to it is that I did not think of it first. I salute him. I also want to thank the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Pennsylvania (Mr. SHUSTER) for moving this bill so quickly through the subcommittee and the full committee.

Mr. Chairman, I rise today in very, very strong support of H.R. 661, a bill that will prohibit the operation of the Concorde in the United States. This bill is in direct response to a proposed European regulation which would effectively ban most U.S.-based Stage 3 hushkitted and reengined aircraft from operation in the European Union.

The European resolution banning hushkits is supposedly based on noise-related environmental concerns. However, there is no environmental analysis that supports the hushkit ban. In fact, some of the aircraft that will be banned under the regulation are quieter than some of those that will still be flying into European airports.

The European regulation banning hushkitted and reengined aircraft is not an environmental regulation. Instead, it is an unfair trade action disguised as an environmental regulation. The regulation proposed by the European Parliament is specifically targeted against U.S. products, such as Boeing aircraft, Pratt & Whitney engines, and hushkits, which are only manufactured in the United States of America. There is no doubt that this regulation is designed to discriminate against U.S. aircraft and aircraft manufacturers.

The economic effect of this proposed regulation will be immediate and severe. The U.S. aviation industry is already suffering at the hands of the Europeans. Within the past 2 years, Boeing's market share has fallen from 70 percent to 50 percent. Boeing is losing out to Airbus, which is still subsidized by four European countries that own it, because Boeing does not receive the same protectionist treatment that is given to Airbus.

We cannot allow the Europeans to use the environment as a false excuse to attack U.S. aviation and aviation companies. Therefore, if this proposed regulation banning hushkitted and reengined aircraft is implemented, we must reciprocate by banning the operation of the Concorde, which is the pride of European aviation.

H.R. 661 sends a strong message to our counterparts in Europe that we are serious about this issue. We cannot afford to let Europe use unfair trade methods to protect and promote their own aviation industry at the expense of U.S. companies. Boeing cannot afford to lose any more market share. In fact, no U.S. company can afford to lose business because of unfair trade regulations.

I strongly urge my colleagues to support H.R. 661. This bill will ban the operation of the Concorde in the United States if and only if the European Union implements the regulation banning hushkitted and reengined aircraft. We must act quickly to let the Europeans know we are serious about protecting U.S. environmental interests from unfair trade actions, even if they are disguised as environmental protections.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 4½ minutes to the gentleman from New York (Mr. GILMAN) the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I am pleased to rise in support of this bill requiring retaliation against the European Union banning flights of the Concorde if the EU adopts legislation restricting the use of so-called hushkits.

I commend the gentleman from Minnesota (Mr. OBERSTAR) for bringing the issue to the floor and our attention and to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Tennessee (Mr. DUNCAN) for moving this measure quickly through the House.

We had the opportunity to raise this issue with members of the European Parliament in Strasbourg during this past January. I was joined in that regard by the gentleman from California (Mr. HORN), a member of the U.S. delegation and a member of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure. We informed our European colleagues that we were very much concerned that the proposed legislation was a design standard and not a performance standard and that it was unilateral action not in keeping with the rules of the International Civil Aviation Organization. We told them it would cause great harm to American interests.

Upon our return to the States, the gentleman from California and I decided to proceed in expressing our views in greater detail. Meanwhile, the legislative tempo in Europe sped up almost as if to try to cut off the flow of information from this side of the Atlantic.

□ 1145

The legislation was approved in early February even though it did not appear on the advanced agenda for that day of the week, and the final step in the adoption of the European legislation is approval by the Council of Ministers of the European Union. However, in reaction to strong representations by several members of our own Cabinet and, I believe, in the expectation that this legislation we are now considering will be coming to the floor, the European Union's Executive Commission has asked the final approval by the council administrators be held off until late March. During that time and during which negotiations will be under way we are hoping that some kind of agreement can be reached that will uphold our American interests.

Mr. Chairman, we have often heard the view that sanctions do not work. Well, this is a case where the justified frustration and concern of the American people has brought us to the point of adopting a unilateral sanction to retaliate, and we will do so by a wide margin. I hope that the sponsors of this

bill will bear in mind how important it was to take quick action and will not agree to legislation to place speed bumps in the way of enactment of future sanctions bills. I hope that the bill's managers will be sensitive to the need to modify this bill as the process moves along and will bear in mind the importance of the overall U.S.-EU relationship and balance them along with the very important American interests involved in the hushkit issue.

Let me indicate my dismay that the hushkit issue was allowed to get to this point where it may precipitate a series of measures and countermeasures. We need to prevent this from happening and not just reacting to events. The U.S. and European parliamentary delegations agreed in Strasbourg to step up the level of our cooperation for this purpose among others. Indeed, we have formed a transatlantic legislative dialogue. We hope to have, for example, video conferences to allow in-depth discussions on the issues that concern us. Aviation issues such as Airbus/Boeing and hushkits might well be a good place to start.

We will also be setting up links between the relevant committees to try to give early warning and advice in both directions across the Atlantic, again to try to prevent crises in our relationships and find ways to cooperate. Our Nation and the EU's democracies, which have the world's largest trading and investing relationships, need, of course, to head off conflict wherever possible.

In conclusion, not only is conflict disruptive to our economies, but it can make it difficult for us to cooperate on important matters on the transatlantic agenda and in third countries. It has aptly been said that if our Nation and Europe do not act together, little will get done on the world scene.

So, let me conclude again by saying that we simply must do a better job of managing the U.S.-EU relationships, but I regret to say that at this point we need to keep the pressure on, and the best course of action is to pass this measure before us. Accordingly, I urge my colleagues to support H.R. 661.

Mr. Chairman, I rise in support of this bill requiring retaliation against the European Union banning flights of the Concorde if the EU adopts legislation to restrict the use of so-called ''hush kits.''

I became aware of the so-called ''hush kit'' issue late last year, when the impending European legislation to ban the entry of additional ''hushkitted'' planes from Europe was brought to my attention by industry.

After consultation with industry and the Executive branch, we had the opportunity to raise it with members of the European Parliament in Strasbourg this past January. I was joined in this regard by our colleague, Congressman STEVE HORN, a member of our United States delegation and a member of the Aviation Subcommittee of the Transportation Committee.

We informed our European friends that we were concerned that the proposed legislation was a design standard, not a performance standard, and that it was a unilateral action not in keeping with the rules of the International Civil Aviation Organization. We told them it would cause great harm to American interests.

We were pleasantly surprised to learn that the new Chairman of the European Parliament delegation, Barry Seal, M.E.P., was the spokesman of the Socialist group on aviation. He told us that he had been unaware of the problem the United States had with the legislation and that he would look into it. Mr. Seal serves on the EP's Transportation Committee.

Subsequently, a meeting of the Parliament's Environment Committee was held and this bill was discussed. Another member of the EP's delegation for relations with the United States, Mary Banotti, M.E.P., raised our concerns along with her own. However, she did not amend the legislation, but expressed her hope that an amendment could be worked out that would provide for a performance standard in lieu of a design standard.

Upon our return, Congressman HORN and I wrote to the EU Members we had met with expressing our views in greater detail. In addition, Mr. HORN and I rounded up several colleagues on a letter to Secretary Slater and Ambassador Barshefsky to express our concerns.

Meanwhile, the legislative tempo in Europe sped up, almost as if to try to cut off the flow of information from this side of the Atlantic. The legislation was approved on February 10th, even though it did not appear on the advance agenda for that day or week.

The final step in the adoption of the European legislation is approval by the Council of Ministers of the European Union. However, in reaction to strong representations by several members of the United States cabinet, and, I believe, in the expectation that this legislation we are now considering would be coming to the floor, the European Union's Executive Commission has asked that final approval by the Council of Ministers be held off until late March. During this period of time, during which negotiations will be under way, I hope some kind of agreement can be reached that will uphold American interests.

Even so, it appears that the legislation itself will be adopted, and whatever agreement comes will be by way of a side agreement of some sort relating to the implementation of the legislation. If no appropriate agreement is reached, legislation like this may be just the beginning of our reaction to the EU's position.

Mr. Chairman, we have often heard in this chamber the view that ''sanctions don't work.'' Well, here is a case where the justified frustration and concern of the American people have brought us to the point of adopting—dare I say it?—a ''unilateral sanction'' to retaliate. And we will do so by a wide margin. I hope that the sponsors of this bill will remember how important it was to take quick action and will not agree to legislation to place ''speed bumps'' in the way of the enactment of future ''sanctions'' bills.

The mere threat of the passage of this sanctions bill becoming law should make its final enactment unnecessary. It may well be necessary to modify this bill in the Senate or in Conference to reflect an agreement between the United States and EU. I hope that this bill's managers will be sensitive to the need to do so, and will bear in mind the importance of the overall U.S.-EU relationship, and balance them along with the very important American interests involved in the hush kit issue per se.

Let me indicate my dismay that the ''hush kit'' issue was allowed to get to the point where it may precipitate a series of measures and countermeasures. We need to prevent that from happening and not just reacting to events.

The U.S. and European Parliament delegations agreed in Strasbourg to step up the level of our cooperation for this purpose (among others). Indeed, we have formed a ''Transatlantic Legislative Dialogue.'' We hope to have, for example, videoconferences to allow in depth discussions on the issues that concern us. Aviation issues such as Airbus/Boeing and ''hushkits'' might well be a good place to start. We will also be setting up links between relevant Committees to try to give early warning and advice in both directions across the Atlantic—again, to try to prevent crises in our relationship and to find ways to cooperate.

There is no question that there have been significant bumps on the road in U.S.-EU relations in the recent past. With tensions high on the banana and beef hormone disputes, not to mention issues such as data protection, Iran, and Cuba, we need to keep all lines of communication open.

The private sector also needs to be on the lookout for legislation or regulations that will cause the U.S. and the EU to come into conflict. Organizations such as the Transatlantic Business Dialogue and the Transatlantic Policy Network have an important role to play in this regard. Our Administration could also do a better job in keeping on the lookout for such problems on the horizon. But they need to be helped by the private sector—and there is no question that the rather non-transparent policy process in Brussels contributes to our being taken by surprise from time to time. Policymakers need to have issues on which conflict might arise brought to their attention well in advance, so that they can be addressed with ample time to make effective, thoughtful decisions.

Our Nation and the EU's democracies, which have the world's largest trading and investing relationship, need, of course, to head off conflict wherever possible. Not only is conflict disruptive to our economies, but it can make it difficult for us to cooperate on important matters on the transatlantic agenda and in third countries. It has aptly been said that if the United States and Europe do not act together, little will get done on the world scene.

Let me conclude by saying that we simply must do a better job of managing the U.S.-EU relationship but, I regret to say, at this point we need to keep the pressure on and the best course of action is to pass this bill.

Accordingly, I urge my colleagues to support H.R. 661.

Mr. OBERSTAR. Mr. Chairman, before I yield to the gentleman from Connecticut (Mr. GEJDENSON), I yield myself 30 seconds to say that I am delighted to hear from the Chairman of the Committee on International Relations that this mechanism is being set up for consultations through the committee process between the U.S. Congress and the European Parliament. I think that will go a long way to improve understandings and prevent, hopefully, debacles of this kind or near debacles of this kind.

Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I want to commend the chairman and ranking member for moving quickly. This is a critical time in our relationship with the European community, because the ground rules are just being established, and if the United States sits back as the Europeans close up this very important market for us, protecting and nurturing their own markets, we will find it will not just be in aerospace, it will be in every other sector. Any time the Europeans have a problem, whether it is exports of grain or beef or technology, they will come up with some new standard that their companies have already reached or have been advance notified, and American companies will be locked out.

This administration and this Congress have to be tough and hard on this issue because, as we begin the relationship with a unified Europe, if they get the sense that they can shut out American products without paying a price, every worker and every company in America is under threat.

Mr. Chairman, again I commend the ranking member and the chairman for taking this swift action.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I totally concur in the splendid statement of the gentleman from Connecticut (Mr. GEJDENSON). After all, Europe is where they invented the Hanseatic League, cartels, and they know how to control markets. This is a message to Europe: ''You're not going to do it in aviation.''

Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I would emphasize indeed it is the gentleman from Minnesota (Mr. OBERSTAR) who provided the leadership in moving this bill forward, and so I am very happy to be supportive of his initiative, but he is the one that really deserves the credit for this.

Mr. BAIRD. Mr. Chairman, I rise today in strong support of this legislation, and I would like to thank the distinguished Chairman and the ranking member for giving members the opportunity to express their concern about this situation.

At a time when the United States has advanced measures to reduce trade barriers and open doors to the global marketplace—and while the European Union has done much of the same—we're facing the passage of a new European Union regulation to limit the fair trade of aircraft.

The regulation will have the effect of targeting the resale of U.S. aircraft that already meet International noise standards. And one of the most frustrating aspects of this initiative, common position 66/99, is that some of the aircraft banned under that regulation are quieter than some that are permitted to be sold.

The regulation would prohibit the purchase of aircraft, from non-EU nations, that have been re-engined with a ''hushkit'' to meet internationally-established noise standards agreed upon by the International Civil Aviation Organization.

And the regulation, which is presumably designed to reduce environmental noise, will allow purchases of aircraft with the same level of noise emissions that are already owned by EU operators.

This type of gerrymandered regulation is a step backward in our efforts to promote international cooperation and a freer flow of trade, and may actually be a violation of some bilateral air service agreements between EU member states and the U.S.

If the rule is adopted, U.S. manufacturers, airlines, and leasing companies stand to lose billions of dollars—and the impact on U.S. aviation workers will be substantial.

I've heard estimates that the EU rule could result in job reductions as high as 16 thousand at impacted airlines and engine manufacturers.

The U.S. can't stand by and watch as the EU unilaterally takes steps with this wide of an impact on U.S. airline, machinist, and aerospace workers.

H.R. 661 is an appropriate response to an unfair barrier, and I strongly support its passage.

Again, I thank the Chairman and the Ranking Member for their efforts and I urge my colleagues to support this legislation.

Mr. FROST. Mr. Chairman, I rise to express apprehension regarding the passage of H.R. 661. This bill, which bans the Concorde from operating in the United States, was introduced to deter the European Union (EU) from adopting a proposed regulation that would limit the use of hushkitted aircraft in Europe. American companies are worldwide suppliers of hushkits, which are fitted on older aircraft to reduce their noise level to meet worldwide noise pollution standards. The EU regulation discriminates against U.S. companies, and will cost American industry millions of dollars in losses. I strongly oppose the EU's regulation to restrict hushkitted aircraft, and support efforts to propel the EU to reassess their hushkit regulation.

Last week, the EU did just that. The EU decided to postpone its decision on banning hushkitted aircraft until the end of March 1999. Originally, the EU was scheduled to pass the regulation on March 9, 1999. This delay gives U.S. negotiators a chance to make our case to the EU, and us a chance to carefully consider a reasoned and appropriate U.S. response if one proves necessary. I have some concerns that this particular proposal is neither effective nor risk free for U.S. interests.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 661 is as follows:

H.R. 661

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

SECTION 1. COMMERCIAL OPERATION OF SUPERSONIC TRANSPORT CATEGORY AIRCRAFT.

If the European Union adopts Common Position (EC) No. 66/98 as a final regulation or adopts any similar final regulation, the Secretary of Transportation shall prohibit, after such date of adoption, the commercial operation of a civil supersonic transport category aircraft to or from an airport in the United States unless the Secretary finds that the aircraft complies with stage 3 noise levels.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. BURR of North Carolina, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 661) to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations, pursuant to House Resolution 86, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks in the RECORD on H.R. 661, the bill just passed.

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

There was no objection.

PEACE CORPS ACT AUTHORIZATION

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 669.

□ 1155

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

consideration of the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman I yield myself such time as I may consume.

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

Mr. GILMAN. Mr. Chairman, the main purpose of H.R. 6689 is to reauthorize appropriations to expand the Peace Corps to President Ronald Reagan's goal of 10,000 volunteers. This legislation was introduced by the gentleman from California (Mr. CAMPBELL) and the gentleman from Connecticut (Mr. GEJDENSON), and I am proud to be a cosponsor along with the gentleman from Illinois (Mr. HYDE), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. HOUGHTON). I understand that all three Republican and all three Democratic Members who served in the Peace Corps cosponsored this bill. Senator COVERDELL and Senator DODD will introduce companion legislation in the Senate.

Mr. Chairman, 14 years ago Ronald Reagan's late beloved Peace Corps director, Loret Ruppe, gave us a vision of a Peace Corps that could grow to 10,000 volunteers, and today we renew that goal on a bipartisan basis, working with the administration and with the minority in Congress to realize that vision.

This bill was carefully drafted in cooperation with the administration and with OMB, and while we initially planned to get the Peace Corps to 10,000 by the year 2000, budget realities and our concern for the planned and orderly expansion of the Corps means that we will reach our goal by the year 2003. This is a slower pace than we like and with which the gentleman from Alabama (Mr. CALLAHAN) has indicated he would be more comfortable.

We choose the Peace Corps as one of our first orders of business because it represents the best part of our foreign assistance programs. The Peace Corps remains foremost in the imagination of America's young people. From President Kennedy to President Reagan and now to President Clinton, the Peace Corps serves as a symbol of what is best in our own Nation and its humanitarian missions around the world.

Today, there are millions of people around the world whose first impression of our Nation is through a Peace Corps volunteer. To date, over 150,000 Americans have served in the Peace Corps, including seven U.S. ambassadors, five current Members of Congress and Senator DODD, and they represent an invaluable corps of veterans who speak over 80 languages in some of the countries most important in advancing our Nation's nationality security, economic and humanitarian interests.

Mr. Chairman, the Peace Corps is changing. It is not the same young people going overseas just to teach English. More people are volunteering after retiring, providing a wealth of knowledge and experience to their projects.

Peace Corps Director Mark Gearan formed the Crisis Corps to bring former volunteers back to the most difficult projects of importance to our Nation. For example, Crisis Corps volunteers are serving today in Central America, helping those nations recover from the 200-year devastation of Hurricane Mitch.

□ 1200

House passage of this bill will demonstrate that the Congress is back at work, passing important legislation and doing it on a bipartisan basis.

Accordingly, Mr. Chairman, I urge support for this measure, and I insert the following for the RECORD:

THE DIRECTOR OF THE PEACE CORPS,
Washington, DC, March 3, 1998.

Hon. BENJAMIN GILMAN,
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to convey my sincere appreciation to you and the other Members of the Committee for your decision to authorize an increase of $29 million for the Peace Corps FY 2000 budget. The Peace Corps has been fortunate to enjoy bipartisan support in the Congress for many years. On behalf of the Peace Corps, I wish to thank you for the strong leadership that you have brought to bear in making it possible for more Americans to serve our country as Peace Corps Volunteers. If Congress appropriates the Committee's authorized funding level, there will be 8,000 Volunteers serving overseas by the end of FY 2000. This proposed budget will keep the Peace Corps on the path to achieving the goal that Congress established for us in 1985—to field a Volunteer Corps of 10,000—in the early part of the next century.

This is a particularly appropriate moment in the Peace Corps history to undertake a careful effort to expand the number of Volunteers. Today, there are nearly 6,700 Volunteers serving in 79 countries. In recent years, however, the requests for Peace Corps Volunteers that we have received from developing countries has generally far exceeded the capacity of our budget. There is a reason for this: Our Volunteers are making important and lasting contributions to the development of some of the world's poorest communities. Their work at the grass-roots level in education, small business development, the environment, health, and agriculture has become a model of success for other international development agencies. Given the pressing need for this kind of people-to-people assistance, I am confident that the additional Volunteers we recruit will have effective and successful jobs in their overseas communities.

As the need for the service of Peace Corps Volunteers continues to rise overseas, I am pleased to report to you that we have seen an equally significant increase in interest in Peace Corps service among Americans here at home. Each year, tens of thousands of our fellow citizens contact the Peace Corps seeking information about serving as a Volunteer, and thousands of more of our citizens apply for Peace Corps service than our budget can fund. This growth in interest in the Peace Corps reflects our country's great tradition of service and our willingness to work with people in some of the world's poorest countries who want to build a better future for their communities. I believe that now is the time to enable more of our citizens to offer their skills in the cause of peace and progress in the developing world.

I also wish to assure you and the Committee that the Peace Corps is prepared to manage this growth in the Volunteers corps in a responsible manner. In recent years, the Peace Corps has implemented a series of operational policies that have reduced the agency's overhead costs and improved the way we conduct our business. We have reduced the size of our headquarters staff, closed five regional recruitment offices, and closed 18 overseas programs. These cost savings have allowed us to open new and exciting Volunteer programs in South Africa, Jordan, Mozambique, and Bangladesh. Moreover, these management streamlining efforts will also ensure that the Peace Corps can recruit, train, and support additional Volunteers under the Committee's authorized funding level.

Finally, Peace Corps Volunteers are fulfilling an even larger purpose through their service in the developing world: By living and working overseas for two years, they are strengthening the ties of friendship and cross-cultural understanding between our citizens and the people of other countries. In the process, they build enormous goodwill for our country and make an intangible contribution to our country's long-term interests abroad. As we look to maintain America's leadership in the next century, our understanding of other people and cultures will assume an even greater importance in maintaining our international leadership. I believe that there are few organizations that can contribute as much to America's understanding of the world beyond our borders as the Peace Corps.

Mr. Chairman, as part of our efforts to mark the 38th anniversary of the founding of the Peace Corps, yesterday thousands of former Volunteers visited classrooms in every state to talk with students about the cross-cultural experience they gained while serving in the Peace Corps. This is but one example of how Peace Corps Volunteers continue their service, even after returning home, and our country can take great pride in what our Volunteers are accomplishing overseas every day. I thank you and the other Members of the Committee for providing the support that is so vital to the thousands of other Americans who want to take part in the Peace Corps experience, and I look forward to working with you to make our goal of 10,000 Volunteers a reality.

Best wishes.

Sincerely,

MARK D. GEARAN,
Director.

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

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, oftentimes the debate on the floor is whether the investment of the taxpayers' resources is commensurate with the benefit we get as a

country from the expenditure. The entire foreign assistance program is less than 1 percent of the Federal budget, and the Peace Corps is less than 1 percent of that budget.

When we take a look at the impact it has on the world community from President Kennedy's initiation of this program, there is no American program that has been a better ambassador for America and its values than the Peace Corps.

I think a sense of what the broad-based support in this Congress is for this program is not because of a Washington decision, it is a decision in the countryside. The American people like what the Peace Corps does. It takes people with normal skills in survival, building dams, houses, finding ways to train people better, and puts them in countries where they are desperately needed.

Unlike other programs that are often hard to calculate in their impact, that have fungible effects on their economy, this is one where we can see one individual helping a family, helping a village, and representing the very best of our American society.

So I am proud to be here today to support this budget, to support the Administration's request to make sure there is adequate funding so these ambassadors for America's best interest can continue to do their job. I would hope that my colleagues would all join together in supporting this legislation.

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

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL), a sponsor of the legislation.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from New York (Mr. GILMAN) for giving me the honor to present this bill on the floor. I would not be here were it not for the graciousness of the chairman of the Committee on International Relations, who asked me to carry this very important legislation.

At the start, I also want to recognize the very fine leadership of Mark Gearan and the Administration's strong support for this Peace Corps reauthorization bill. We truly have a bipartisan consensus that this is a way to show to the rest of the world the very best that America has to offer; that funds for the Peace Corps are, in my judgment, the best dollars that we spend in the foreign assistance categories.

This reauthorization bill permits the increase in numbers of volunteers from today's level of 6,700 to eventually 10,000 by the year 2003. I note that this is, as a benchmark, still not the maximum that we have ever had in the Peace Corps. That was reached in 1966, when we had 15,000. But it is a goal towards which we have been directing our efforts for some time.

Presently, we have more people in America applying to be Peace Corps volunteers, qualified to be Peace Corps volunteers, qualified to be ambassadors of our country overseas, and to do good at the most basic levels overseas, we have more volunteers for that task than we have budget authority to employ.

For example, over the last 4 years, the numbers of Americans requesting applications for the Peace Corps has gone up by 40 percent. Financially, though, over the last 4 years, we have only been able to adopt and make part of the Peace Corps an increase of 2 percent.

Since its inception, over 150,000 Americans have served in the Peace Corps. I am proud to relate that every returning Peace Corps volunteer member of this House of Representatives is a cosponsor of the bill. I draw particular attention to the gentleman from Connecticut (Mr. CHRIS SHAYS), the gentleman from California (Mr. SAM FARR), the gentleman from New York (Mr. JIM WALSH), and the gentleman from Wisconsin (Mr. TOM PETRI); and over in the other body, Senators DODD and COVERDELL. Senator COVERDELL is not technically a returned volunteer, but he was director of the Peace Corps under President George Bush.

Mr. Chairman, I have a personal interest in Africa that I have attempted to bring to the attention of my colleagues on many occasions. Whenever I travel to Africa, I try to focus on the poorest countries, the countries of greatest need. My wife travels with me. Susanne and I have visited, just in the last few months, the Ivory Coast, Ghana, Mali, and in previous trips, as well, Eritrea, Ethiopia, Kenya, Tanzania, Rwanda, Burundi, Congo.

Every time we visit we make a point to see the Peace Corps volunteers, to find out what they are doing, to talk with them. Then I will frequently write a note to the individuals' parents to let them know how proud we are of the job they are doing. Recently, Mr. Chairman, I have been writing notes to their children, because the Peace Corps now is taking more and more Americans who have finished a career and have decided to give to their country and give to their world at that stage in their lives, a little departure from what we might have originally identified with the Peace Corps.

This bill allows adequate funding to allow this increase in volunteers and to make other changes in the authorizing legislation, so that Peace Corps volunteers and employees will have many of the same benefits accorded to members of the Foreign Service.

Affirmatively, it is good for our country, good for the world. But in addition, I wish to anticipate those who have criticized the Peace Corps, who have been very few over the years, but there have been some, and to the extent that those criticisms were valid, it is my judgment that this director of the Peace Corps, Mr. Mark Gearan, has superbly addressed them.

I note, for example, that under his leadership the Peace Corps has now accomplished an actual reduction of 13 percent in the United States-based staff, putting more of the Peace Corps resources overseas where they make such a difference.

The Peace Corps has also achieved a 14 percent decrease in the annual cost of a volunteer. Under Mark Gearan's directorship we have closed unnecessary regional recruiting offices, and consolidated our activities overseas.

The administration, in other words, has improved the Peace Corps until it is, in my judgment, to be compared favorably with any of our foreign assistance programs.

Lastly, Mr. Chairman, I want to add a personal note, that when my wife and I were in Senegal we witnessed the opening of the Karen Robinson Center just outside Dakar, a center that was created to assist albino children who, in that society, had theretofore been social outcasts and who also had physical disabilities particularly associated with the bright sun, the danger of exposure to sun, due to their lack of pigmentation, as well as the nearsightedness that is oftentimes associated with albinism.

The point is that this center, opened for this remarkably compassionate purpose, was named for a Peace Corps volunteer whose idea it was, who arranged the local funding, who arranged the assistance with the local authorities, so that it happened.

Mr. Chairman, there are stories like the Karen Robinson Center in every country throughout Africa that I have been privileged to visit over the last 3 years. I conclude by saying that of all of the honors that the chairman of the Committee on International Relations could have given me, his designation of me to be the author of this bill is certainly the highest. I am most grateful.

Mr. GEJDENSON. Mr. Chairman, it is a great pleasure to yield 5 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank our very distinguished ranking member, the gentleman from Connecticut (Mr. GEJDENSON).

I am very proud to rise today in support of H.R. 669, a bill which is designed to expand the Peace Corps so it can meet the demands and challenges as it heads into the 21st century.

Mr. Chairman, the extraordinary vision of President Kennedy really lives on today through the Peace Corps. In the Congress of the United States, we have our own honor roll of former Peace Corps members: in the House, the gentleman from California (Mr. SAM FARR), the gentleman from Connecticut (Mr. CHRIS SHAYS), the gentleman from New York (Mr. JIM WALSH); certainly in the Senate, CHRIS DODD, the late Paul Tsongas.

Mr. Chairman, when we send Peace Corps volunteers overseas, we do not just export our volunteers. We really are exporting American values. Our Peace Corps volunteers demonstrate

firsthand what it means to build community and to build democracy. We export our great intellectual genius with each one of our volunteers.

The Peace Corps has always enjoyed a bipartisan support in the Congress. The proposed increases in this bill really represent, I think, a very small investment for a large return. By sending our best and our brightest ambassadors, the Peace Corps itself is one of the most effective and long-lasting foreign policy tools that the United States of America has.

At a time when so many of our young people, Mr. Chairman, are turning away from public service, are not interested in it, the Peace Corps is actually inundated with applications and is having to turn people away from that service. We know that we need to match their idealism and their attraction to the Peace Corps.

The number of Americans requesting applications and information about the Peace Corps has increased by more than 40 percent over the last 4 years. Yet, the Peace Corps is only able to increase its volunteers by 2 percent during this same period.

I am exceedingly proud to be a political descendant of John Fitzgerald Kennedy, and I am an unabashed idealist. President Kennedy's aspirations live on today, and the torch, as he said, has been passed to a new generation. That new generation includes my son, Paul Eshoo, who is a volunteer in the Peace Corps today in Nepal, in the Himalayas.

I cannot wait to send him an e-mail to say that this legislation has passed, and that with it, the Congress of the United States really not only thanks and acknowledges what the volunteers in the Peace Corps are doing all around the world, but that we match our idealism and our pragmatism in the investment of America's tax dollars in the hopes and aspirations of people around the world.

So I urge my colleagues to support this legislation. It is very well put together. If in fact the amendment that would flatten out this budget is offered, I urge my colleagues to vote against it. It is an amendment to diminish aspirations. It would be an amendment to diminish the hopes and aspirations of generations and generations that have seen fit to go around the world and be America's best ambassadors.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the gentleman from California (Mr. CAMPBELL) will control the time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before introducing the next speaker, I am proud to say that my colleague, the gentlewoman from California (Ms. ESHOO), has added her strong support for this legislation. I have the highest regard for my neighbor and colleague.

Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Nebraska (Mr. BEREUTER), the chairman of the Subcommittee on Asia and the Pacific of the Committee on International Relations.

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

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 669, the Peace Corps Reauthorization Act, which will strengthen the impact of the Peace Corps. This legislation was introduced by our distinguished colleague, the gentleman from California (Mr. CAMPBELL), and cosponsored by the distinguished chairman of the committee, the gentleman from New York (Mr. GILMAN), the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations, and many other members, including this Member.

We passed this bill from the committee unanimously on February 11th. I would congratulate the distinguished gentleman from California for introducing this act which, if passed and signed into law, would authorize the expansion of the Peace Corps to 10,000 volunteers by the year 2003. It will be fulfilling the goal set by former President Ronald Reagan in 1985, who built on the legacy of President John F. Kennedy.

Mr. Chairman, in the 38 years since the Peace Corps was established, its volunteers have compiled a distinguished record of service to people in countries around the world. Volunteers provide badly needed, at times critical, assistance, while at the same time embodying not just the technical know-how but also the ideals and the can-do spirit of the American people.

The annals of the Peace Corps are replete with examples of communities strengthened and lives changed, both among those who have received the assistance and among the volunteers themselves, who come back to this country and continue to provide service to our Nation's communities.

Former volunteers have gone on to distinguished careers in many fields, including five Peace Corps alumni who are members of this body. There can be little doubt that the type of—that the need for the type of assistance the Peace Corps provides remains great. At the same time, this Member is pleased to note that there is no shortage of Americans, both young people and those with years or even decades of experience, willing to dedicate a significant period of their lives to volunteering to assist others.

In its 38-year-history, more than 1,200 volunteers have come from this Member's low population State of Nebraska, including 63 Nebraskans currently providing this important form of volunteer service.

As a personal note, a former intern of this Member's staff in whom we take great pride was Tammy Ortega, who performed in an exemplary fashion as a Peace Corps volunteer in ecuadorial Guinea. This Nation should be proud that we have individuals like Tammy who are willing to devote 2 or more years of their lives to helping those less fortunate.

Mr. Chairman, for many reasons, this Member is pleased both to cosponsor this important bill, and I urge all of my colleagues to support H.R. 669, introduced by our distinguished colleague, the gentleman from California (Mr. CAMPBELL).

□ 1215

Mr. CAMPBELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WALSH) a distinguished member of the Committee on Appropriations, a subcommittee chairman, and himself a returned Peace Corps volunteer.

Mr. WALSH. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL), my good friend, colleague, and classmate for his hard work on this important issue.

Mr. Chairman, the Peace Corps not only benefits the world, it benefits our country, it benefits the individual. Everyone wins in this program. It is a remarkably ingenious idea. Take America's idealistic youth, send them around the world. They learn, the people in the other countries learn, there is a benefit to all.

Then these young people come back to the United States and, throughout our society, they are engaged and active in making this a better country, just as they were when they visited Nepal or Ghana or any of the other Peace Corps locations around the world.

Mr. Chairman, I have a bias, obviously, as a returned Peace Corps volunteer. But the fact is, the world is changing. We have seen great progress here in our country. But in some places in the world, the countries are actually poorer. People are in more difficult conditions than they were when I was a volunteer 25 or 30 years ago, so the need is still there. And, as the world changes, other countries open up to this idea, and we need to fulfill that need.

I just recently returned to India and to Nepal to my village. It was a remarkable homecoming for me. I saw people who were there when I was there. I renewed relationships. Visually, it was very much the same as when I left, although there were improvements in permanent housing. They have electricity in the village now. They have municipal water in the village.

We used to have to boil the water and put iodine in it to make sure it was drinkable. Today, they have municipal water throughout the village. Two weeks after I returned home, I received an e-mail from my village. Talk about

amazing. When I was there, the only machine that I saw on a regular basis was the Thailand International jet that flew over on Tuesday.

The world is changing dramatically and rapidly as it gets smaller, as the world gets smaller. And with this Internet now that is reaching out and touching every village, literally, in the world, the personal relationships that Peace Corps volunteers make and the associations they make with people from all these different countries can only benefit our country.

We will be more and more a global citizen, more and more involved in all of these countries, and the more knowledge we have of the rest of the world through these individuals can only make us stronger.

Mr. Speaker, those are the emotional, the idealistic views. Let me tell a few things about the Peace Corps. They are changing, too, with the improvements that Director Gearan has made. They have reduced headquarters staff by 13 percent. They have reduced the number of domestic recruiting offices. They have reduced the cost to support volunteers in the field. All of this with the thought in mind that we need to be better and smarter and work faster, reduce the cost of government.

But, at the same time, the investment that we are making in these individuals in those countries and ultimately in our own country is a sound investment that we need to support today.

Mr. PORTER. Mr. Chairman, I rise in strong support of this legislation. I have always supported the Peace Corps and the invaluable work their volunteers provide because I have seen it first hand. These volunteers are informal ambassadors for the United States. They spread our culture and values while learning and absorbing from people in some of the most remote areas of the world. More importantly, they bring these cultures back with them to the United States and educate friends and neighbors on the communities that most only read about in magazines.

I have traveled to some of these areas where Peace Corps volunteers are working. Time and again, I am always impressed with the volunteers I meet. Their acceptance into the community and the hard work they provide is truly remarkable. Just when you think you have reached the most remote area on earth, there is a Peace Corps volunteer helping to build a house or sow a field.

Since the Peace Corps' inception thirty-eight years ago, its popularity has only grown. In 1998, more than 150,000 individuals contacted the Peace Corps to inquire about becoming a volunteer, this is an increase of over forty percent since 1994. We must make sure that the Peace Corps is able to meet this demand. Further, I believe that success and effectiveness should be rewarded. Therefore, I strongly support this reauthorization and the goal of reaching 10,000 volunteers by fiscal year 2003.

Ms. PELOSI. Mr. Chairman, on the 38th anniversary of the founding by President Kennedy of the Peace Corps, one of our nation's most successful international relief and development programs, I rise in support of Peace Corps reauthorization funding to meet President Clinton's goal of expanding the number of volunteers to 10,000 early in the new millennium.

Thanks to the 150,000 peace corps volunteers who have served overseas, communities around the world have benefited from the continue to reap the benefits of the contributions of the Peace Corps. 6,700 volunteers are serving in 80 countries, working to bring clean water to communities, teaching children, helping to develop small businesses, and preventing the spread of AIDS.

Today, volunteers are making contributions by working along side local people throughout the world as AIDS and environmental educators, business advisors and teachers. Through their work, they are helping people of developing countries to help themselves for only 1 percent of our foreign aid budget.

There is no greater testament to the success of this program than the Peace Corps Director's recent visit with Kenya's minister of public works who had been taught by a Peace Corps volunteer and Tanzania's minister of education who could still recall all of his Peace Corps teachers. Communities around the world, including our own, are better off today as a result of Peace Corps volunteers, their mission, their contributions and their commitment to service.

The Peace Corps is a successful international diplomacy program that is improving the lives of people in the developing world and enriching the lives of Peace Corps volunteers who return from the field to contribute to their own communities across this nation. We can be proud of this program and its legacies and salute the members of this body who have served.

Volunteers are returning home to be leaders in every field. Young and old of all backgrounds are not only sharing their commitment to altruism and volunteerism throughout the world, but are coming home to continue their commitment to service in an ever increasing multi-cultural society. As the Ranking Member of the Foreign Operations Subcommittee, I ask my colleagues to support H.R. 669.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of H.R. 669, which will expand our sensible investment in the Peace Corps.

As an original cosponsor of this important legislation, I am proud to join my colleagues today in support of the Peace Corps, one of our most effective foreign assistance tools.

This bill, which has broad bipartisan support, will increase the number of Peace Corps volunteers to 10,000 over the next four years. It is especially fitting that we make this commitment today, just a day after the Peace Corps celebrated its 38th birthday.

Under the outstanding leadership of Mark Gearan, the Peace Corps has become a lean and effective advocate for the United States' foreign assistance goals around the world. With almost 7,000 volunteers in about 80 countries, the Peace Corps has brought assistance in education, microcredit, health care, and a range of other fields to millions of people in Latin America, Africa, Eastern Europe, the Pacific, and the Middle East.

This bill responds to the increasing demand for the Peace Corps, both in the United States and around the world. Here in the United States, interest in volunteering in the Peace Corps has increased by 40 percent over the last four years. And Peace Corps volunteers continue to be welcomed into communities around the world for their unique ability to work closely with the indigenous populations to implement successful development projects.

Mr. Chairman, this bill makes good sense. The Administration supports it. Congress has been on the record since 1985 in support of the goal of 10,000 Peace Corps volunteers. And even this increase would still leave Peace Corps funding at only one percent of our foreign aid budget, which itself is less than one percent of our overall federal budget.

I urge my colleagues to support the Peace Corps by voting for H.R. 669.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the Peace Corps Act (H.R. 669). This bill authorizes appropriations for fiscal years 2000 through 2003. This organization has a legacy of service that has become an important part of American history.

President John F. Kennedy first proposed the idea of the Peace Corps during a campaign stop at the University of Michigan in 1960. He challenged the students to give two years of their lives to help people in the developing world.

Later in his inaugural address, President Kennedy stated the philosophy of the organization: ''To those peoples in the huts and villages of half the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves.'' The Peace Corps was officially established on March 1, 1961 by an Executive Order. Sargent Shriver was appointed as its first director.

Since its inception, the Peace Corps has trained 150,000 volunteers to work in 134 countries. Currently there are 6,700 volunteers serving in 80 countries. The increased funding proposed in this bill would allow the Peace Corps to expand to its goal of 10,000 volunteers. It would also allow the Peace Corps programs to expand to South Africa, Jordan, China, Bangladesh, Mozambique and other countries in Central Asia, the Middle East, South America, Eastern Europe and Africa.

For the past 38 years, the Peace Corps has been an important part of our foreign assistance program. It helps communities gain access to clean water, grow food, prevent the spread of AIDS and work to protect the environment.

Some Peace Corps volunteers include current members of this House: Representative SAM FARR of California, Representative TONY HALL of Ohio, Representative THOMAS PETRI of Wisconsin, Representative CHRISTOPHER SHAYS of Connecticut, and Representative JAMES WALSH of New York. Donna Shalala, Secretary of the Department of Health and Human Services also served in the Peace Corps.

Let me tell you a little about the Peace Corps participation from my state of Texas. There are 197 Texans currently serving in the Peace Corps. Since 1961, Texas has supplied 2,784 volunteers. Of the colleges and universities that send Peace Corps volunteers this year, the University of Texas at Austin has 52 volunteers.

An intern from Houston now serving in my office, LaQuinta Wadsworth, was a participant in the Peace Corps internship during the summer of 1998. She traveled to Ghana as a part of a Peace Corps program through her school, Texas Southern University. Her internship was designed to increase awareness among the

Historically Black Colleges and Universities (HBCUs).

LaQuinta shared these thoughts, ''The Peace Corps motto is 'The Toughest Job You Will Ever Love', and this statement is definitely true. The service opens the minds of the volunteers to new and amazing people and adventures. The Peace Corps is an asset to the communities of the countries in which volunteers serve.''

Another citizen from my district, Roosevelt Harris worked as Associate Director of Field Operations for the Peace Corps in Liberia from 1972–1975. He had this to say about his experience, ''It has been one of the best experiences I've ever had in my life. It surpasses any foreign aid in terms of the direct impact it has on the local populace and the exchange between people contributes greatly to world peace. The Peace Corps enhances the image of America abroad. If I had the opportunity, I . . . [would] not hesitate to return to the Peace Corps.''

These testimonials are just an example of the positive impact the Peace Corps has had on the lives of former volunteers. I urge my colleagues today to vote in support of this appropriation for this worthwhile organization.

Mr. McGOVERN. Mr. Chairman, I rise to express my very strongest support for H.R. 669 to authorize $270 million in fiscal year 2000 for the Peace Corps. This bill will provide an increase of $29 million over current funding levels. Surely a very modest increase, Mr. Speaker, for a program that has such a positive impact around the world and such a proven track record of success.

Over the last 38 years 6,921 Peace Corps Volunteers from Massachusetts have built a legacy of service and made contributions to the health, education, and development of countless people around the world. Currently, 232 Massachusetts citizens are serving in the Peace Corps.

I can go into any school in my district and find young people who dream of working in the Peace Corps. These students already know that the Peace Corps embodies our most enduring values of service, compassion, and peace-making. They dream about going to some of the poorest communities on the face of this earth and helping people help themselves, while learning about other people and other cultures.

But their dreams will only come true if we provide now the necessary funding to allow the Peace Corps to expand its volunteer program. Under the leadership of Peace Corps Director Mark Gearan—a Massachusetts native, I might add—more and more of our fellow citizens, of all ages and backgrounds, are applying to serve as volunteers. Under his leadership, the Peace Corps has also become a model government agency—streamlining procedures, cutting costs and reducing the number of U.S.-based staff, while at the same time increasing the support and training for new volunteers.

I am especially grateful that the new program established in 1996, the Crisis Corps, will be sending more than 60 experienced former Peace Corps Volunteers to Central America to help those communities rebuild after the devastation of Hurricane Mitch.

I urge my colleagues to support this authorization and to reject any amendments to freeze or cut funding for the Peace Corps.

Mr. MARKEY. Mr. Chairman, I rise today in support of H.R. 669, a bill that will allow more Americans to serve our country as Peace Corps Volunteers. Peace Corps volunteers play a vital role in the development of some of the worlds' poorest communities. Through the contributions of these volunteers, great strides have been made to improve education, economic development and healthcare. In recent years, our foreign neighbors have come to depend on Peace Corps volunteers for the grass root assistance, and the demand for volunteers increases every year. Furthermore, American interest in the Peace Corps has risen by 40%. Increased funding for this program over the next three years is essential to insure that more Americans can make a difference around the world. With great pride I recognize the individuals in the Peace Corps and this organization for its commitment to helping our international neighbors. Organizations such as the Peace Corps have not only established proud traditions of goodwill and service around the world, but also have contributed to improved relationships with people of other countries. Support for the Peace Corps requires little more than one percent of the resource allocated for foreign assistance. The benefit gained from this investment will be felt by both the foreign countries we help and the volunteers who return from their service with a better understanding of the world. Let us continue to support the Peace Corps Organization as a display of the strong American commitment to international development and partnerships.

Mr. GEJDENSON. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 669 is as follows:

H.R. 669

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS ACT.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

''(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $270,000,000 for fiscal year 2000, $298,000,000 for fiscal year 2001, $327,000,000 for fiscal year 2002, and $365,000,000 for fiscal year 2003.

''(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.''.

SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT.

(a) INTERNATIONAL TRAVEL.—Section 15(d) of such Act (22 U.S.C. 2514(d)) is amended—

(1) in paragraph (11), by striking ''and'' at the end;

(2) in paragraph (12), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.''.

(b) TECHNICAL AMENDMENTS.—(1) Section 5(f)(1)(B) of such Act (22 U.S.C. 2504(f)(1)(B)) is amended by striking ''Civil Service Commission'' and inserting ''Office of Personnel Management''.

(2) Section 5(h) of such Act (22 U.S.C. 2504(h)) is amended by striking ''the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.)'' and all that follows through ''(31 U.S.C. 492a),'' and inserting ''section 3342 of title 31, United States Code, section 5732 and''.

(3) Section 5(j) of such Act (22 U.S.C. 2504(j)) is amended by striking ''section 1757 of the Revised Statutes of the United States'' and all that follows and inserting ''section 3331 of title 5, United States Code.''.

(4) Section 10(a)(4) of such Act (22 U.S.C. 2509(a)(4)) is amended by striking ''31 U.S.C. 665(b)'' and inserting ''section 1342 of title 31, United States Code''.

(5) Section 15(c) of such Act (22 U.S.C. 2514(c)) is amended by striking ''Public Law 84–918 (7 U.S.C. 1881 et seq.)'' and inserting ''subchapter VI of chapter 33 of title 5, United States Code''.

(6) Section 15(d)(2) of such Act (22 U.S.C. 2514(d)(2)) is amended by striking ''section 9 of Public Law 60–328 (31 U.S.C. 673)'' and inserting ''section 1346 of title 31, United States Code''.

(7) Section 15(d)(6) of such Act (22 U.S.C. 2514(d)(6)) is amended by striking ''without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)''.

(8) Section 15(d)(11) of such Act (22 U.S.C. 2514(d)(11)), as amended by this section, is further amended by striking ''Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)'' and inserting ''Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)''.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALSH) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 669) to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes, pursuant to House Resolution 83, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8(c) of rule XX, this 15-minute vote will be followed by a 5-minute vote on H.R. 603.

The vote was taken by electronic device, and there were—yeas 326, nays 90, not voting 17, as follows:

[Roll No. 31]

YEAS—326

Abercrombie
Aderholt
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—90

Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Bilbray
Blunt
Boehner
Bonilla
Burton
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cox
Cramer
Crane
Cubin
Cunningham
DeLay
Doolittle
Duncan
Fowler
Goode
Goodlatte
Goodling
Graham
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hostettler
Istook
Johnson, Sam
Jones (NC)
Kingston
Kolbe
Largent
Latham
Lewis (KY)
Lucas (OK)
Manzullo
McIntosh
Metcalf
Mica
Moran (KS)
Paul
Pickering
Pombo
Radanovich
Ramstad
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (MI)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Taylor (NC)
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Wicker
Wilson

NOT VOTING—17

Ackerman
Boucher
Callahan
Capps
Carson
Delahunt
Dickey
Evans
Everett
Granger
McCollum
Meek (FL)
Oberstar
Pascrell
Sanchez
Terry
Weldon (PA)

□ 1241

Messrs. LATHAM, SIMPSON, KINGSTON, TANCREDO, GRAHAM, SENSENBRENNER, HILL of Montana, HALL of Texas, BOEHNER, SCHAFFER, BILBRAY, WATKINS, MORAN of Kansas, HAYWORTH, SUNUNU, BARRETT of Nebraska, Mrs. FOWLER, and Mrs. CHENOWETH changed their vote from ''yea'' to ''nay.''

Mr. Aderholt changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 31 I was unavoidably detained. Had I been present, I would have voted ''aye.''

CLARIFYING THE APPLICATION OF THE ''DEATH ON THE HIGH SEAS ACT'' TO AVIATION INCIDENTS

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of the passage of the bill, H.R. 603, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 2, not voting 19, as follows:

[Roll No. 32]

YEAS—412

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos

Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Blunt
Hostettler

NOT VOTING—19

Ackerman
Boucher
Callahan
Capps
Carson
Cooksey
Davis (FL)
Dickey
Evans
Everett
Granger
Kasich
McCollum
Meek (FL)
Oberstar
Pascrell
Rangel
Sanchez
Weldon (PA)

□ 1249

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, I was unavoidably detained and unable to record a vote by electronic device on Roll No. 32, to amend title 49, United States Code, to clarify the application of the act popularly known as the "Death on the High Seas Act" to aviation incidents. Had I been present, I would have voted "aye" on Roll No. 32.

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 32, I was unavoidably detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. SMITH of New Jersey. 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 H.R. 669, the bill just passed.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 41

Mr. LINDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 41, the Mass Immigration Reduction Act.

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

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Without objection, and pursuant to section 103 of Public Law 99–371 (20 U.S.C. 4303), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Mr. LAHOOD of Illinois.

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

The SPEAKER pro tempore. Without objection, and pursuant to section 1505 of Public Law 99–498 (20 U.S.C. 4412), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development:

Mr. YOUNG of Alaska.

There was no objection.

APPOINTMENT AS MEMBER OF BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. PORTER of Illinois.

There was no objection.

APPOINTMENT TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Without objection, and pursuant to section 3 of Public Law 94–304 as amended by section 1 of Public Law 99–7, the Chair announces the Speaker's appointment of the following Member of the House to the Commission on Security and Cooperation in Europe:

Mr. SMITH of New Jersey, Chairman.

There was no objection.

THE REPUBLICANS TAKE ACTION ON IMPROVING SCHOOLS

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. SOUDER. Mr. Speaker, we have heard a lot today and we will hear a lot more in the future about who is saving social security, but there is a key fact we should keep in mind. That is, for 40 years the Democrats held control of this House. The number of times they worked to save social security was somewhere around zero.

The important thing here is not whether we talk, but whether we do. Today in the Committee on Education and the Workforce we are considering a bill called Ed-Flex, to give local and State governments more flexibility, and allowing school boards more flexibility in education. Similar bills are being considered on the Senate floor. We are actually doing something about what other people talk about. It is a bipartisan effort. The gentleman from Delaware (Mr. CASTLE), the gentleman from Indiana (Mr. ROEMER), and others from both sides of the aisle are reaching forth.

Will the Democratic Party join with us in trying to give flexibility? I will refer to two articles, which I will insert into the CONGRESSIONAL RECORD along with these remarks. One is from Steve Gordon, president of the East Allen County School Board, saying, States should fight Federal meddling in the schools. We don't need a national school board in Washington. We need to give more flexibility to local school boards and States.

Another is a letter to the editor praising Concordia High School in my district, which is the largest Lutheran high school in the country, for their drug testing programs. At the local level people are doing things, not just talking.

The letters referred to are as follows:

[From the Ft. Wayne News Sentinel, Feb. 22, 1999]

STATE SHOULD FIGHT FEDERAL MEDDLING IN SCHOOLS

With the start of the new legislative year, one issue that always comes up is education. Of course, the president, governor and every

legislator have this issue near the top of their agendas.

The president used his State of the Union speech to address aspects of education, and I would like to respond. He recommends bringing public education more under the authority of the federal government. He also makes some points that should be common-sense to most Americans, but to him are more of a revelation that only the federal government should implement.

His first point was to end social promotion. Children should not graduate with a diploma they can't read. Who could possibly oppose this? Already schools—at the local level—are endeavoring to ensure reading skills are mastered at the earliest grade levels.

His second point was to close low-performing schools. Will the federal government decide this issue? By what standard? Indiana already examines each public school's performance and intervenes when necessary to help those schools to meet their specific needs. We don't need the federal government to transcend the state authority already in place.

His third point suggested that teachers only teach subjects they are trained in. This is another local issue—one manipulated by contracts, state licensing rules and course offerings requested by students. What we at the local level need is greater flexibility in putting qualified teachers into the classroom. Indiana should modify the licensing procedure to allow people to teach who are qualified in the material but do not necessarily have a major in education.

An example is: Schools are in great need of vocational program teachers. People who have vocational skills but may not meet licensing requirements could pass their experience on to students. For example, people just out of the military or retirees could fill this need.

His fourth point was to allow parents to choose which public school to send their child to based on school ''report cards.'' Indiana already requires each district to publish information about schools' performance. Charter schools have been a state issue and should remain so. One aspect of charters that makes them unique is the avoidance of many current state Department of Education regulations. I suggest that if some schools can do this, all public schools should be allowed to avoid these rules.

His fifth point was to ''implement sensible discipline policies.'' Not long ago, the president pushed through the mandatory one-year expulsion for any student who comes to school with a handgun. Every state had to make this into law. Indiana already had a law forbidding handguns to be within 1,000 feet of a school. Why was it necessary to federalize this issue?

I would like to make some suggestions in contrast to the president's agenda.

First, give real tax relief to families. When families have both parents working out of necessity, they have less time for their children. A parent waiting for the child to arrive at home is better than after-school programs. Families are paying approximately 40 percent of their income to taxes. One parent is effectively working just to pay the government. Children need their parents—not another government program!

Second, do not generalize when talking about education. Every school has unique problems—and many have unique successes. Create opportunities for all schools to succeed in the areas that they want and need. Rather than add more bureaucracy, remove what currently exists. Free the public schools up so that they can compete equally with private schools. It is tempting—and easy—for legislators to get their hands into the means of education. Be more concerned about the results and leave the means implementation to the local school districts. They can better assess their specific needs and respond to them directly.

Third, let the local districts decide how to spend money. The recent ''100,000 teachers'' legislation is a perfect example. Considering the amount of money appropriated, it will never meet the need to hire that amount of teachers. It creates an obligation to the school districts to make up a difference that they may not have.

Finally, I would ask that education remain a local issue and that the state resist any further federal intervention. There are problems in public education, but they can be much better resolved at the local and state level. Washington doesn't need to involve itself any further.

I realize I do not have the influence on lawmakers that the president or governor may have. But I am only a school board member. I want to do what is in the best interests of students in this district. I ask parents who support these ideas to contact their representatives and tell them how they feel.

[From the Ft. Wayne Journal-Gazette, Mar. 2, 1999]

PRAISE SCHOOL THAT FIGHTS DRUGS

It has long been said that one picture is worth a thousand words. Unfortunately those words do not have to be the truth or accurate. Such is the case with the Feb. 26 editorial cartoon. It infers several incorrect concepts. The first is that education will take a secondary role to drug testing at Concordia High School. One only has to look at ISTEP scores, graduation rates, percent of graduates going to college and SAT scores to refute that idea.

The second is that the testing will occupy the entire school day. Testing can be completed in a very short period of time, being minimally disruptive to the school day. For a non-drug user an inconvenience—to a drug user, surely no more disruptive than days missed because of over indulgence.

His third incorrect concept is the most damaging. His attempt to ridicule the recently announced plan for random drug testing at Concordia, by overstating his case, will give those who have a misguided belief that drug testing is evil and an invasion of privacy the belief that taking action to help prevent good kids from making bad decisions is an unworthy undertaking.

Rather than swelling up with righteous indignation over the alleged loss of privacy, I would suggest the editorial staff consider looking at the educational success gained at a high school where standards are set, expectations delineated and students and faculty are held accountable for their actions. This action to take care of a problem that occurs in every high school in this area is the act of responsible administrators and parents who are taking action rather than burying their heads in the sand.

EARNIE WILLIAMSON,
Fort Wayne.

SPECIAL ORDERS

The SPEAKER pro tempore). Under the Speaker's announced policy of January 6, 1999, 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 Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BOSWELL) is recognized for 5 minutes.

(Mr. BOSWELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ST. JOSEPH'S DAY BREAKFAST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to inform my colleagues about an important event, the St. Joseph's Day Breakfast, that will be held on March 18th, and I strongly urge anyone who can be present to attend. The St. Joseph's Day Breakfast is sponsored by a truly exceptional organization called the Faith and Politics Institute.

The St. Joseph's Day Breakfast celebrates the day of St. Joseph, who is the patron saint of the worker. This event brings Members of Congress together with leaders of our Nation's labor unions. As they break bread together, they will remember the religious values and the moral imperative that underlie the struggle for economic justice.

This is a bipartisan event sponsored by our colleagues the gentleman from Georgia (Mr. JOHN LEWIS) and the gentleman from New York (Mr. AMO HOUGHTON) to honor those who have acted courageously on behalf of the working men and women of our country. The St. Joseph's Day Breakfast is also the primary event of the Faith and Politics Institute, and the motto of this wonderful organization best sums up their goals and their accomplishments: spirit, community and conscience in public life.

The Faith and Politics Institute was established in 1991 as an interfaith, nonpartisan approach to reach consensus across party lines and break down the polarization that often engulfs our body. The mission of Faith and Politics seeks to provide occasions for moral reflection and spiritual community to political leaders, and draws upon the moral lessons and religious traditions to encourage civility and respect for one another and differing opinions.

These values, civility and respect, are essential to our strong democracy, and toward this end Faith and Politics have brought Mark Gerzon to Washington for private meetings a year before he led our Members into the historic bipartisan Hershey retreat.

Since its inception, the Institute has brought to Capitol Hill a combination of theological perspective, spiritual sensitivity, and political know-how as it has undertaken projects on behalf of labor, race, economic exploitation, the environment, and kindness to all. Last June this marvelous organization kicked off, with the help of General

Colin Powell, the ''Congressional Conversations on Race'', which is spearheaded by a bipartisan steering committee made up of equal numbers of Republican and Democrat Members.

The goal is to ''evoke the potential among Members of Congress, seeking spiritual insights to provide creative moral leadership on racial issues.'' They have already sponsored many events to bring about a dialogue on race, and will continue to do so, understanding that the ''serious of experiences to deepen Members' understandings and to strengthen their leadership in the realm of race relations'' is a worthy goal.

Mr. Speaker, I respectfully urge my colleagues on both sides of the aisle to get involved with this wonderful Institute, to go to the breakfast, if they can, because it is good for us individually and good for the country as a whole.

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

(Mr. MILLER of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A NATIONAL HOLIDAY FOR CESAR CHAVEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor and remember a great American leader and hero, Cesar Chavez. He was a husband, father, grandfather, labor organizer, community leader and symbol of the ongoing struggle for equal rights and equal opportunity. March 31, the birthday of Cesar Chavez, has already been declared a State holiday in my State of California. Today I ask my colleagues to join me in making March 31 a Federal holiday so that our entire Nation can honor Cesar Chavez for his many contributions.

Cesar was the son of migrant farm workers who dedicated his life to fighting for the human rights and dignity of farm laborers. He was born on March 31, 1927, on a small farm near Yuma, Arizona, and died nearly 6 years ago in April of 1993. Over the course of his 66-year life, Cesar Chavez' work inspired millions and made him a major force in American history.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association which organized thousands of farm workers to confront one of the most powerful industries in our Nation. He inspired them to join together and nonviolently demand safe and fair working conditions.

Through the use of a grape boycott, he was able to secure the first union contracts for farm workers in this country. These contracts provided farm workers with the basic services that most workers take for granted, services such as clean drinking water and sanitary facilities. Because of his fight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the migrant schools he helped to establish. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farm workers and every consumer faces every day.

As a labor leader, he earned great support from unions and elected officials across the country. The movement he began continues today as the United Farm Workers of America.

Cesar Chavez' influence extends far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic action groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives, brought complaints against mistreatment by government agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many thousands to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers and other hardworking professionals who credit Cesar Chavez as the inspiring force in their lives.

During a time of great social upheaval, he was sought out by groups from all walks of life and all religions to help bring calm with his nonviolent practices. In his fight for peace, justice, respect and self-determination, he gained the admiration and respect of millions of Americans and most Members of this House of Representatives.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farm workers, children and the poor throughout the United States and for the inspiration his heroic efforts gave to so many Americans.

We in Congress must make certain that the movement Cesar Chavez began and the timeless lessons of justice and fairness he taught be preserved and honored in our national conscience. To make sure that these fundamental principles are never forgotten, I urge my colleagues to support House Joint Resolution 22 which would declare March 31 as a Federal holiday in honor of Cesar Chavez. In the words of Cesar and the United Farm Workers, si se puede, yes, we can.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FISCAL DISCIPLINE AND REDUCING THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, I rise today because we stand on a threshold of a truly remarkable time, a time when we will be able to do wonderful things for this country and for our children.

In fiscal year 2001, we will have for the first time in decades a surplus in our budget, in the general fund budget. What we do with this surplus will tell a great deal about us, about our resolve, about how serious we are in providing a strong, fiscally sound country for those who come after us.

Some would have us spend this surplus on a multitude of well-intentioned programs and initiatives. But this is a time for restraint, not largesse. Others would have us return the surplus to the American people in the form of broad, across-the-board tax cuts. But for the average taxpayer, that would provide a small short-term gain when we have the ability to provide a much longer term and larger benefit.

That benefit can be provided if we use this projected surplus over the next 15 years to keep the budget balanced and pay down the national debt.

Under the administration's debt reduction program, our debt payments will be reduced from today's level of 14 percent of the national budget to only 2 percent by the year 2015.

The numbers are huge. We owe in public debt $3.7 trillion. Under the President's debt reduction plan, that would be reduced to $1.3 trillion by 2015. This would be an immense gift to the American people, and it would benefit all Americans, families, farmers and businesses. It would provide a real long-term benefit to almost every economic level of American society, unlike a broad, across-the-board tax cut

as proposed that would mean little more to the average American than $100 a year in a tax cut.

The biggest effect of paying down our debt would be a further reduction in interest rates that would save homeowners thousands of dollars in mortgage payments. The burden of loans shouldered by our college students would be greatly alleviated. Our farmers would be able to save thousands of dollars on their equipment purchases which in turn would allow them to be more efficient and increase their yields.

With lower interest rates, industry would have more to invest in new technologies and there would be more money to invest in education, in transportation and other infrastructure improvements that would make the America of the 21st century even stronger than the last.

The importance of reducing the debt, however, can be measured in more ways than just dollars and cents. If we show courage and restraint, if we demonstrate that we too can finally live within budgetary guidelines, if we only do in Washington what American families have to do every day at home, we will restore much of the trust that has been lost in government by the American people.

We talk about bipartisanship. Now is the time to begin practicing it. I urge all Democrats and my friends on the Republican side of the aisle as well to do what is prudent, to do what is right, to do something for their children and grandchildren that will be a lasting legacy. Keep the budget balanced and use the surplus to pay down the debt.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

(Mr. SHIMKUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FISCAL DISCIPLINE AND REDUCING THE DEBT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to urge fiscal discipline and fiscal responsibility as we work on the budget for the next fiscal year.

Back in the 1980s when we were running up our yearly deficits and consequently our overall Federal debt, there was a phrase that politicians used to utter in dealing with the problem which was, ''The balanced budget has no constituency,'' which is to say that when you spend money or cut taxes, there is somebody or some group of somebodies who are going to be happy about it. It has a constituency that you can please.

Who benefits from the balanced budget? Who specifically? Well, obviously the entire public, both present and future, of our Nation benefits from it, but in purely political terms, those folks in the 1980s and 1990s had a point. The constituencies were definitely more well defined for all of the programs and tax cuts that were being proposed and passed. I just stand up today to say that fiscal discipline and fiscal responsibility should still be a priority.

Since I have been elected to Congress, a lot of folks have been talking to me about what it means to be a Congressman, how can in essence you prove that you have done a good job. I talk a lot about my emphasis on fiscal responsibility and balancing the budget and there tends to be this look like, ''Well, that's just not good enough.'' As they like to say, you have to have something to bring home, something to put your name on, whether it is a new bridge, a new bus stop in your district, a new swimming pool, you name it, something that you went back there and fought for Federal money to bring home. I understand that. In fact, I will say that many if not most of all of these programs are indeed worthwhile. Spending money on all of those things will help the district, help the State, help the future of the country.

But we also have to remember that we need to be fiscally responsible because, a couple of reasons: First of all, in the future, folks are going to need all of those things as well and if we spend all their money now, they are not going to have them. And second of all, when you run debt up too high, you drag down the economy, drive up interest rates and create job loss, which makes it even more necessary to spend Federal money and it becomes a downward spiral.

What I want people to recognize is that being fiscally responsible and paying down the debt does have a constituency. That is the legacy that I want to leave in my district. I think that is something to bring home, to go back to the people of the Ninth District of the State of Washington or any other district in the country and say, ''Yes, maybe I didn't fight for every last Federal dollar but I fought to balance the budget for your benefit, your children's benefit and their children's benefit.'' I think all politicians on both sides of the aisle should have the courage and stand up for that.

As we head towards this year's budget, there is going to be a major battle. There is incredible pressure to spend money or cut taxes in thousands of different places. The thing about it is, these programs do have some value. As I have often said, I wish just once in my time as a public official somebody would walk into my office and say, ''We've got this plan to spend $5 million on fill-in-the-blank,'' and I could honestly look at that person and say, ''That's just a complete waste of money. That doesn't do any good for anybody and there's no way we're going to do it.''

Of course when you spend money, there is always an argument that it is helping people, and it does. But you have to look at the long term as well. If we spend all the money now, we will be forfeiting and mortgaging our children's future, and that is not fair. At this particular time it is particularly frustrating, because we have a strong economy. We have unemployment of just over 4 percent, we have inflation of below 2 percent. We have a strong economy so that we do not have to spend as much money. The economy is taking care of people. The government does not have to do as much. Now is the time to be fiscally responsible, because if we do not do it now, a few years from now when the business cycle turns on us, it is going to be a thousand times more difficult, because people are going to need those programs and that help or that tax cut even more. Now is the time to be fiscally responsible, balance the budget and give something back to our future.

I think all politicians in this body should be proud to go back to their district and say, ''Don't judge me by whether or not I brought you back a highway or a bridge or some other Federal program. Judge me by the fact that I had the foresight and the discipline to balance the budget and take care of our economy for today and tomorrow.'' That is what I think we should be doing back here in Congress, despite the overwhelming pressure to spend money. Spend it, fine. The Federal Government spends a lot of money, $1.7 trillion. No reason we cannot spend it within our means. No reason we cannot be fiscally responsible and balance the budget. I urge that we do that as soon as possible and remember that discipline when we go into the budget battles that lie ahead this year.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

(Mr. CUNNINGHAM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

LEGISLATION TO PREVENT GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, I want the last two speakers to know that I am grateful for their emphasis on fiscal responsibility and to let them know how refreshing it is to hear Members of the

other side of the aisle concentrate on reduction of debt, budget responsibility, fiscal responsibility. It gives impetus to my remarks about to be made on something that has been bothering me for 10 years and on which I have spoken at least 100 times on the floor and on which I will ask for their support when the time comes. This mainly is budget restraint through prevent government shutdown legislation.

If there ever was a clamp on our ability to balance the budget and to exude fiscal responsibility, it is the lack of a mechanism to prevent government shutdown. What have I proposed over the last 10 years which now seems to be gathering more momentum?

Everyone should recognize that on September 30, the end of the fiscal year for the Congress of the United States, for the U.S. Government, if no new budget is in place the next day, October 1, we enter into an automatic shutdown of government until a budget can be put into place. What we have resorted to in the past, as a Congress, has been temporary appropriations for 10 days, 2 months, sometimes more than that, but always with another crisis to face us at the end of that deadline on whether or not we will have a full budget.

My proposal is so simple that it cannot penetrate the consciousness of Members of Congress, and that is this: That at the end of the fiscal year, September 30, if no new budget is in place the next day, if no new budget has been passed, then the next day automatically, by instant replay, like in professional football, instant replay, there will be enacted last year's budget.

□ 1315

What will that do?

That means that forever we will avoid the possibility ever after of shutting down government because there will always be a budget in place. I ask for support of my instant replay legislation which is making the rounds now of the Members of the Congress because it makes common sense.

In the past, I have been saying that the reason my proposal has not passed is because it makes so much sense. Now I want to turn that around and say: Because it makes so much sense, and because it is vital to fiscal responsibility, and because it is vital to the reduction of the debt, and because it is vital to keep the stream of American society moving past any impasse that we might have because of budget breakdowns, I urge that we now see the light of day and pass my instant replay legislation.

No more government shutdowns, no more leaving our troops as we did in Desert Storm ready to fight that battle while the government back in Washington shut down. Can my colleagues imagine anything more disgraceful, more embarrassing, more revolting than that? My legislation would prevent that for all time.

Mr. Speaker, I urge full and constant and instant support of my instant replay legislation.

MEXICO IS NOT AGGRESSIVE IN DRUG ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

Mr. SOUDER. First, Mr. Speaker, I would like to say ''amen'' to the gentleman from Pennsylvania (Mr. GEKAS) and would like to remind people who sometimes do not remember historical points and therefore are prone to repeat them is, as one of the so-called firebrands of the Class of 1994, I supported Mr. GEKAS and other similar legislation from the beginning, as we did before the government shutdown.

The fact is that it was not the House that shut down the government, it will not be the House that shuts down the government, and it should not be, which is why we need to pass this legislation. We have been for this all the way along.

Others would like to make it look like unless they get their way in the appropriation bills that we are the bad guys, but that is different from the truth, and it is put up or shut up time. The gentleman from Pennsylvania (Mr. GEKAS) has had this bill for year after year. Where are the cosponsors who like to whine about the threat of a government shutdown? Why are they not backing his bill?

But I came down here today to talk about the drug issue. In the last few days, the President has certified Mexico as a cooperating partner in the war against drugs, and I would like to comment particularly on that subject. Although in the Committee on Education and the Workforce we are continuing to work with the Drug-free Schools Act, Safe and Drug-free Schools Act, we are continuing to work with treatment programs and many other areas, right now the focus is and should be on interdiction, because there is only so much schools can do in Indiana and around the country if they are flooded with this huge supply of high-grade cocaine, heroin, marijuana that has been coming in mostly through the Mexican border and increasingly through the Mexican border and is produced predominantly in three countries in the world: Peru, Bolivia and Columbia.

Mr. Speaker, we need to understand that we, while we can argue whether this is a cancer or a war, it is, in fact, both because there is a war going on in South America. Two countries have made tremendous progress: Peru and Bolivia. It shows that we can actually reduce the coca bean grown, reduce the cocaine being processed and reduce the cocaine being shipped.

In Columbia, there is a battle on the ground; and, in Mexico, it is a little bit bigger question because it is clear that some of the people, or most, as far as we can tell, of the people in their government are attempting to cooperate with us. It is not clear that we have had such cooperation in the past, and many of the proposals are relatively new on the table.

The gentleman from Florida (Mr. MICA) of the Subcommittee on Drug Policy on the Committee on Government Reform took a CODEL to Central and South America that just arrived back a little over a week ago, and we spent 3 days in Mexico, and I would like to put into the RECORD a list of different things that Mexico has actually been doing in the past year:

PGR—PROCURADURIA GENERAL DE LA REPUBLICA, FEBRUARY 19, 1999

Overall Reform of Mexico's Law Enforcement Legal System—Key Points—Legal, Institutional Reorganization, and Human Resources.

CONSTITUTIONAL REFORMS

Articles 16 and 19: Increased balance in order to present proof of the ''probable cause'' of the crime and obtain arrest warrants, and orders of formal incarceration (submission to criminal proceeding).

Article 22: Forfeiture of organized crime proceeds in not concluded criminal proceedings (e.g., death of the offender). The intention is to avoid the simulation in the transfer of the assets to third parties.

Article 123 paragraph B fraction XIII: Police bodies depuration, dismissed police officers will not be able to demand reinstallment, and they would only be compensated.

FEDERAL ACT FOR THE CONTROL OF PRECURSOR CHEMICALS—DEC. 26, 1997, OFFICIAL GAZETTE

To prevent and locate the diversion of chemical precursors, and it regulates the chemical substances related to in the 1988 Vienna Convention against Illicit Drug Trafficking.

Fast mechanism in order to add the regulated chemical substances list.

Data Base: Increased coordination between agencies and PGR. Imports and exports exchange of information with other nations.

PROPOSED FEDERAL ACT FOR THE ADMINISTRATION OF SEIZED, FORFEITED AND ABANDONED ASSETS

Objective basis for the proper administration of the proceeds of crime.

Strengthening of the legal basis for the use of the proceeds seized by the Federal Public Prosecutor in the fight against crime.

Sharing of proceeds with State, Local and Foreign governments.

Final destiny of the seized proceeds in favor of the Federal Judicial Branch and the Attorney General's Office.

Establishment of Deputy Attorney General Offices for Criminal Procedures A, B y C (Territorial distribution of the cases), Special Prosecutor's Office for the Attention of Health Related Crimes (Drug trafficking), Special Unit on Organized Crime, Special Unit against Money Laundering, and Reliability Control Center.

DISMISSAL OF BAD ELEMENTS

Imposition of 1,973 sanctions (Dec. 2, 1996 to Feb. 17, 1999), 438 dismissed, 294 disqualified, and 157 dismissed/disqualified.

Criminal charges against 317 former public servants.

TRAINING

Participation of DEA, and FBI.

National Police of Spain, National Police of France, Canadian Royal Mounted Police, and Police of Israel.

NEW FRINGE BENEFITS FOR THE PERSONNEL INVOLVED IN THE FIGHT AGAINST DRUG TRAFFICKING

Civil Service regulations, major medical expenses insurance (''Premier''), Life insurance (major risk—100 thousand to 400 thousand dollars), additional salary to compensate risks, and bonuses for relevant actions.

BINATIONAL SEMINAR ON MEXICO-US LEGAL TRAINING

It is focused on the knowledge of legal provisions and investigation techniques in both countries.

Its objective is to provide participants with a wider and clearer comprehension of the legal systems, the structures and means of law enforcement in Mexico and the US.

RELIABILITY CONTROL CENTER

It was established on May 2, 1997, performs evaluations (vetting) for the detection of the reliability of the personnel. Applies the following evaluations: Medical, toxicological, psychological, family background and financial situation, and polygraph or lie detector.

RELIABILITY CONTROL CENTER

The evaluations are applied to newly recruited public servants, and All individuals working in FEADS, UEDO, and UCLD.

Periodical evaluations are applied to all the employees of the Attorney General's Office (PGR). 60% of the people tested have been rejected or dismissed.

SEALING OPERATION

The following agencies of the Mexican Government participate in the sealing operations—Attorney General's Office (PGR), Ministry of the Interior (SG), Ministry of National Defense (SDN), Ministry of the Navy (SM–AM), Ministry of Communications and Transport (SCT)—Federal Highway Police, and Ministry of the Treasury (SHCP)—Fiscal Police.

The operation sealing includes—Early warning operations, identification and interdiction of suspicious targets, air, land and sea interdiction, patrolling, control of land, sea and air collateral elements that support drug trafficking, creation of a comprehensive communications system, coordination with the authorities of Guatemala and Belize, and organization of an intelligence scheme.

The sealing operation covers the following geographical areas—Gulf of California—States: Baja California, Baja California Sur, Sonora, Sinaloa, and Nayarit. Land: 419,049 km². Litorals: 3,525 km.

Peninsula of Yucatán—States: Campeche, Yucatán, and Quintana Roo. Land: 132,426 km². Litorals: 1,740 km.

Southern Border—States: Chiapas and Tabasco. Land: 30,783 km.² Litorals: 300 km.

In the near future the efforts of the Sealing Operation will also cover the State of Tamaulipas.

BASIC PRINCIPLES OF THE NEW STRATEGY

1. Intensify the fight against production and traffic of drugs by doing the following: A higher control in the access, transit and exit of drugs. The sealing of borders, coasts, maritime ports and airports, and the eradication of illicit drug crops.

2. Procure new systems of detection, destruction, tracing, register and response. Helicopters with advanced equipment of—Navigation, overnight operation, and coded communications. 40 speedboats (there is a current inventory of 20 and the rest will be purchased next year). 8 gunboats ''Holzinger 2000'' equipped with high speed interdiction boats (more than 50 knots) and a helicopter.

3 ''Centenario'' corvettes equipment with—1 high speed intercepting boat. 2 ''Caribe'' patrols for low waters. 144 speedboats (already existing) for coast and riverside patrolling.

Counternarcotics equipment at ports, airports, roads and border crossings, equipped with X-rays—''Mobile Search'' (current inventory of 5 and 8 will be purchased next year), ''Cargo Search'' for the inspection of containers at ports, ''Body Search'' and ''Buster'' in ports, airports and border crossings, and dog units for drug detection.

The following will be used for the eradication of illicit drug crops—35 fast surveillance aircraft. 64 helicopters (24 will be purchased during this year and the next), and autonomous access to satellite images and precise aerial photographs to detect illicit drug crops and verify its effective eradication.

3. Strengthening the coordination between the PGR, SEDENA and SEMAR.

4. Create a control center within the PGR to coordinate the counter-narcotics operations, joint, interinstitutional, and multidisciplinary.

5. Utilize Air Platforms in the combat to drug trafficking, 7 air platforms with cruising range of 9 to 12 hours. Equipped with—long range, high resolution air radars, long range electronic-optical sensors, and high technology cruising systems.

6. Renew the distribution of the air, sea and land reaction forces.

7. Apply Trust Control procedures to counternarcotics personnel, in addition to those applied by the PGR.

8. Increase the budget for the purchase of tracing and interdiction infrastructure.

Mexico has been the world's leader in the eradication of crops since 1994. It is an effort coordinated by the Attorney General's Office, the Ministry of National Defense and the Ministry of the Navy, among other. There is a continuous growth of efforts, and the methods used are air spraying and manual eradication.

Juárez Cartel—The dismantling of this organization began with the drug-trafficking protection activities performed by General Jesús Gutiérrez Rebollo. More than 100 arrest warrants were issued, and millions of dollars were seized corresponding to various real properties and documents that allow the identification of money laundering activities.

Tijuana Cartel—16 members of the criminal organization of the Arellano Félix have been arrested.

Colima Cartel—5 members of this Cartel have been arrested, among which are the Amezcua Contreras brothers.

Gulf Cartel—Juan Garcia Abrego and Oscar Malherbe were arrested, and four of its members have been aprehended.

ACHIEVEMENTS OF THE SPECIALIZED UNIT AGAINST MONEY LAUNDERING

The Specialized Unit against Money Laundering (UECLD) was established on January 1st, 1998. UECLD has been working in close collaboration with FEADS and UEDO, in order to coordinate the various matters related to money laundering crimes. Money laundering matters (From January 1st through December 31st 1998). Pre trial investigations, 58; Criminal proceedings, 31; and Convictions, 3.

OFFICE OF THE FISCAL ATTORNEY OF THE FEDERATION

Contributes with the PGR in the fight against money laundering by presenting accusations and criminal complaints on the probable commission of such crimes.

Accusations and complaints presented, (December 1994 to February 1999). Article 115 Bis of the Federal Fiscal Code (repealed), 47; and Article 400 Bis of the Federal Penal Code, 19.

International Cooperation Principles, full respect to—The sovereignty of both countries, the territorial jurisdiction, and the domestic law.

TIJUANA—SAN DIEGO GROUP

Personnel, 21 elements vetted and trained. Functions, intelligence investigations in all the national territory in order to locate the Arellano Félix brothers.

Information exchange, this group will be supported by the Border Task Forces, FEADS, CENDRO and all PGR structure. Meetings to coordinate and exchange information with a similar group in San Diego, California are also taking place.

EXTRADITIONS IN PROCESS—FIGURES UPDATED TO FEBRUARY 13, 1999

Active (Mexico requests to other countries), Total 383; with the U.S.—355, 92.6%.

Passive (Requests made to Mexico by other countries), Total 235; from the U.S.—210, 89.3%.

Application of the provisions to prevent and detect transactions carried out with resources from illicit origin.

Suspicious transaction reports, 715; concerning transaction reports, 31; and large value transaction reports, 5,623,665.

Mexican citizens surrendered in extradition to the U.S.

Mexicans by naturalization: John Amos Devries (Robbery/fraud 07/27/95), Leslie Wortemberg Kenneth (Drug Trafficking 01/19/96), and Dominick Espósito Joseph (Drug trafficking 06/12/96).

Native Mexicans: Francisco Gómez García (Sexual Abuse 04/17/96), Aaron Morel Lebaron (Criminal Association 04/25/96), Delia Cantú de Sánchez (Sexual Assault 03/04/98), Rosendo Gutiérrez Rojero (Sexual Abuse 10/15/98), and Bernardo Velárdes López (Drug trafficking/Homicide of a BP agent 11/06/98).

Mexican citizens subject to extradition proceeding at the 1st step (Not Compulsory Opinion of the District Judge).

Gerardo Álvarez Vázquez (Drug trafficking 12/03/97), Miguel Ángel Martínez Mtz. (Drug trafficking 06/08/98), and Luis Amezcua Contreras (Drug trafficking 10/08/98). (All provisional arrest.)

Extraditions of Mexicans already granted pending an amparo (all of them in drug trafficking related crimes).

Date on which the extradition was granted by the Secretary of State of Mexico. Tirzo Ángel Robles, 02/28/97; Jaime Arturo Ladino, 09/04/97; Juan Ángel Salinas, 12/16/97; Everardo Arturo Páez, 05/04/98; Florentino Blanco, 05/08/98; and José de Jesús Amezcua, 12/10/98.

Mexican citizens tried under Article 4 of the Federal Penal Code (important cases).

Oscar Malherbe de León, Drug trafficking/criminal association; David Alex Álvarez, ''Spooky''*, Homicide/illegal deprivation of freedom; José Eustaquio Chávez Laines*, Homicide/drug trafficking; Jaime González Castro, Drug trafficking; Gildardo Martinez López**, Money laundering; Carlos Escoto Alcalá**, Money laundering; Miguel Ángel Barba Martin**, Money laundering; Jorge Milton Diaz**, Money laundering; José Sergio Calderón Fdz.**, Money laundering; and Lionel Barajas, Homicide.

*Convicted.

**Operation Casablanca. At present in process.

BROWNSVILLE LETTER

Signed on July 2, 1998 between Attorney Generals Reno and Madrazo establishing commitments in order to improve cooperation and to regain confidence between both countries.

Based on the Letter, both countries signed a Memorandum of Understanding on procedures for cooperation regarding law enforcement activities.

Likewise, authorities of Mexico and the U.S. have been working on effectiveness measures for a bilateral, objective, transparent, and balanced evaluation of the efforts of both countries in the fight against drug trafficking.

Mr. Speaker, I think it is important to acknowledge, as frustrated as I and other Members are with Mexico, the fact is is they are attempting to make progress. Now that is different from

saying that they have made progress. Yes, they have continued to eradicate marijuana, they have fallen behind some in some of their efforts for interdiction on cocaine, and we need those efforts back up. They have not extradited people that we have asked to be extradited, but they have started the process to extradite.

But there are a couple of facts that make this a very difficult vote should it come to that here in Congress. One is, for all the current plans and efforts that they have done in this past year, there are a couple of irrevocable facts. One is, their drug czar was living in an apartment owned by one under the name of one cartel member. Through that compromised drug czar, who was actually on the take from the cartel, potentially every single source we have in Mexico was compromised.

It is going to be very difficult to rebuild a relationship of trust when you have potentially blown every single source you have worked to develop over decades when they have the brother of the President being involved in the assassination of a presidential candidate, when they have people high up in their military, we learn that they are on the take from the drug cartel.

These are not little low-level occasional problems. When we have the DEA unable to go into regional parts of their country, we have substantive problems we have to address with Mexico.

The North American Free Trade Agreement, often referred to along the border and in other parts of the country as the North American Free Drug Trading Act, is something that has opened up the borders, and we have to get control of those borders. But we must not forget much of what we know about the corruption in the Mexican government is because leaders of Mexico have in fact identified those leaders for us and acknowledged that they have to clean it up. The fact is is they have started and have proposals on the table to work through extradition, to work through rebuilding their navy. We need a maritime agreement, but one of their comebacks to us is, as my colleagues know: Your government never asked us to sign the maritime agreement.

Part of our argument in Congress is with our own administration, and it is tough to put all the blame on Mexico. I say that as somebody who, for my 4 years here in Congress, has been steadily pounding on Mexico because I believe they have not been aggressive enough in drug enforcement. I have had several amendments related to Mexico, and I am not certain how I am going to vote. But it is not a clear-cut case, and we need to continue to encourage the current government.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent to reclaim the 5-minute special order of the gentleman from Florida (Mr. DIAZ-BALART).

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

There was no objection.

LIBERALS THINK WASHINGTON KNOWS HOW TO SPEND AMERICANS' MONEY BETTER THAN THEY DO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I would like to compliment the gentleman from Pennsylvania (Mr. GEKAS) on his plan. It is something that we have supported since 1995 and had the President and also Members of this Chamber on the left supported the same thing. Then when the President vetoed the nine appropriation bills in 1995 that shut down the government, that could have been avoided. I hope that we will be willing to do that in the future.

I was very, very interested to hear our Democratic friends talk about fiscal responsibility and talking about how the saying went that the balanced budget has no constituency. Mr. Speaker, I can tell my colleagues one person that cared about it in 1993 while he was sitting on the couch watching C-Span in the summer in Pensacola, Florida, was myself.

I remember in 1993 watching the gentleman from Ohio (Mr. KASICH) and a band of young Republican conservatives come to this floor and fight the President and the liberal left's plans to pass the largest tax increase in the history of this Republic. See, their vision of America then and now has been that if we want to balance the budget, the only way we can do it is by raiding the pockets of taxpayers.

In fact, we had some insight on this about a month ago when the President went up to Buffalo, New York, and he told the people in the audience that we really have to avoid this idea that the Republicans have that we are going to cut taxes. The President said to that Buffalo audience:

We could give you money back and hope that you spend it on the right things, but we cannot trust you, basically.

As my colleagues know, what a vision for America. What a sad, tired, worn-out vision for America. It is a vision that is radically different from what the Republican party believes.

GOP, as far as I believe, stands for government of the people. We believe people know how to spend their money better than bureaucrats in Washington, D.C. That is why I ran for office in 1994. I saw the President's budget and the Democrats' budget that passed without a single Republican vote, and I saw that the gentleman from Ohio (Mr. KASICH) and the rest of the Republicans laid out a blueprint, and we said:

Let us balance the budget in 7 years, and if we balance the budget in 7 years, then the economy will explode.

Now the President said that we could not do this because this would destroy the economy, and how many liberals did I hear come to the floor and speak into this microphone and tell the American people if we tried to balance the budget in 7 years, the economy would be wrecked? Boy, talk about a rewriting of history. Now they talk about the Clinton recovery?

I remember Alan Greenspan, Chairman of the Fed, testifying before the gentleman from Ohio (Mr. KASICH's) committee, and he said:

If you guys and ladies will only pass this balanced budget plan, you will see interest rates go down, you will see unemployment go down, and you will see one of the largest peace-time economic expansions in the history of our country.

That is what Alan Greenspan said. And do my colleagues know what? It is a good thing we listened to the economic intelligence of Alan Greenspan instead of the demagoguery that came from the other end of Pennsylvania Avenue, because we stayed the course, we fought the good fight, and we took a deficit from $300 billion when we got here in 1995 down to a point where it is almost balanced.

Mr. Speaker, the news only gets better. We find out this past week that the CBO is now saying:

If Congress and the President do nothing, then the $5.4 trillion debt that threatens my children's economic future and all of America's economic future will virtually be eradicated in 15 years.

But the question is:

Can the President and those on the left leave well enough alone?

See, we have got these horrible little things called budget caps, a road map for fiscal responsibility, and they think this is a bad thing. In fact, the President sees his only way out is by doing what he did in 1993 and what Democrats have done for 40 years. He says, let us take it from the American people; they do not know how to spend their money. Let us raise taxes by billions and billions of dollars. That is in the President's budget. That is the President's plan.

My gosh, if we talk about cutting taxes, how about cutting taxes for Americans that make from 45 to $60,000? Raising the threshold? What if we talk about cutting capital gains taxes that actually helps so many Americans, helps grow the economy? They say that is a bad thing. I disagree.

Unlike the liberals, I still believe Americans know how to spend their money better than Washington, D.C.

KEY OBJECTIVES OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for

60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I am honored to be joined in this special order with a number of Republican colleagues, two from my home State of Colorado and one from the great State of Michigan, and I would invite other members of our conference to come join us as well as we spend a little bit of time sharing with each other and with our colleagues on the opposite side of the aisle and indeed the American people the values and beliefs that we stand for and that we, as a Republican party, hope to move forward on the floor of the House.

Among those are key objectives of this session: tax relief for the American people, a strong national defense, a world-class education system, and Social Security reform in a way that guarantees and safeguards the Social Security system.

Mr. Speaker, part of that discussion also entails some international issues that I know at least one Member is prepared to talk about, and with that I yield to the gentleman from Colorado (Mr. TANCREDO) who had a unique experience with one of his elementary schools in his district that I think all of us would benefit learning more about.

□ 1330

Mr. TANCREDO. I thank the gentleman. It truly was. Of the 25 or more years that I have spent in public life, this was perhaps the most significant and most moving experience I think I have had.

I visited a class, a fourth and fifth grade class at Highline Community School in my district. It is a public school in the Cherry Creek School District. Why this school is unique, and it certainly is unique, and that is a word that gets thrown around a lot, oftentimes misused, because it really means nothing else like it. But I can use it appropriately and correctly in describing this particular school.

Actually, this particular class and their teacher, Mrs. Vogel, about a year ago this class studied or actually had to just read a little tract that was discussing the situation in the Sudan, particularly the situation of slavery in the Sudan.

The Sudan, as we know, is a troubled country with a history of civil war now that has gone on for about 8 or 10 years that has cost almost 2 million lives. More people have died in this struggle than in any war since World War II. This is absolutely amazing that we pay so little attention to it. That was really the concern raised by the students and the teacher.

They said, how can this be happening? How can slavery be happening in this day and age, medieval slavery be occurring in the world someplace today, and nobody knows or no one cares? So they set about to do something about it. They started an organization that they now call STOP.

It has now become an international organization, and, Mr. Speaker, I am proud to say that this fourth and fifth grade classroom of Mrs. Vogel's has now raised over $100,000 worldwide, and has redeemed, has purchased freedom, for over 1,000 people in the Sudan. It is an absolutely incredible story. This classroom has done more for human rights in the Sudan than this administration, I assure the Members, than this government, has done.

They are not finished yet. When I was there on Monday, they had just received a fax copy of a front page article that appeared in a Tokyo newspaper about this class. It is truly an extraordinary situation. I brought them a flag, and each one of the students in the class had written me a note. I have introduced them into the CONGRESSIONAL RECORD. But I want to keep talking about this, Mr. Speaker, because few other people are. This is a land that needs our attention.

I am on the Committee on International Relations. We had the Secretary of State, Madeleine Albright, in a week ago to discuss foreign policy issues. As it turns out, in a half-hour presentation, in a 30-page written document about foreign policy, every foreign policy issue we have, every country was named where we have an interest, where there is a concern, except for one. I scanned it thoroughly to watch for it, to look for it. Not one time was there a mention of the Sudan. There are horrendous things happening there that need to be brought to the attention of the American public. The attention is being brought by classrooms like this one; no, in fact, just this classroom. I wish there were more, and there will be before we get done with this.

Mr. SCHAFFER. It is a remarkable example of what a classroom can be, given the liberty and freedom to teach under the direction of a professional educator. For those students in particular, they are getting quite an education in international affairs, about how government works, about human rights, and so on.

Those young kids also ought to be concerned about their retirement and their savings, another topic that Republicans care deeply about.

I yield to the gentleman from Michigan (Mr. SMITH) to talk about why those kids should care about the Social Security Administration.

Mr. SMITH of Michigan. I thank the gentleman from Colorado (Mr. SCHAFFER) for organizing this one-hour session. When I yield to the gentleman from Colorado, I want you all to feel free to respond.

Mr. Speaker, let me just give my impression of what has happened, how it happened, and maybe what we have to look forward to.

In 1995, Republicans took the majority in this House, the U.S. House of Representatives. After being a minority for 40 years, we came in quite aggressively trying to promote the philosophy on what we thought was going to be good for our future and for our kids and our grandkids.

We decided, with a great deal of determination, that we were going to balance the budget. We cut out $70 billion of projected spending that first year, in 1995. We pledged among ourselves that we were going to be very frugal in cutting down the size of this government in order to balance our budget, in order to not pass on the debt of this country to our kids and our grandkids.

I am a farmer. Where we grew up in Addison, Michigan, our goal was to pay off the farm so we could leave the farm to our kids, so they had a better chance of making it and surviving. We should do the same thing as a country.

We were successful. The only reason that we went from a $300 billion deficit projected for as far as we could see, $200 billion on out, was that we became very frugal in slowing down the increase in spending. Now we have succeeded. We have an overall unified budget surplus. Most all of that is coming from the social security surplus.

The question is, what do we do now? If part of the goal is to have a smaller, less intrusive government, should we reduce taxes? Should we pay down this $5.5 trillion debt? Should we somehow make the adjustments into capital investments, hopefully in individuals' names for social security, to start solving the social security problem?

Let me tell the Members what I think the fear is as Republicans try to make these tough decisions. The fear is that if we do not get this money, if you will, extra money out of town, the spenders, the tax and spenders, are going to use it for expanded government spending.

Just a comment on the President's budget. He is suggesting over $100 billion of increased spending, almost $100 billion over the caps that we passed in 1997 for increased spending. We could say that is coming out of the social security surplus, because that is where it is coming from.

What do we do? If we could be guaranteed that the spenders that want a bigger government, that want to tell the people of this country how they should act and where they should go and how they should do it by increasing the taxes and taking the money out of their pockets, if I could be convinced that we could hold the line on spending and the growth of this intrusive government, then I say the first choice is to pay down the public debt.

Not only does that increase the economy by reducing interest rates, but I think there is a danger of the spenders saying, look, we need this money for all of these good things, and therefore we are going to reach into that pot, if you will, of social security trust fund money and start spending it like they have for the last 40 years.

So let us look at a balance. Let us say that everything coming in from social security should be saved for social security. One way to do that is to pay

down the debt. Hopefully we will have the guts, the intestinal fortitude, to move ahead on social security. But let us also look at the other general fund surpluses to put that money back where it came from, in the pockets of this country's taxpayers.

Mr. Speaker, that is sort of my speech. I think the challenge is really ahead of us. I just encourage, Mr. Speaker, everybody that is listening to contact their Congressman, contact their United States Senator, to give them your ideas and thoughts as we move ahead. The danger is that this government is going to continue to grow, it is going to continue to be more intrusive, it is going to continue to be a weight or a burden on economic expansion and development.

Mr. SCHAFFER. Back home in Colorado, there is no question that the majority of constituents that we hear from in my State are very strongly behind the belief that the era of big government is over. When we look at the President's proposed budget plan, it does entail escalated rates of spending here in Washington, additional tax increases in that budget, and just tremendous growth of the bureaucracy and the regulatory structure in Washington.

My district is on the eastern half of Colorado. My colleague from the other half of Colorado is here representing the western slope. I yield to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I would like to change the subject for a moment, although I do recognize and appreciate the gentleman from Michigan's comments on social security.

The good news about our country is that people are living to a longer age. That is as a result of our good health in this country and the medicine and so on. But they have never adjusted anything in social security to account for that. The average couple on social security right now draws out $118,000 more than they have put into the system. On an actuarial basis, the system is broke.

The Republicans have said for years that we have to fix it. I note that the President, in the State of the Union Address, said that he wanted to reserve a certain percentage. We have agreed to reserve that percentage. I am glad that the President has joined our long-term efforts in saying we can do it in a balanced budget way. But as the gentleman has said, I think very accurately, we have to make sure we keep the big spenders, keep their fingers out of the cookie jar.

I would like to shift for a moment, because I know my colleagues would like to talk about it, and invite the gentleman from Michigan to join us as well. That is topic of the national defense.

In Colorado, all three of us border an area called the NORAD Command Center. What they actually did in Colorado, they went into a mountain full of granite, they hollowed it out, our country did, and we put a command center inside that mountain in Colorado Springs, actually in the district of the gentleman from Colorado (Mr. JOEL HEFLEY), who is considered around here as an expert in defense.

This center, among other responsibilities, detects missile launches from around the country. As many of us know, and we have been very active in complaining about this, unfortunately, the need for a strong military has been somewhat diluted because we have been in fairly peaceful times. I can assure the Members, as my colleagues would agree, that that is a very dangerous attitude to get into.

We are respected throughout the world and we are the superpower throughout the world in part because of the strong military that we have. There are a lot of people in this world who would like to take things that we have, and they will take it by force, if they ever have that opportunity. We can never afford to be second in the strength of our military.

In order to maintain or actually regain, at this point in time, the strength in our military, we have to do several things. One, the quarters that these military people sleep in and the pay that they have is very low. I last week toured a number of military barracks, and I will tell the Members, it looks like poverty housing in a large city. It is disgraceful.

We owe these young men and women that are serving in our military more than that. We need to make a commitment to put money in to bring those barracks up to at least decent living standards.

The second thing, of course, and the Republicans have taken the initiative on this, that is a pay increase for our people who serve in the military. So we have to worry about personnel. We have to get our personnel built back up again. We have got to give them benefits that will encourage our personnel to stay in the military for a career. We have to get the excitement back in the personnel that we put in there about the defense of this country.

We have very dedicated, very hard-working people that serve us today in the military, but we are testing their patience when we ask them to live in the kind of facilities they are in, and when we pay them the kind of pay we are giving to them.

The second issue that I touched on at the beginning of my remarks is the NORAD Command Center, and frankly, what we call missile defense.

For years the Democrats, and I will make this very clear, for years the Democratic administration and the Democrats in most part have opposed the Republicans' urging that we install a missile defense system in this country.

President Ronald Reagan was ridiculed, ridiculed, by the liberal media and by the liberals in the United States Congress and around parts of this country when he said, this country needs a missile defense system. The most logical way to have a missile defense system is a space-oriented system.

All of a sudden, in the last year, the Democratic Party and the administration has turned a new leaf. They have now stepped forward and said, we are willing to have a missile defense system. It is amazing in this country how few of us out there know that this country has no missile defense system.

When I speak with my average constituent, I say, tell me, do you think the United States, if we detect a missile launch, which we detect in the NORAD facility in Colorado Springs, and by the way, our detection can tell us the size of the missile, the speed of the missile, the destination of the missile, time of firing, et cetera, et cetera.

When I tell my constituents that then the only other thing we can do is call up on the phone to the destination and say, you have an incoming missile, say a prayer, that is all we can do for you, they are stunned. Because a lot of my constituents know that we provide missile defense for the country of Israel. We provide missile defense for some of our allies' ships, because under the antiballistic missile treaty we can do that, but we do not provide it for ourselves.

Is that the finest example of ludicrous behavior we have ever seen? It is important that we put in place in this country, not just talk about it, although talking about it is an important first step. I am glad that the Democrats have joined us to talk about it. They have come over to the Republican position that the defense of this country is necessary, that we need to put missile defense in.

But we have to get beyond talking. What about a land-based system? In my opinion, the only realistic missile defense that we can put in in this country is going to have to be space-oriented. Why? A land-based system, with the technology that we have today, cannot pick up a threatening missile at the launchpad of another country. It can only pick it up once that missile is within a certain range. Maybe 100, 200 miles is when the radar picks it up and actually fires a missile against it, probably within 100 miles of the target over the land.

So if our missile here from a land-based system goes up and connects with the enemy missile, and by the way, they told me when I went and looked at our land-based system that the odds of these two missiles coming together at the same time are about the same as throwing a basketball out of Cincinnati, Ohio, and making it through the hoop in Washington, D.C.

You get about one chance on a land-based system, and if you happen to hit the incoming missile, you blow it up over the United States. If, for example, we had an incoming missile into Kansas City, they might connect with the missile somewhere over Colorado and we would have this nuclear explosion.

What makes sense on a defensive missile system is a space-oriented system that can pick up and either destroy the missile before it leaves the launchpad, or has any number of windows as the missile is coming over to our country to hit that missile.

□ 1345

And our odds of being able to come in on the directional altitude of that missile with a laser are a lot higher than the hopeful or lucky shot from a land-based system.

So, I know that I and my colleagues, we have had many discussions on it. Our constituents are concerned about it in Colorado where the detection takes place. But it is a subject that all of us have to put to the forefront so that we can offer the next generation, those young people that the gentleman from Colorado (Mr. TANCREDO) went and visited, we want to assure not only the ability to free slaves, but assure that the next generation has the best possible defense out there for these rogue nations that are willing to use a missile or a nuclear weapon against the United States of America.

The best way to do it, and finally recognized by that side of the aisle, is for us to sit down, not just talk about it, put money where our mouth is, and build that system as soon as we can. I am sure my colleagues may want to comment on it.

Mr. SCHAFFER. Mr. Speaker, the topic is certainly a relevant one, but not a new one here in Congress. For years, the Republicans have been trying to point out this fact that the North American continent has no defense against a single, incoming intercontinental ballistic missile. We cannot stop it presently.

The strategy that we have suggested over the years involves several different strategies, trying to get at least two shots at a missile launched at the North American continent. I had a tour of NORAD, I have been on a few of them over the years, but just a few months back. And one of the simulations that I had seen, just in terms of the timing, is important to realize. We are talking about a missile launched from the interior of China takes about a half-hour to get to the North American continent. A half-hour is all the time we have.

What NORAD does is approximately within the first few minutes, they can identify the type of missile that is launched, can identify a potential path in the early first few minutes, can identify potential targets, and over about the first 15 minutes gets closer and closer to narrowing and defining the specific targets. It takes about 15 minutes to identify the exact city that is being targeted in such a launch.

But what a space-based laser system would allow us to do is basically shoot down those missiles in the boost phase. The technology, people think this is some technology that does not exist. This is technology that we have today. We just have not spent the money to deploy this technology. And it is now becoming an expensive proposition. If we would have been on track and moving forward on a missile defense system over the last 6 years that the Clintons have held the White House, the cost of this would be substantially less than what we are confronted with today.

But when it comes to the reality that we are virtually defenseless after an attack has been initiated, it really causes us to put this within the context of priorities. We are spending billions of dollars in Washington on things that really do not affect the day-to-day lives of the American people. But defending our borders is one of those priorities that we need to get more serious about here in Washington.

Mr. Speaker, it has been a long time coming for the President to stand here, as he did just recently, and say all of the sudden he realizes we need to develop a system to defend our country. It is a realization that I think is a step in the right direction, but it is 6 years too late, frankly, and it puts the American people at some peril.

What the White House has tried to convince the Congress over the years is that we can maintain national security through reliance on our intelligence-gathering community throughout the world. But Pakistan and India showed how reliable that system is, when Pakistan detonated five nuclear devices, frankly, when we were looking right at the site and had not figured out what was occurring.

Mr. MCINNIS. Mr. Speaker, as the gentleman pointed out that he just recently toured NORAD, NORAD is probably the most sophisticated intelligence-gathering facility in the world. The other sophisticated ones happen to be under the control of the United States or on American territory also. So we have the intelligence capability.

But the intelligence does not do a lot of good once we figure there is an incoming missile, as the gentleman said. We can have all the intelligence in the world about where that missile is coming, but if we do not have a missile defense, what good is the intelligence?

Mr. SCHAFFER. That is exactly right. With the technology we have today, if it were to be employed, it virtually makes the prospect of nuclear weapons becoming obsolete a very real one. Think about that for a moment. The prospect of having nuclear weapons become obsolete basically by stepping forward and deploying the technology that makes it possible to knock down those missiles at a reliable rate in the offender's airspace before these missiles finish the boost phase or leave the enemy territory and airspace.

Mr. MCINNIS. And where the missile would discharge in the country of the person launching the missile. Then they would think twice about launching it if they knew, for example if China or Russia right now, where our big concern about Russia is an accidental launch, but if Russia decided to launch against the United States but they knew that we could destroy that missile at some point over Russia, so we may pick a point where it has the maximum impact on Russia. They would be reluctant to launch that missile if they knew on its course it was going over Moscow and we could use a laser beam and destroy it there and have nuclear impact there. There is some serious thought about that.

Mr. SCHAFFER. Mr. Speaker, the other aspect that I think needs to be understood by more Members of Congress and the American people is that the threat of this kind of warfare is really getting broader, not more constrained. Even though the Berlin Wall fell and the old line communists have lost power in Russia, in the old Soviet Union, it is the expansion of rogue nations accumulating and developing nuclear technology that we need to be more concerned about.

In fact, it was Korea that launched the Taepodong missile, the three-stage rocket, and really announced to the world that they had the capacity within a 600-mile radius to reach the North American continent in less than a half-hour. That was a real shock to all of us, but I also think it sends up a signal for all of us that we do need to elevate the level of priority in this Congress, and express that concern to the White House, that defending our borders is a high priority.

It is the reason that we, as a Republican Conference, have made this among our top four objectives in this Congress. I yield to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I think it is important for our colleagues to understand and for the people listening to understand that those rogue nations are indeed becoming much more dangerous and they now pose the greatest threat to the security of the United States that has actually existed since the end of the Cold War.

One of the reasons why that is the case today is because they have technology. They have been able to improve their missile systems, they have been able to improve their guidance systems as a result of a technology that we provided for them and also as a result of the President's Executive orders that were signed that allowed that transfer of technology to go on.

Since I am the newest Member here, I had several great opportunities to discuss issues like this during various retreats and prior to actually coming and taking over or getting sworn in, and I asked every single person that came in, every single person who had a foreign policy or foreign relations or some expertise in this area, I asked them four questions: Is it true that we have transferred technology to the Chinese? Is it true that transfer was illegal? Is it true that it has jeopardized our security? And is it true that that was made as a result of these Executive orders signed by the President?

Mr. Speaker, each case, to a person, liberal, conservative, and this was at

the Kennedy School at Harvard, we had four liberal people in front of us, foreign policy specialists, and to a person they all said yes. We never had one person that disagreed with that.

When we look at the situation that we face, not only is there more nations out there with the capacity to strike the United States; now we are even more unprepared than we were in the past because of what this administration has done to our military. Not just our missile defense system, but the general preparedness of the military which has degraded dramatically over the last several years. And not only has the preparedness degraded, our ability to respond all over the world degraded, but out responses everywhere around the world. Troops continue to be sent all over the place. There a proposal to send 4,000 to Kosovo, along with the United Nations troops, that would not be under American command. Troops that would be under blue berets.

These things are being asked of American troops and boys and girls, citizens who are in the armed forces. To put their life on the line. To go in harm's way. We are not providing the support that we need to both in the housing and also in the actual equipment of war that they need to protect their lives. And we put not just them but the entire Nation at risk by the fact that we do not have the defense system that we need.

Mr. SCHAFFER. Mr. Speaker, 2 years ago the President stood up there at the podium during his State of the Union address and boasted at the time that there were no nuclear weapons pointed at the United States of America. Just a year later, there were no less than 13 targeted at the United States by China, and done so presumably with the targeting technology and satellite communication equipment that they ended up with through the signing of the six waivers, that have been mentioned, by the Clinton administration, the President himself.

Mr. MCINNIS. Mr. Speaker, if the gentleman would yield, that is exactly the point. We do not need to argue with the administration about whether or not there are missiles pointed at this country. We know. And what we have tried to convince the administration is that we should not go on the assumption that Russia is telling us the truth that they are no longer targeting the United States. We should not go on the assumption that China says, ''Don't worry. We are not interested in targeting the United States.''

In fact, we should go on the opposite assumption. The fact is that throughout the world, whether it is Russia or China or some terrorist organization, there will be at some point in the future of this country a threat or a missile launched against this country. We can today prepare for that.

Mr. Speaker, I am one of the leading critics of the Clinton administration and what they have done to our defense and to our military. But I have determined that I am going to put my resources not as a critique of the Clinton administration necessarily, but to say to the Clinton administration, all right, the administration is finally acknowledging, as we have all discussed, thank you for finally acknowledging that we need to put money into this military. Real money into a real military. Thank you for acknowledging that we need real missile defense in this country.

We should assume that the proliferation of nuclear weapons will continue. We should assume that we cannot unilaterally disarm. And we should assume that at some point in time somebody might try and take us on. There is a reason that they call our Trident submarines, for example, ''peacekeepers.'' Because if we are strong and we remain number one, we minimize the chances of us getting into an engagement. But we must, nonetheless, be prepared.

Mr. Speaker, I think it was George Washington who said the best way to avoid a war is to always be prepared for war. Well, as we have said here, the best way to avoid an incoming missile is to always be prepared for an incoming missile. That is our best defense. That is all we are asking of the administration. Put money in so that the best way to protect the next generation from an incoming missile is to be prepared for an incoming missile.

Mr. SCHAFFER. Mr. Speaker, I yield to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I commend the delegation from Colorado. Just an observation: The air in Colorado may be thin, but its representation in Congress is very strong.

Mr. MCINNIS. Our snow is good.

Mr. BILBRAY. Mr. Speaker, I would like to point out, as somebody who represents San Diego which actually is one of the largest if not the largest military complex in the world, we always think about the fact that since the sacking and burning of Washington in 1814, Americans have basically perceived themselves as being insulated from attack from across the ocean. The trouble right now is that we sort of make that assumption that our Capitol is safe. In fact I think, more importantly, we would like to make the assumption that our wives and our children and our families back at home are safe from foreign aggression.

The sad fact about it is that is not true. And I will just ask anybody if they want to think that this is not an important issue to do as I was able to do. Talk to the parents who lived in Tel Aviv at the time the scuds were coming into Tel Aviv in Israel, and talk to those parents about the difference of being soldiers in the field as opposed to being parents at home and the fear of their children having missiles rained down on them. That really made an impression on me and really changed my attitude a lot of ways about missile defense capabilities.

Now, I have got to say that when I came here a few years ago to Washington, I was really shocked, in fact dumbfounded, that there were people here in Congress who sat on a certain side of the aisle that would vote for a missile defense system if that missile defense system would defend another country. But at the same time there would be a motion made by somebody on the Republican side, and I hate to do this but it tended to draw along partisan lines, if somebody proposed that the missile defense systems that we were developing would be used to defend our own children or our own families, they voted against that funding.

I just shook my head. I have to say this as somebody who believes in rights and responsibilities, that if the taxpayers of the United States are going to bear the responsibility of developing missile defense systems, how in the world can those who claim to represent those taxpayers not allow that defense system to defend those taxpayers?

□ 1400

It is astonishing how shortsighted people can be. For a long time, people did not think about the fact that our troops could have missiles rain down on them when they were in a tactical situation. All at once, now it is universally accepted by Democrat, Republican, Independent, left and right, that a theater defense system is not only appropriate, it is essential if we are going to defend our troops in the field.

What is sad is, are we going to wait until the missiles land in our neighborhood before the same enlightenment applies for defending our sovereign territory here in North America? What is really scary is, what does it take to learn.

I think that maybe what it takes to learn is that a lot of Americans before 1814 thought the Capitol was safe because of our big Atlantic Ocean. After the sacking and burning of this Capitol and this city, there was a lot different attitude about national defense.

I hope that we are able to learn from other countries' experiences rather than having to wait for those disasters to actually end up in our own neighborhood.

Let me point out, I will say this clearly, and I think any Member of Congress will say this, the only thing worse than seeing our Capitol destroyed would be watching our neighborhoods at home destroyed. We have a responsibility to defend that and to add that. I do not think it is something that is pie in the sky. I do not think it is something that is outside.

I think we saw what American ingenuity did with a glorified P.C. computer and a missile defense system that was never meant to be a missile defense system. It was supposed to go after airplanes. But Americans and American ingenuity can conquer this problem and defend our neighborhoods. I think we have to have the trust and commitment to get the job done.

We spend billions and billions to go all over the world to protect everybody else's neighborhood. Doggone it, we have the responsibility to do the same for our own.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, the Patriot System we all watched during the Desert Storm conflict was something that we celebrated, and I think most Americans found to be rather remarkable. But we had the ability in a theater missile defense structure to have a relatively high success rate of shooting down incoming missiles with respect to the attacks on Israel.

But once again, the discussion about a national missile defense system as it relates to an intercontinental scenario is a defense system that we just do not have and does not exist today.

Again, the scientists, those who are involved just from the research and technology side, have developed the technology to defend our country. It is just a matter of making it a priority and putting the pieces in place here politically to make that defense system a reality. That is what we are going to be pushing for this year.

Mr. MCINNIS. Mr. Speaker, if the gentleman will yield just very briefly, I am sure that, when we get back to our office, somebody will call up and say, ''Are you guys aware of what is called the Anti-Ballistic Missile Treaty?''

Just very quickly, to run through that again, the Anti-Ballistic Missile Treaty, the basis or premise for it was that Russia got together with the United States and said, ''All right, the best way for us to provide security that we will not have a conflict between each other is neither one of us will build a missile defense system. That way, we will be hesitant to attack each other because we do not have anything to defend ourselves.''

For example, the United States, under the theory of this treaty, would not attack Russia because they would not have any way to defend themselves from Russia's retaliation.

Well, those days of that treaty are over. If one reads the treaty, the treaty can be abrogated by the United States and by Russia. It is foolish for us to continue under the pretense that this treaty is going to preserve us from an incoming missile attack at some point in time by some rogue nation.

At the time this was signed, technology was different, the thoughts were different, the atmosphere was different, and the number of countries that had this kind of weaponry was different.

So I think it is important, as the gentleman from Colorado (Mr. SCHAFFER) and I have discussed, do not let that ABM Treaty be a diversion from what is a necessary and, frankly, an obligation of this Congress and to the people of this country for this generation and future generations to defend our country.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, we, in discussing what should be higher priorities here in this Congress, not only with respect to our attention, but also with respect to budgeting and the finances, many may wonder how it is that the gentleman and I and others like us believe that we should balance the budget and do it continuously, second, establish the priorities that allow us to rescue the Social Security system, provide for a world class education system and defense system, as well as provide tax relief for the American people.

I want to kind of switch the subject by talking about another issue we are concerned about, but it really is all within the context of priorities. The President, in his latest budget, has proposed $10 and a quarter billion for what amounts to a land grant, the Federal Government purchasing more land, primarily in our State and out in the West under the Lands Legacy Initiative.

This is one of the things, when the President and others who believe what he does, that the Federal Government should increase the ownership of property, decreasing the amount of private ownership of property in America, that some are inspired by that. There is no question about that.

But, in reality, what proposals like this do is, first of all, it takes valuable land out of private ownership. These lands are taxed by our local school districts, by local communities, provide necessary funds for education, for street, and road improvements, for county budgets, and so on.

But the other thing it does, by removing that land from private ownership and putting it into the government's pocket, it results in restricted liberty and freedom of the American people.

For the gentleman and I who represent a great western State, our heritage is built upon the land and land ownership and sound management of natural resources in a way that has really created a thriving economy among western States.

So I use that as an example, and perhaps the gentleman from Colorado (Mr. MCINNIS) and I would talk further just about the effect of the Clinton administration, the Federal Government's perspective on these western land-related issues.

But, once again, I point out that this is an area where the administration's priorities are different than the Congress'. We believe in defending the country, creating great schools. The President obviously believes in having the Federal Government purchase more land that is better managed under private ownership.

Mr. Speaker, I yield to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank gentleman for yielding to me. This issue of course crosses party lines. It is a bipartisan issue. It is the question of how much land should the Federal Government be allowed to continue to buy up, take out of the private marketplace, and to put under government hands and government management.

I have often heard some of the special interest environmental groups try and educate the American public thinking that the government every day sells away land and gives land to mining companies and timber companies, and the land is being destroyed by millions of acres. In fact, just the opposite is true. You see dwindling industries, not just because of this, but in part related to this, you see dwindling industries in timber and so on.

What you see is the government acquiring land. The government is a net acquirer. In other words, the government acquires more land than it gets rid of by many, many, many multiples. The government does not sell very much land. If they sell, it is for a right-of-way or they may do a land swap or something like that.

But if one takes a look across this country, when one looks at the different lottos that are used to buy open space, the different kind of funds that local municipalities and areas have dedicated of taxpayers' money to buy land from the private marketplace and to put it into the government hands, and then you consider proposals when the President of the United States is willing to go out and spend billions and billions of dollars to take more land away from the American people and put it into the government, I mean, I am not sure that is the right answer.

Clearly, all of us with today's technology have to be more concerned about what do we do for the preservation for future generations of the land we have. But I think the best managers of the land most obvious, not always, but most often are the people that live the land, the people that live off the land, the people that work the land, the people that enjoy the beauty of the land.

You must always be suspicious when the government shows up and says we are here to help. We have better ideas than you do. The better ideas come out of Washington, not out of Colorado.

Mr. SCHAFFER. Absolutely.

Mr. MCINNIS. Mr. Speaker, as the government buys, for example, wilderness areas, the first thing you do is you take away local control. The gentleman from Colorado (Mr. SCHAFFER) and I have discussed this on a number of issues.

The gentleman has a vast district in eastern Colorado, some of the most beautiful, I think, some of the most beautiful plains in the United States. I adjoin him, and I have the western part of the State of Colorado which we think are the most beautiful set of mountains. We share those beautiful mountains with States like Utah, Montana, Idaho, and Wyoming, but the Rocky Mountain range.

There are certain areas there that are owned by the government, and the government should retain the ownership of that. But we must make sure that the concept of multiple use stays

in place. We have to be careful because, what else happens, is when the government buys land, they drive up the price for everybody else.

It is very hard today to find one's children or my children desire to go out and be a farmer, especially in our areas where the government has driven up the price of land because they are out acquiring the land. We have to encourage good and prudent management of the land, whether it is in the government hands or whether it is in private hands.

But I am not sure the answer is always to take it out of private hands and put it into government hands and one is going to end up with better management. Sometimes that might be the answer, but not always.

The American people need to be aware of how many thousands of acres every day across this country, through one government agency or another, at one level, local, clear up to national, go from private hands into public hands.

Mr. SCHAFFER. Absolutely. Mr. Speaker, reclaiming my time, the best stewards of the land, the best environmentalists are the farmers, the ranchers, the private landowners who have a future at stake in the ownership of that land. This is what they want to hand down to their children.

Mr. MCINNIS. Mr. Speaker, it is a heritage, like the gentleman said.

Mr. SCHAFFER. Mr. Speaker, it absolutely is. For us in Colorado, this is what defines our State. This is part of our culture in the western States. We have some of the most beautiful vistas and greatest natural resources, some private, some public, but in all cases, these are resources that, when managed well, the extraction of minerals or the sound timber management actually improves the environmental quality, particularly with respect to timber.

Let me talk about that for a moment, because the timber industry in the west, after, not only the poor policies that are put forward by the Forest Service these days, but also the misapplication of the Endangered Species Act, there are very, very few mills left in States like ours.

But what we are discovering is that active forest management, from a scientific perspective, actually improves overall forest health. What we are seeing out in the West today are devastating forest fires that burn far more intensely than ever before. We are seeing the pine beetle infestation in western States, which is an infestation at escalated levels primarily as a result of the poor condition of government-owned forests in western States.

When these trees begin to grow too closely together, they start competing for nutrients, for water. They prevent the snowpack from getting to the surface of the forest floor, and it respirates much quicker than would be natural.

As a result, these trees begin to undergo a certain amount of stress. Once they become stressed, these beetles move in, these trees die, they become brittle, they become dry. It really sets up the West for some of these devastating forest fires that get worse and worse year after year after year.

But there is one interesting thing about these forest fires. Sometimes they tend to stop along straight lines. I have flown over some of the old burned areas, and I have never seen anything like it before. It is really remarkable.

These forest fires will burn, and they will stop along pretty much a straight line in some cases. The difference between the side that burned to the ground and the side that is still green and standing and flourishing and providing habitat for wildlife is that the government owns the land that was not well managed and not well taken care of. Private owners are managing the land that is still green today, still providing critical habitat for wildlife and so on.

The bottom line is the Federal Government owns far more land than it is able to effectively take care of, and that is irresponsible. That is an antienvironmental record that our Federal Government is moving itself into by acquiring more land than we have the capacity to care for.

I would also make one other observation. Since the fall of communism and the old Soviet Union, many of the republics have had a difficult time making the full transition to free market capitalism and ensuring democracies in their new countries.

One of the key provisions that comes back to us over and over again in observations is that what these countries need to do to make the last step toward free market capitalism is guarantee private property ownership. These are countries that understand they need to move toward private property ownership, not away from it.

We here in the United States, enjoying the greatest economy on the planet right now, are moving with great speed in the exact opposite direction, having taxpayers wealth confiscated from the American people, sitting here in Washington, D.C. so the Clinton administration and others who agree with him can then go back and purchase at above-market prices land that should remain in private property ownership, putting it into the hands of the government which, as I mentioned, is incapable of doing an effective job of taking care of it.

So it is quite a problem. It is one that, when we hear the term the ''war on the west,'' the gentleman and I understand that term very well. But for others who have heard the term may not understand what that means. It essentially means the Federal Government coming into a great State like ours, not only purchasing the property rights, but the mineral rights that go with it, and affecting directly the water rights, water being the most precious natural resource that our economy depends on.

□ 1415

Mr. MCINNIS. If I might, the gentleman is correct. And let me make it very clear. There are some areas, and my colleague and I have talked about this, there are some areas where timbering is not appropriate. There are some areas, regrettably, where in our history some people have abused the timber rights. They have gone out and clearcut areas where they should never have clearcut. And part of that, by the way, was the irresponsibility of the Federal Government's supervising that type of thing.

But what has happened is they have taken that section of misbehavior and said, and there are actual groups out there that have said, we never want another piece of timber taken off Federal lands. We have the national Sierra Club, whose number one goal of their president is to take down the dam at Lake Powell, drain Lake Powell, which is one of the most critical resources in the western United States.

What I am trying to say here is that, just as we have an obligation as citizens of this country to build a missile defense system for the next generation and just as we have a like obligation to provide a good solid education system for the next generation and just as we have a similar obligation to provide a retirement system for the next generation, we also have an obligation for this next generation to enhance the environment that we are in. But the answer for the enhancement of the environment is not necessarily, and in most cases not at all, to take away the right and the dream of private property ownership.

Now, I should add, and some night we should just come and discuss that, how when the government decides they do not have the money to go in there, what they will do is go in and regulate. That way they never have to buy the land. They just go in on private property and regulate it so no one can move.

In the State of Colorado we had, I think it was the jumping mouse.

Mr. SCHAFFER. The Preble's Meadow Jumping Mouse.

Mr. MCINNIS. The jumping mouse, and on the eastern range, which had never been seen, never been spotted, et cetera, et cetera, et cetera, and they were going to regulate that as an overriding land issue.

My bottom line is, we owe it to the next generation to protect our environment, but we owe it to this next generation to do it in a common-sense way that also preserves, as my colleague has very accurately defined, the fundamental philosophy of this country, and that is, as a citizen of this country we all dream someday of owning our own house or owning our own piece of the pie. And if we take care of that pie, we can all have at that opportunity. Do not let Washington, D.C., dictate and do not let Washington, D.C., try to convince the American people that they know what is best.

Mr. SCHAFFER. Sustaining our heritage and preserving our legacy is really a matter of keeping this land in private ownership. Many of the old farmers and ranchers who are reaching retirement age now and planning their estates realize they are going to have to deal with the inheritance tax.

Mr. MCINNIS. The death tax.

Mr. SCHAFFER. This is another aspect that we are trying to address and trying to eventually get to the point of eliminating the death tax overall. And I think that the Congress ought to view death tax elimination in environmental terms as well. Keeping these properties in the hands of the families that have worked this land for many, many years is something that we want to see more of, rather than moving toward more government ownership.

I know this is an issue in our State of Colorado. It is also an important issue in the State of South Dakota, and I see the gentleman from South Dakota has joined us for the remaining couple of minutes that we have left. The inheritance tax is a big issue for his constituents, and we will finish this special order up with just a brief discussion on inheritance taxes.

Mr. THUNE. Well, Mr. Speaker, I thank both my friends and colleagues from the great State of Colorado for taking this issue up. This is an issue which is important, obviously, to anybody who makes their living off the land.

And one of the things I find is one of the biggest insults to people who actually are in the actual day-to-day business of farming and ranching and involved in natural resource industries is to suggest that they are not concerned about conservation. When the gentleman was discussing the environmental burdens and the regulations that the government imposes on people who are trying to make a living at that, I could not help but think of a lot of the small independent farmers and ranchers in my State of South Dakota and the cost that is associated with those burdens. We talk right now about prices being in the tank, which they are, and it is very difficult for small independent farmers and ranchers to make a living today. And, obviously, that is something that we are going to have to address as well.

Frankly, one of the reasons we are not doing so well is because we have failed in a couple of important things, and one is opening export markets. We made a commitment, when the last farm policy was put in place, that we would aggressively open export markets. We have not done that. We do not utilize the tools that are in place and, furthermore, I think that this is a basic failure in our farm policy today. And, as a result, we are seeing the depressed prices because we do not have the demand that we need out there.

But the second thing that is really important, as the gentleman mentioned, is regulation and taxes. Again, that was another thing that was promised under the new farm policy a couple of years ago, which happened before the gentleman and I arrived here, but it was clear one of the things we said we would do is regulatory reform. That has not happened. There are still enormous costs associated with production agriculture.

And, again, as the gentleman, my friend from Colorado (Mr. SCHAFFER), also noted, there is the tax burden. Today, when someone dies, we basically have to deal not only with the undertaker but with the IRS. And that is a real liability in terms of trying to provide a framework for passing on the family farm, the family ranch, the family business to the next generation of Americans. The tax burden continues to strangle folks who are in the business of production agriculture.

So I think this is something that needs to be addressed. I hope we will do it in this Congress as part of our agenda, as we address the needs that are out there and talking about, for the first time in a generation, the politics of surplus, a surplus that has come about as a result of decisions that we made a couple of years ago in the balanced budget agreement. We were able at that time to bring some tax relief, but we need to bring additional tax relief after we have addressed Social Security and coupled that with paying down the national debt, which is an important priority for myself and a lot of Members I think on our side of the aisle, and hopefully a lot of Members in the whole Congress, but also to look at ways that we can continually streamline regulations and lessen the tax burden on America's working families.

I cannot think of any working family today that is having a tougher time making a living and making ends meet than people who are in the day-to-day business of agriculture.

Mr. SCHAFFER. The farm economy is really going to be strained this year. The administration's failure to aggressively and assertively open up foreign export markets is really leaving American producers high and dry in many cases.

Also, the debacle in Brazil, for example, with the devaluing of the currency and the role indirectly that our government played, is going to result in cheap soybeans swamping the U.S. market. Now, we have some soybean growers out in our parts of the country, it is going to be a bigger issue perhaps in the Midwest, but for agriculture in general these kinds of realities over the next months are going to, unfortunately, result in a very troubled agricultural economy in America. And I think we are going to feel the brunt of it around August, September, and October, in those months, and on into the year 2000.

But at a time when we know that competitiveness issues, that regulatory issues are going continue to be hitting hard on American farmers and ranchers we need to seize on that opportunity to focus on the other government-imposed fixed costs of doing business, the inheritance tax certainly being one of them. Capital gains tax relief is something else that could make the difference between farmers declaring bankruptcy and selling out versus remaining in production agriculture and hopefully passing these productive agricultural assets on to their children.

The important thing to remember when we talk about eliminating the inheritance tax, or the death tax, we hear many of our critics on the Democratic side of the aisle who will claim this is a tax cut for the rich. We have all heard that. And many farmers and ranchers, when calculating the present value of their land and equipment and so on, it sounds like an awful lot of money. But that wealth is all tied up in the land. It cannot be extracted easily at all.

And what we are talking about is the children, the heirs of the present farm land owners, having to fork over upwards of 50 percent of the value of that asset over to the Federal Government when it changes hands between the parents to the children. Fifty percent of the value of an asset value of a farm means that that farm goes on the auction block, that it is sold. It is over. It is out of business. And that is why the inheritance tax relief that we are trying to push forward is so critical for agriculture today.

Mr. THUNE. It is. And what people do not realize is that agriculture is a very capital-intensive business. It is not uncommon for a small independent producer to have a lot of investment in equipment in order to try and do all the things they have to do to raise a crop and then be able to market it.

So the gentleman is exactly right in that people, when they talk about this being something that favors people in the higher income categories, I can tell my colleague one thing, the farmers and ranchers I know and visit with in South Dakota are not people I consider to be cutting the fat hog. In fact, right now, they are having a very, very difficult time.

And if we want to keep them on the land, if we want to keep that small family farm, independent producer, the thing that I think has helped establish and build the values in this country that we cherish, if we want to keep them on the land, we have to make it easier to transfer that farm or that ranch to the next generation of Americans. And that is why I think, again, as we look at what we can do in terms of trying to assist the agricultural economy today, rolling back the estate tax, the death tax, dealing with capital gains, as the gentleman noted, is important as well, and also trying to figure out a way to make it less costly to be in production agriculture.

Because, again, there are enormous costs to these regulations. I hear ludicrous examples of this all the time. And probably the most recent one I heard was a small business in South Dakota that wanted to sell, and they

were trying to get a buyer. And the buyer, before they could consummate the sale, had to go through an environmental analysis. Well, they discovered in one of the buildings there was an air conditioner hanging out in the back, as there often is in our State of South Dakota, because the summers get to be a little hot, but that air conditioner, as air conditioners are prone to do, was dripping a little bit of water. And the EPA said, well, I am sorry, we cannot have that. That is disrupting the vegetation. Ironically, their solution to that was to come up with a one foot by one foot square slab of concrete to place down there. Not that that would disrupt the vegetation.

There are ludicrous, frivolous examples of these regulations all the time. And I will not say for a minute that there are not needs in terms of safety and health reasons why we have regulations, but there are certainly a lot of frivolous ones. And as they apply to agriculture, we should look at what we can do to make it less costly.

Mr. SCHAFFER. The American public is looking to Congress for somebody here to listen and to resolve many of these issues, and I am proud to be part of the Republican conference that will continue to push forward for a strong economy, for maintaining and protecting Social Security, providing a strong national defense, providing for a world-class education system and, ultimately, trying to provide for some tax relief for the American people.

THE STATE OF THE MILITARY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California (Mr. CUNNINGHAM) is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I just a left a meeting with Secretary Cohen, Chief of Naval Operations, and General Shelton. I know people are talking about Social Security, they are talking about education, they are talking about Medicare, but I want to read something to my colleagues, and I want to quote.

Quite often our military leaders have been remiss in stating what the actual needs are so that they do not get in trouble, and I would like to read this to my colleagues. This was taken from a hearing in Las Vegas, Nevada. It said, ''Displaying unusual candor, the commanders of combat training centers for the Army, the Air Force, the Marines, the Navy and Coast Guard described poor training conditions, outdated equipment held together 'by junkyard parts', and an underpaid, overworked cadre of service workers who cannot wait to get out and find a better job.''

What is happening is our overseas deployments are 300 percent above what they were at the height of Vietnam. We are driving our military into the ground but not using the reinvestment into the parts, the manpower, or even the creature comforts for our military folks.

This goes on to say, ''We have a great military filled with terrific soldiers who are suffering from an inability to train at every level with battle focus and frequency necessary to develop and sustain its full combat potential.''

Mr. Speaker, we are maintaining only 23 percent of our enlisted. If my colleagues go out in any military division today and ask our sailors or our troops of any branch how many of them have been there within the last 8 years, every hand will go up; about 90 percent of them. They have not seen anything else but a de-escalation of military spending and/or support, which is denied.

We only have, today, 14 of 23 up jets at Navy Fighter Weapons School, known as Top Gun. They do not have engines. There are 137 parts missing. The 414th for the Air Force, the same problem. They do not have engines or parts to fly their aircraft back here in CONUS. We had 4 of 45 up jets at Oceania. What does that all equate to?

Why they are down is because we are taking the parts to support Bosnia, to support our off-loads and our carriers and our air force out of Italy, to put those parts in those parts of the world. We are killing our training back home. When we only have 23 percent of our enlisted and 30 percent of our pilots in all services, that means our experience is gone. Captain O'Grady, who was shot down, was not trained in air combat maneuvering.

□ 1430

That lack of training. When you only have four up jets in a training squadron back here in the United States, that means all your new pilots are getting limited training so when they go over, whether it is just handling an emergency or handling a combat situation, they are not trained for it. We lost about 50 airplanes this year, Mr. Speaker. We are going to lose a great number of aircraft and pilots over the next 5 years, even if we invest in those spare parts and so on today.

Now, the service chief will tell you, we have just put money into the spare parts and it takes delay. But that money they took and put into spare parts came out of other military programs. The chiefs have told us we need $150 billion. That is $22 billion a year. The President's new money is $4 billion. Last year when they say they needed 150, the President said, ''Well, I'll give you a $1 billion offset,'' which means it has to come out of other military programs, which is a zero gain, zero net for the military.

We are in bad shape, we are losing our troops, the economy is high, but the number-one reason why our troops are getting out, yes, pay raise is important. But the number-one reason is because they are away from their families. They are going overseas, they are deploying, they are coming back, then they have to deploy here and they do not have the equipment, the spare parts that they use or take a part off of your Chevy and put it on another Chevy. That part is not going to last you very long and we are going to lose those numbers of pilots.

It is said that we have more tasks for armed services than we do people. Now, we are asking our people in all services to do this 300 percent increase of deployments. But we have one-half the force to do it with. That means that the ones that are left have to go and do twice the work than we had to do it before. We cannot sustain that kind of downsizing and leave our troops unprepared.

If we look at Haiti, at Somalia and Aideed, Aristide is still there, it is still a disaster and we have spent billions of dollars. The already low budget that we have, all of those excursions come out of that low budget which even drives us further.

EDUCATION

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the minority leader.

Mr. ETHERIDGE. Mr. Speaker, I want to take this opportunity to thank my Democratic colleagues for joining me here today to talk about one of the most vital issues that faces this Congress, I think, and certainly this country over the next several years, and that is education.

So that you and others will not think that I am just standing talking about education, because I have found in this great deliberative body called the People's House, we talk about a lot of issues, and we can talk endlessly on issues if someone will provide us data. But prior to my being elected to the People's House in 1996, I served 8 years, or two terms, as the elected State Superintendent of Schools in my home State. I have made education a top priority, public education for our children, not only at the State level but I have done that also since I have been here in Congress.

Throughout my service as Superintendent and to this day as a Member of Congress, I have spent a great deal of time in the classrooms of the schools of my State to observe firsthand the exciting educational innovations that are taking place in my home State. I would say that is true all across America. As my colleagues join me this afternoon, I trust they will talk about some of the exciting things that are happening in their State, also. Too many times, all we do is we talk about the problems, and it is important to acknowledge we have shortcomings and that we work on those shortcomings to make them better, because young people only have one chance to get a good education in their first 12 years and so it is throughout the rest of their lives. But sometimes it is important to acknowledge our successes as well as our shortcomings.

Recently, I had the opportunity to visit a school in Wake County, which happens to be the largest county in my district and that also is the capital city county. The school I went in was Conn Elementary and it is really now called Conn Global Communications Magnet Elementary School. That is a mouthful. But what it really means is that these young people are wired through the Internet and through a special innovative program that the leadership in that county has put together in a partnership with the Federal Government to do some creative and exciting things for these young people. They really are on the cutting edge of education reform in America. The buzzword in Washington these days is accountability. I would say to you, as strongly as I possibly can, that an effective accountability or assessment mechanism is absolutely essential to sustain educational achievement, and I will talk about that later on today as I talk because we have done that in North Carolina on a statewide basis.

But now let me continue to talk about Conn Elementary, because they can teach us here in Washington a great deal about this whole issue of accountability and what you do to excite and energize young people and make them really love school all over again and love this thing we call learning.

Let me share with my colleagues and read, if I may, Mr. Speaker, the mission statement of Conn Elementary School. Let me say that Conn is not an exception in my State of a school having a mission statement. Every school has one.

''Conn Global Communications Magnet Elementary School will prepare students for successful citizenship in a global society. The learning environment created at Conn will provide an educational experience that will emphasize heightened communications skills via reading, writing, mathematics, science technology, and the arts as a means of connecting and interfacing with the world.''

I would read that again, but let me just paraphrase it very quickly to say they understand that education is broader than what some have said, reading, writing and arithmetic. It has gone long past the three Rs. There are a lot of other things that need to be interfaced and integrated in a good, sound public education these days.

''Conn will ensure success for all students.'' Underlined ''all students.'' Not just the bright students, not just the students that come from parents who have money, not just from parents who have the time to interface and work with the schools, but all students.

Now, let me share with you why they say that and how they get to that point, because I think it is important to as we emphasize that this innovative public school focuses on achieving for all their students and how they do it.

To achieve these goals, Conn has set out the following expectations for their students and, yes, for their staff and for the parents:

''Motivational global studies will accomplish a narrowing of the achievement gap between minority and nonminority students.'' This is true not only in my State, it is not just true in Conn, it is true in every school in this country. How do we narrow that gap between those students who are achieving at a high level and those who are not and how do we make sure they all achieve at a much higher level because we need all of them participating in this new economy of the 21st century.

''Cultural diversity will provide opportunities for children to recognize and appreciate the value of cultural differences in their own communities and beyond.'' Let me tell you why that statement is so important. We have the most diverse population in our public schools today we have had in the history of this republic. Yet there are those who want us to believe that we can educate the same way we have educated historically. That is absolutely not true. We have to recognize the cultural diversities and backgrounds from which our children come, accept those, and then help them achieve at a high level. That may mean that they need more time on task in some areas than others and it may mean that they need smaller class sizes. This Congress is going to be about that, and I will talk about that more in just a moment.

''Technological resources will enable students to communicate with the world around them.'' Many times when we talk about technology, some of us talk about technology as if it were just a computer. That is not the whole view of the issue. Computers are just one piece of a total mass communication world that we live in that children must have access to in our public schools. If they do not have access to that total view of technology, how in the world can we expect them to walk out of school one day and engage and interface in a world that is changing so rapidly? We talk on this floor of the House about the changing world and talk is awful cheap. It is easy to talk about changing education and making it better. I have often said, money is not the only issue but the last time I checked, without a certain amount of money very little happens. Even though here at the Federal level we only put in about 7 percent of the resources that our public schools use, we can have a tremendous impact if we will encourage, provide leadership, help and be a partner. Because we are a partner. We are not the senior partner but we are a major partner and we ought to be a partner that is about helping rather than throwing impediments anywhere along the way.

''Communication skills will be the key to meaningful connections between students' education and their understanding of individuals, groups and countries.'' Now, understand when I use this, this is a special school that has access to the Internet and other things that a lot of schools do not have. Every school should have this. But it gives them a chance to understand what they are about.

''Integrated, project-based learning will ensure active participation and in-depth understanding of global concepts.'' When we talk about education sometimes, many of us talk about education in the framework of our own background, of how schools were when we were in school. If we have not been in the classroom in the last 10 years and we go in and visit, we would recognize the school, we would recognize the hallways, we might even recognize the classroom, but I will guarantee you if you look at the curriculum and the things that a lot of teachers are doing in these creative classrooms, it would sure be different.

''Integrated project-based learning will ensure active participation and in-depth understanding of global concepts.'' I want to repeat that, because I think that is important as we move in this world economy. We stand on this floor and we talk about the issues of trade. We talk about the issues of money moving, et cetera. All this is in the perspective of the world that has changed in the last 10 years with global communication.

''Lower student-teacher ratios will encourage more active involvement in the learning process, more developmentally appropriate teaching, differentiation of instruction, and focused applications to improve student performance.'' The last bullet I read is so important to this whole concept of what we talk about when we talk about total education for every child, so that it is geared to that student, that that student understands what is expected, that teachers have class sizes small enough that they can deal with. In a diverse population that we have when a teacher has to go in the classroom and have 30 students, it is a very, very difficult task when the range is so great with those students.

I have said many times, my wife and I have three lovely children of whom we care very deeply, and I love them dearly. But I would be less than honest if I did not say today, it would be very difficult if we had 30 of them and we were trying to instruct them around the house and to direct traffic. I think that is true in most households. Too many times we ask our teachers to do the impossible task of doing what we could not do, what we would not do, and yet we talk a lot, and I have often said when it comes to education, we all have lots of answers and very few solutions. In the political arena, we need to become better partners. As those partners, we need to be sort of like the managing partner. We are willing to help where we can and push where we need to and be less critical of the children and teachers who I think are working awful hard.

Let me close on Conn Elementary with one other point, and then I am going to yield to one of my colleagues.

This vision is a prescription for excellence for Conn Elementary and really for education in Wake County. I think that would be somewhat true of all the schools in my State of North Carolina. Conn is a richly diverse, inner city magnet school, and they really are laying a foundation for lifelong learning and citizenship for these students. In a situation where in many cases we would say those students could not do it, they are measuring up and they are achieving at very high levels and they are closing the gap between minority and nonminority students. They are doing it because teachers care, students are focused, parents are engaged, and they are also disaggregating data for both minority and nonminority students.

Let me tell you what I mean when I say disaggregating, because so many times we talk about averages, average students. Very few of us are average. We are special in our own way. If you take that data and break it down in individuals and individual groups, pretty soon you will find out which student really needs the help, where you need to give more time for math, where you need to give more time for reading.

□ 1445

All of us learn differently and at different levels, and Conn Elementary is doing that to make sure that every child reaches their full potential. Mr. Speaker, to meet the needs they are making sure that some of these students have smaller class sizes, and they can only do it, my colleagues, because they have some additional money in a partnership with the Federal Government, and the State is putting some extra in it. That is why I say when you say it does not take extra money we are deceiving ourselves and misleading the public. It takes additional dollars.

Mr. Speaker, with that I yield to the gentleman from Texas (Mr. GREEN) who really does understand how important it is, how important education is to the future of this country. He is close to it. Not only has he been a fighter here in Congress, but every weekend when he goes home, his wife reminds him.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from North Carolina for yielding to me.

Mr. Speaker, I just wanted to share in the gentleman from North Carolina (Mr. ETHERIDGE's) special order because not only am I privileged to have a wife who teaches high school algebra, without her I could not have made it through college algebra, Mr. Speaker. So she tutored me to make sure I can have my gentleman's C, but every weekend when I go home, I try to spend time in our public schools.

Just recently, I was at Stevens Elementary in the Aldine School District. Last Monday, I was actually at Aldine 9th Grade Center, Aldine High School 9th Grade Center, because this week is Texas Public School Week in Texas, and so to recognize the value of public education.

Last Saturday, I was at Burnet Elementary in Houston Independent School District, not necessarily for an education program, although there was students there and their parents, but it was for a Fannie Mae home buyer seminar. So, using the public school facilities also for home buying in an inner-city school in Houston.

Recently, I was at R.P. Harris Elementary and H.I.C. to read to the students and talk about what I do. But this Friday that school will be having their Career Day that I will be there, and also we are hosting a job fair for people in the community.

Public education is working, and all we need to do is go to our districts, to go to those schools and see it happening. You see the success. I like to spend time in my schools because it recharges my batteries for the debates we are having like today on Federal funding for education and things like that, but it also provides a great role model for Members to go in and sit down and read to their students and also to talk about the job we do.

Mr. Speaker, we have quality education in every one of my public schools in my district. And, again, I have lots of different school districts in Houston Harris County, a very urban district, predominantly minority children, both African American and Hispanic, but there is quality education going on, and that is why I want to talk about the Democratic Families First agenda that was just announced today by the President and the Democratic Leader, the gentleman from Missouri (Mr. GEPHARDT), and Senator DASCHLE where we talk about school modernization and providing Federal tax credit to States and school districts to modernize and renovate 6,000 local public schools. The Houston Independent School District, who recently passed a bond election, a scaled-back bond election, by the way, is providing the local funds.

Now, on the Federal level, we need to try and help because of the deteriorating situation of not just urban schools like I represent, but rural schools, smaller class sizes. Texas now has a law since 1984 that is 20-to-1 for elementary schoolchildren from kindergarten through 4th grade, and that is great. The President announced we would like to see 18-to-1. Of course, that will not help my wife who teaches 30 and 32 children in high school algebra class, but we know that we need to put our resources into elementary schools.

So the Families First agenda, the Democratic agenda, also builds on additional teacher training and recruitment.

My wife told me a story a few weeks ago, and I know the gentleman from North Carolina (Mr. ETHERIDGE) can relate to this. She said:

You know how long it took us to get overhead projectors out of the bowling alleys and into the public schools? It took us years. The technology was in the bowling alleys before we could use them in our public schools. I hope we are not waiting for that long before the computers are really utilized in our public schools.

Teacher training and educational technology, there is so many things that is part of this agenda, and I know we share the same goals. The Federal Government cannot dictate what goes on in our local schools, but we can help. We can provide a little extra help for our school board members, our administrators, our teachers, our parents and the State legislators who provide most of the funding, and we can help to make sure that we pave the way for the 20th century, 21st century, so our children will be prepared to stand here on the floor of the House and want to get their children and their grandchildren prepared for the next century.

I thank the gentleman for asking for this special order and allowing me to participate today.

Mr. ETHERIDGE. I thank the gentleman from Texas, because he is absolutely correct, and the Families First agenda at this time with the educational package in it is just a tremendous piece with the President's initiative for more teachers, for modernizing our school facilities.

Every State has needs, and every State is doing some things to make a difference, and yet at the end of World War II, when our men and women came home from fighting the war that many in history said would end all wars, which it did not, they put their shoulder to the wheel, and they said: We are going to build schools, and we will make sure that children have an opportunity.

We now have an obligation, and I want to yield to my friend, the gentleman from Mississippi's 4th district (Mr. SHOWS), for some comments on what is happening in his area as it relates to this whole education agenda that we are working on.

Mr. SHOWS. Mr. Speaker, what I would like to say, too, as an educator myself that has spent a long time ago, we appreciate the opportunity to speak on behalf of the gentleman from North Carolina's bill. As an educator back in Mississippi back in the 1970s when we had a tremendous problem of overcrowding in schools then and some of the facilities were not what they needed to be, and still today, as I went through the district during the campaign and visited some schools that I thought have been outdated years ago, they are in terrible need.

Mr. Speaker, it seems to me that a lot of times we look at what we do to create a good environment around a business place where we do build new buildings to increase business, and it increases learning, and the same thing could be said for education.

But, Mr. Speaker, I thank the gentleman for giving me the opportunity to express my support for the efforts to improve the education of America's children. In the past few months in

Mississippi, and especially in my district, we have had several plants that employed thousands of hard-working people in my district shut down, and in rural areas like mine in southern Mississippi a plant closure can devastate an entire community and county.

The international marketplace is here today. A new technology continues to change the face of business and employment opportunities. American jobs continue to migrate across our borders. We cannot stand idly by and let honest, hard-working Americans suffer because we are not preparing them for this reality. We must work together to do whatever it takes to make sure that our young people have the education and training to perform good jobs at competitive wages.

One obvious way to accomplish this is to build new schools that make the most of modern technology available to our students. The Etheridge School Construction Act provides tax credits to help finance school construction bonds. This legislation would provide almost $30 million in school construction bonds from Mississippi alone, and we can use every bit of it, and we need that help. For children in Mississippi's 4th District this would mean the opportunity to move out of old and overcrowded schools that are in need of repair and to new schools with new technologies in their classrooms. It would mean having classes in actual classrooms and not in temporary trailers.

I feel like this is a bipartisan bill and a cost-effective way to help our States meet their educational needs, and we need to pass this bill quickly. It is for the future of not only Mississippi, but for this great country.

Mr. ETHERIDGE. Mr. Speaker, now to my friend from the 19th District of Illinois (Mr. PHELPS). He understands how important quality education is, how important it is, how the assessment, what growth means and the need for new school buildings. He has been a hard worker since he has been in here in Congress. I had the occasion when our Chief State School Officer worked with his Chief, so I yield to the gentleman from Illinois.

Mr. PHELPS. Mr. Speaker, I thank the gentleman for the opportunity to participate in this discussion on a very valued issue to all of us, education; and, Mr. Speaker, today I rise to support the Democratic initiatives to improve education for our children through better schools and smaller classrooms.

As a former teacher and a husband of a teacher, I have always believed that the single most important challenge we face as parents and as the citizens of this Nation is the education of our children. I have seen as a teacher and later as a State legislator the problems our schools face and the limitations as States and local school districts struggle to overcome them on a daily basis.

As a teacher, my first year I taught school in Harrisburg, Illinois, Unit 3 District. I walked into a classroom of 42 children. What a challenge. We had them lined up in what we used to call the old cloakroom, as my colleagues know, where you would have students even out of my sight. It was then that I learned to realize that the quality of education is so much compromised when you cannot look that child one on one in the eye and get their undue attention and the respect first because everything after that, not very much can be accomplished without that.

Mr. Speaker, I valued those first years in knowing that, however we invest in education, we can help parents and communities work together to provide better learning environments for our children through school modernization and construction. That is really the key and, of course, more specifically, smaller classrooms, as I alluded to from the problems of a large classroom.

Our commitment today to funding for more teachers will help the local school districts provide a smaller, more enriching learning experience for our kids. It was almost impossible, as many kids that I had that first year and my wife has in high school English class in Eldorado, our hometown now, to really relate to the kids in an individualized way. I believe that it is impossible to have a mentorship, if my colleagues will, for kids. This is how they relate. They get involved with a teacher. If the teacher is allowed to get to know them personally, and I believe that that is a value beyond description, it is hard to put a value on, because I personally feel that some of our problems that we are experiencing throughout the Nation with our kids rebelling in one way or another in the most vicious way is violence, that we see the school shootings, the dropout situation, the lack of attendance. The whole attitude is because many teachers do not get a chance to know those children, know those kids and the problems that they are having in their home life.

In the small rural areas, such as Eldorado, Illinois, a town of 4,000 people, my wife has made it a point to find out what is troubling the child when they seemingly are not caring what is going on, or missing school, or have a different attitude from one day to the next. She has found, to get to the heart of the matter, what is troubling that child. Smaller classrooms will afford us to do this, possibly even avoiding the most extreme expression of violence.

I really believe that. So it goes to the heart of discipline.

I know we talk about quality of instruction in the classroom, but smaller classrooms can be one of the major tools of discipline because most kids are really saying: Give me your attention. And many times their misbehavior is out of getting attention.

Mr. ETHERIDGE. If the gentleman will yield for a moment, because I think he is on to something. Let me raise a question with him because he talks of the 42 students he had when he started, and I think every teacher in America can identify with the statement he just made. Without dating him, and I will not do that, but he was talking about when he started teaching.

The diversity of the student population in our schools have changed dramatically in recent years, and the home life of so many of our students have changed because we have two-parent households, both are working, or even if it is a single-parent household, and I thought his point as it relates to the children having someone to really identify with, to let that teacher or in that classroom be their friend today as it was years ago when they had some time.

Let me ask this question because I think it is important. As we reduce the class sizes, as we have started to do and we need to continue, and provide for the good learning environment where when one goes to school, if it is the nicest place one goes to that day, that is what it ought to be.

□ 1500

Then certainly that is not only going to help the discipline problems we see that we are spending money on, but more importantly, as the gentleman just alluded to, discipline and achievement go hand-in-hand. We will see achievement go up dramatically.

Mr. PHELPS. The gentleman's expertise is much beyond mine in education, and I value the gentleman's opinion, so he can relate to what I am saying.

But just as one who has had formal experience in a classroom, and coming from a family of educators, I have two brothers that are public school administrators, similar to the gentleman's capacity in his home State before he came here. So I learned from not only them but my own experience.

I can only tell the Members, the way I relate to what we were talking about, mentorship, is in fact a coach's success. Let us take coaches, for example. It is not so much from one coach to the other, that they do not have the key plays, because they are pretty much passed from one school or university to another, but it is the way the coach motivates his team or his or her team to accomplish the end result to win.

That motivation only occurs when the coach takes that student aside and says, hey, how are things going? Do you want to meet me out for a round of golf? Let's go fishing Saturday. Because they can identify where some child may have a lack of attention, and just take that buddy under their wing.

I have seen myself, in my short tenure, in talking to coaches and teachers that have had that individualized partnership, friendship, that has made the difference to kids excelling who may not have had the support at home to begin with, to try to overcome that, or reinforce what is there.

Another matter that really, as a State legislator, I bring here, and I

want to talk more on this later about school infrastructure and our needs there, but it has always astounded me and I am still bewildered why we as a society are so willing to fund the building of prisons, and yet not only hesitant but stubborn to fund building schools.

I guess we react to it; we all want to reduce crime, and get to the heart and the source of crime. We do not want to have fear in our neighborhoods. I think that is why in my area we have risen to the occasion to fund prisons, but at the expense of schools, in many regards, in Illinois, I can attest to that.

To me, if we invest in education, or usually an investment of any nature in the private sector or in our own lives or homes, we expect to benefit, to reap benefits. When we invest in education, I think the benefits from the governmental standpoint of expenses to taxpayers will be less for crime, for prisons, less for welfare, and unemployment will be reduced, to benefit productive society members.

That is what the value of education is. I hope to be part of this 106th Congress, and in solving these problems.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Illinois. He has well stated the foundation that I think that we all can agree with as it relates to improving the educational opportunities for all of our children in this country, to make sure that the 21st century will be bright for all students, and ultimately, as he has indicated, make sure that our social security system is sound, that everyone is productive and working and paying into it, and will make a difference.

Let me touch on a couple of points, and then I want to turn to my good friend, the gentlewoman from Connecticut, for a couple of comments on this educational piece.

I talked earlier about the Conn experience. There are a couple of other points that I would like to make, especially on a school that is in the inner city, they are working hard, they have formed what they call CONNections, advisory committees, where each group has to work together to bring the parents in; or if they happen to be in a foster care home, whomever is responsible for the child, they have a responsibility to come and work with the individual assessment of those teachers, so that every child can get extra care and extra time on those core subjects.

They are working to reduce class sizes, where they are getting more individualized attention and a feeling of belonging on the part of each student. My friend, the gentleman from Illinois, just talked about those advisory groups that are showing up as hard evidence and data on results for children.

I think sometimes we tend to forget that. It is not in isolation. We have to do it altogether. Their assessment measures are working. They are on track on a year to year assessment that has been going on long enough now that this absolutely is working. They have documented their performance in a systematic way. That has enabled them to show what they are doing.

Let me say that it is happening in a school and in a county that is seeing some of the most rapid growth in student enrollment population in the Nation. As a matter of fact, North Carolina is the fifth fastest growing State in the Nation over the next 10 years, as documented by the U.S. Department of Education, for student enrollment in high school. Wake County alone has added over 30,000 students in the past 14 years, and gained anywhere from 3,500 to 4,500 students every year, this is the size, and larger than some school systems.

When we start talking about building buildings, they have an ongoing project that they have not gotten out of. They are bursting at the seams. They cannot get enough space. We can imagine what that does to each individual school.

Since 1990 alone, Wake County has seen 29.9 percent growth in student population, but every county that touches Wake County in my district has grown over 20 percent in the last 8 years. That is why Congress I think needs to step up this year and follow through on the proposal the President has talked about for providing school construction for our students.

I have a bill that I will be introducing later this week called the Etheridge School Construction Act. We now have 55 sponsors, and I hope to have more before it goes in tomorrow. It will provide for $7.2 billion in school construction bonds for growing States and localities that are hurting.

Now, some of my colleagues will say, that is not the Federal government's responsibility. I would ask them, what did we decide when we did not have electricity and we did not have telephones? There was a time we did not have canals in this country, and we put in a system in the Federal Government to make sure we had water transportation. Finally we got to the interstate system, thank goodness for Eisenhower, who pushed us into it. There are a lot of things we have gotten into in recent years that we were not in.

I will say to the Members, our soldiers who came home from World War II decided we needed to build some schools. They put their shoulders to the wheel. It is now our responsibility as we move towards the 21st century to make sure that the baby boom echo does not have to be taught in lean-tos and in shacks and in rundown buildings.

We need to build some school buildings to make sure these children have a good place to go to school. They need to have as good an environment to be taught in as my colleague, the gentleman from Illinois, talked about that we are sending our prisoners to. When we talk about sending children to school, and they ride by a $30 million prison to go to a $4 million school, they are not very dumb. They can figure that one out. Our priorities are misdirected.

Mr. Speaker, I yield to my colleague, the gentlewoman from Connecticut (Ms. DELAURO), who is a champion if ever there was one, for education, to share with us some thoughts she has on this subject.

Ms. DELAURO. Mr. Speaker, I thank the gentleman, and I want to commend my colleague for the leadership role he has taken on the issue of education. It is not just this evening, but it has been since he arrived in the Congress, he has made this a principal part of what his efforts are here. I congratulate him for that.

I am delighted to join with the gentleman. Just on the point he was mentioning, I think it is interesting to note that the gentleman is so right, this is not about the Federal Government getting into the school construction businesses, nor about just bricks and mortar and bells and whistles and newfangled buildings and all of this.

I will just tell Members about my part of the country. I am from the Northeast, from Connecticut. We did a school survey. We found that in my community the age of the school buildings is rather staggering. The average age of the elementary school buildings is 50 years old. More than half of the elementary schools regularly hold classes in areas not designed to be classrooms, including cafeterias, hallways, mobile or temporary rooms, and storage areas. The average class size is 23 students. So that I happen to live in the part of this country where the infrastructure, and whether that is the roads, the bridges, whatever it is, including our schools, are old.

What does that mean in terms of the future? If we just take one small aspect of that, that is technology, we have some buildings where the thickness of the walls is so big and so dense that to wire these schools up so that we can really be connected with the Internet, and put in the kind of computer and advanced technology that our young people need today, is either prohibitive, or there are some places where the computers are stored in boxes in rooms because they do not have the ability to get them wired up.

What are we talking about with school construction? It is modernization, it is providing the kinds of facilities that are going to lend themselves for that future opportunity for our young people.

I am going to use myself. I am old. My kids are computer literate. My grandkids will be computer literate. We have little tots that know more about computers than I probably will ever know. I want to talk about a classroom that I went to this past week.

But the fact of the matter is, what was a textbook to me, to my generation, and the importance of that, is what the computer is to our kids today, so looking at modernizing our schools so we can deal with this new technology is critical.

Now, that having been said, school construction. What we are offering here is not to build the schools, not to say where they are going to get built, not to preempt any local control of this effort. But what we will try to do as a proper role for the Federal Government is to say to the locality, you have to float bonds to be able to modernize or to build.

What we want to do is to provide you with a tax credit. Use the tax code to help to pay the interest on those bonds. Therefore, you can float the bonds, you can get some financial resources to pay the interest, thereby cutting down the costs to local communities and taxpayers and what they have to pay in terms of modernizing or building those classrooms.

It is good for the community, it is good for the tax relief and local property taxes, and we get to where we want to be in modernizing facilities for advancement for our young people. It makes perfect sense. It makes sense to use the tax code in a way that facilitates the direction we want to go in in trying to meet a goal and a value, because education is about values and who we are as a country. Secondly, it is to provide the kinds of tax relief to struggling local communities in this effort.

So this is one of the most logical pieces of legislation that has come along, with the perfect match between local control and Federal government partnership in an effort. No one is suggesting that the Federal Government get into the business of constructing schools.

I just want to make one more point on computers and teacher training, which we allow for in this families first agenda and our budget. I did go into a classroom, and I watched a first-rate teacher who takes every opportunity that she can to avail herself of information and learning herself to be skilled, and then transmitting these kinds of skills to young people today.

As I said, we can provide and we can get involved in getting all of the hardware into these schools, and if we do not have competent and qualified teachers who can teach our youngsters about how to use the machinery, then they are just going to stay in the boxes and it is not going to amount to a hill of beans. It really will not.

So that the training, that we have competent and qualified teachers to train in this area, is critical to where we want to go. In addition to which, it says to parents and says to local taxpayers, we want to make sure we are keeping our kids up to date, that the standards rise, that there is accountability on behalf of the schools and the children and the teachers, so that we make sure that our children are competent and qualified for those opportunities of a new century that we do not know what of, it is going to have so many promises and opportunities for young people. We would be foolish to squander these opportunities.

That is why I am excited about this families first agenda that we have embarked on, with education being at the center of it. I know the gentleman is going to continue to make this battle in the next year and a half, and I look forward to joining that battle with him. I thank the gentleman for letting me participate with him tonight.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from Connecticut, because she has been on the forefront of this issue. She understands as much as anyone in this Congress that education, public education for our children, is the one thing that levels the playing field for all people. It makes no difference what their economic or ethnic background is, when they get an educational opportunity, it is very difficult to ever close that door again. I thank the gentlewoman for her time.

Now let me turn to my friend, a new Member of Congress, and yield to the gentlewoman from Nevada (Ms. BERKLEY), from the First District, who has taken on this issue of education again, because she fought for it in her home State before she came here.

Ms. BERKLEY. Yes. I thank the gentleman, Mr. Speaker, for giving me the opportunity to speak with him about an issue that I have a great passion for.

I believe that the Democratic agenda, which puts families first, is absolutely pivotal to the success of my district. I would like to tell the Members a little bit about the district that I represent, because in order to understand how important educational issues are to the people of southern Nevada, Members need to know a little bit about the district that I represent.

I have the fastest growing district in the United States. We have the fastest growing school-age population in the United States.

□ 1515

There are 5,000 new residents that come to Las Vegas, Nevada, every single month, and there is no end in sight to the growth. We have to build a school a month in order to accommodate the growth, in order to make sure that our students have a place to go to school. So the issues that we are discussing in our education agenda are absolutely pivotal to the success of our schoolchildren in southern Nevada.

There are certain areas that are of particular importance, and I would like to highlight those. The fact that I do have the fastest growing school age district in the United States and one of the largest school districts in the United States, with 210,000 students going to school in Las Vegas, Nevada, that means that school construction is absolutely necessary in order for us to make sure that our kids have a place that they can go to school.

We need to get them out of the portables, get them out of the trailers and get them into a classroom environment where they can thrive. So the school construction component that has been proposed by the Democrats is very, very important for our needs in southern Nevada.

Also, the fact that we want to modernize our schools. What is the use of having a belief that we need to have computers in every classroom and connect everybody in the United States to the Information Highway if we have schools that are obsolete and do not have the ability to bring in the technology that is so important? This is especially true for a community like southern Nevada where we have some schools that are a little bit older.

In order to accommodate the technology which is going to take us into the 21st century and that our children absolutely must be trained to be educated on, that is a very, very important issue for us.

Mr. Speaker, another important issue is the hiring of new teachers. Next school session, when our schools open up next September, we are going to be 700 teachers short of the amount that we will need in order to teach the number of students that we have in southern Nevada. So the President's initiative to hire an additional 100,000 teachers, that is very important for southern Nevada and I suspect for many school districts across the United States.

The two perhaps most important issues in my mind are the after-school programs and the summer school programs. For a large number of my school population, they are going home to empty houses. They are latchkey kids, because their parents are working, and we have a working class environment in southern Nevada. So these kids are coming home to empty homes with nobody to help them, nobody to take care of them.

If we can provide after-school programs for these kids, it actually satisfies two needs that we have in southern Nevada. One is that it gives them a wholesome place to come after school, but the second thing is it gives them an opportunity to get additional mentoring so that they can learn the material that they have to learn in order to pass to the next grade.

Mr. Speaker, we are opposed to social promotion, but if we are opposed to social promotion we are going to have to do something to help these kids so that they can, in fact, be promoted with the rest of their class. That is why summer school programs are so important as well.

Mr. ETHERIDGE. Mr. Speaker, if the gentlewoman would yield at this point for a moment, let me ask a question. It sounds like Nevada is doing some creative things, and North Carolina has done some of these same things. I assume that they are doing after-school tutoring in some areas right now for those students who need extra help to stay up with the other students, and probably some early morning tutors, too.

Ms. BERKLEY. We are doing some, but not half enough. And if we could

get some help from the Federal Government in order to do that, that would be absolutely wonderful.

Another important thing is, of course, the summer school programs. Because the very students that need the summer school programs are often those who can ill afford them, and if they have to pay for the summer school program then those students who actually need it might not have the opportunity.

Those are the issues that I find very, very important and compelling; and those are the reasons that I came to Congress, in order to make sure that the people of southern Nevada are protected.

Mr. Speaker, if I may have one more minute, the education that I received in southern Nevada was wonderful. It was wonderful for the life that I am leading today. It will be obsolete for the life that my children are leading.

It is important for us as the leaders of this country to make sure that the students that are going through school now will have the tools and the opportunities that they need in order to succeed in the 21st century. We have a golden opportunity in this country to make a difference, make a difference in the lives of millions of children that are crying out for help, crying out for quality education, crying out for a good life.

I, for one, am going to join with the gentleman from North Carolina to do everything I can to make sure that these students are taken care of so that they can take our places in the 21st century and lead this country to a new horizon and new beginning and greater heights.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman from Nevada. She understates her hard work, because she has worked hard since she has been here. She had a record of support for education before she came, it preceded her, and she is doing an excellent job.

Mr. Speaker, I think the point that the gentlewoman made, that education is no longer a K–12 or K–16 through four years of college or master's or doctorate. It is a lifelong process. All we need to do now is talk about the new technologies and recognize those of us that are rusty with computers have to get up to speed on those computers because most of our children are ahead of us.

The gentlewoman from Connecticut (Ms. DELAURO) just talked about it, but the truth is that is the way of life for all of us now, and we have to do a better job.

Ms. BERKLEY. Mr. Speaker, with the help of the gentleman from North Carolina, and hopefully with the help of those across the aisle, we can work together in a bipartisan way to make sure that all of these children in our great country have the same opportunities that the gentleman and I had when we were growing up.

Mr. ETHERIDGE. The point the gentlewoman makes is absolutely correct. If we think about it, when most of us were growing up, our world was much smaller in the sense that we thought about the competition being maybe the community next door, the county next door, or maybe even the State next door. For our young people today, that is not so. It is the whole world.

We talk about the world having shrunk. It has only shrunk in that time has shrunk. Because if something happens today on the far side of the world, within seconds it is front page news in Washington, D.C., or hometown, U.S.A. This means that for our children and for us as adults, we have to learn to deal with issues differently. That puts an extra burden on our public schools and on our teachers.

When we were talking earlier about the teachers and having training to deal with computers, it really means that the teacher has to be able to integrate their teaching techniques on that computer. Otherwise, the computer is a tool that will not be used.

Ms. BERKLEY. Interestingly enough, I go home every weekend. Last weekend I was home, and I had an opportunity to read. It was Reading Readiness Week, and, of course, in Las Vegas we are working very hard to read to our children and give parents an opportunity to read to our children as well.

I was one of those people who went into the classroom to read to a group of kindergarten students, and I can say that not only were the kindergarten students absolutely superb to read to, but I was particularly impressed with their teachers and the amount of training necessary in order to be able to pass on the skills that these children are going to need.

So, Mr. Speaker, I am very, very excited. When I look at those kindergartners, when I look at my own children, I can only imagine what a magnificent life they have ahead of them. But before they can have any life at all, we need to make sure that they have the tools to prepare them to lead the life that they are going to be leading in the 21st century.

And as the gentleman has so correctly demonstrated in his comments, that technology component is so vital. In order to not only succeed in the 21st century, but merely to survive in the 21st century, they are going to need to have those skills. And if we do not give them to our students while they are in school now, I am afraid they are going to be terribly disadvantaged and unable to compete in the global world that we now live in.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentlewoman for her comments, and she is correct. Education is the key to opportunity in the future. We have worked at it in North Carolina, and she has worked in Nevada, and all of us have to work at it in this country because of the mobility of our population.

For a child in North Carolina today, they may be going to school in Nevada next week or California or New York. We have to work our system together so we have some parity across the country.

Mr. Speaker, I yield now to the gentleman from North Carolina (Mr. MCINTYRE), my colleague from the Seventh District, to share with us some of his thoughts on education.

Mr. MCINTYRE. Mr. Speaker, we know that education is the key to the future of this country. And when I think about the words of Robert H. Jackson, the Supreme Court Associate Justice, who once said that, ''Education should be a lifelong process, the formal period serving as a foundation on which life's structure may rest and rise.''

We realize when we talk about this foundation and the structure of life we have to ask ourselves what kind of message are we sending to our children? What are they learning now that will make them the leaders of tomorrow?

Mr. Speaker, I think there are three important ingredients that we here in the Congress and we here in the Nation should consider, that it does take the people, the purpose, and the partnership in working together.

First of all, the people. We realize that it is not just up to the educators alone. They need our help and support. But it is also up to the people of the community and the people in government, the people in business, the people in all sectors of society who will come together and provide that positive example of commitment. People who are willing to go and help the teacher, call up a teacher and say, I want to know how I can come help.

And when we decry the lack of role models for our children today and we wonder what are they seeing? Are they just seeing the athletic heroes and the movie stars? But where are the future businesspeople and the future nurses and doctors and the future teachers, the future people that will be working in the communities?

Mr. Speaker, they are out there in the communities now, and our children are looking at us, and they are wondering, are we going to provide some kind of example for them? Are we volunteering our time to go into the schools and help?

I know the last 18 years that I have been spending as a volunteer in the school, I continue to do so even now in Congress when I am home during a recess, to spend time with kids, to volunteer personal time, to show support for our teachers and, most of all, support for our children.

With the people working together, we can share a common purpose, a purpose that instills and inspires in our children the idea that they can become what they dream they might become one day because they see in us an example of coming to them. Why would that person come and spend time in our schools? He is too busy. He is a doctor. Or why would that businessperson take time to come talk to us about marketing?

Mr. Speaker, when we take time to invest ourselves, we set an example that pays more than money could buy.

Third, we put together with that a partnership. We here in Congress are looking at issues affecting school construction. We are looking at issues affecting the reduction of class size. We are looking at issues that will affect private business being able to donate computers and being able to get tax deductions for doing that, much like they can for other charities and other organizations now.

So the question is, will we be willing to work together in that partnership? I know it is a challenge for us here in Congress, but it is a challenge that we are well up to and that we can do on both sides of the aisle.

Mr. Speaker, I know that Robin Cooke once wrote that, ''Education is more than a luxury, it is a responsibility that society owes itself.'' Education is something we cannot just leave up to one group or one organization and expect them to handle it for us. It is an investment that has to come from the heart and from the hands and from the heads of all of us putting ourselves into the educational process to work together to strengthen the foundation of the future of this society.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from North Carolina for his comments, and certainly education is that critical linchpin that fuels our economy, gives us opportunity, and the reason we are the kind of society we are to reach out and help the people around the world.

Any of us that travel any places know how people admire Americans, and part of it is because we have a system that says everyone who shows up will have an equal opportunity.

Today we have talked about a number of issues of the Family First agenda of education, and one of them being the linchpin of school construction. Too many times when people want to talk about education, they fail to talk as our colleagues have today and have reminded us, that the teacher is the heart of that issue and the students are why we are there.

But the truth is, if we ask teachers what is most important to them in having the opportunity to teach children, it is not always salary first. Recognizing that certainly they pay the same for food or shelter as we do, but they need a good environment to teach, and children should have a good place to learn.

Also, they need the latest in technology, simply because the young people that leave those classrooms are going to be coming into the workforce. And if anyone wonders why business has stepped up and decided that education is the most important issue on their agenda besides making a profit, all we need to do is look at our public schools. They are going to be employing these young people; and, secondly, they are also going to be their consuming public.

Finally, as we talk about the staff shortage we are going to be facing, we are going to be facing some, we have to recognize if we are going to keep some of these people longer than the years after their retirement, we have to make sure that we change our retirement policies for them and make sure that their employment opportunities are where they ought to be, and they get the ample training to make sure that they can deal with our young people.

Mr. Speaker, I yield to the gentleman from North Carolina for a comment.

□ 1530

Mr. MCINTYRE. Mr. Speaker, I just wanted to say two other things briefly. We in the Congress can also support our local school districts where we have military bases. As a member of the Committee on Armed Services, I hope that we will challenge ourselves to support impact aid for direct appropriations to school districts with military children.

Secondly, I hope all of my colleagues will do something that we did, and that is host an education summit in your district. I have held two over the last 2 years. We even had the U.S. Secretary of Education come down. Listen to the parents and the children themselves talk about their needs, and that way we will know that what we are doing is making a difference back home.

Mr. ETHERIDGE. Mr. Speaker, let me close by saying thank you for this opportunity to share with you, with our colleagues and with the American people hopefully an issue that is so critical to the future of this country, educating our young people, providing a rich opportunity for each one of them, making sure that we have teachers in front of those classrooms who are well trained, who are well equipped, and they have an environment in which to teach effectively, and for children to have a place to learn the way they should learn in this place we call America for the 21st century.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 707, DISASTER MITIGATION AND COST REDUCTION ACT OF 1999

Mr. DREIER (during the Special Order of Mr. COBURN), from the Committee on Rules submitted a privileged report (Rept. No. 106–41) on the resolution (H. Res. 91) providing for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SURPLUS SHOULD GO TO SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes.

Mr. COBURN. Mr. Speaker, I found the previous hour very enlightening. Many of the things that I heard I absolutely agree with.

But the subject I came to talk about today is something that oftentimes is overlooked by the American public, and that is the fact that one hears in the press and one hears on this floor all the time that we have a surplus, that there is a surplus of money in the Federal Government today. I am here to tell my colleagues that that is not true. There is not a surplus in the Federal Government today. In fact, the monies that are shown in surplus actually belong to the Social Security system, the retirement system.

What I have before me is a graph that shows my colleagues actually what is happening right now and what is projected to happen with Social Security monies. This chart, my colleagues will see, is from the Social Security Trustee's report, and it was issued this last year.

If my colleagues will notice, what they see is somewhere around $70 billion to $75 billion per year actual more money coming in to the Social Security system than we are paying out. That is, everybody that is working in this country is paying a FICA tax, and everybody that they work for is paying a portion of that FICA tax that comes to the Federal Government. This last year, it was about $480 billion that everyone who worked in this country paid in.

When you look at this graph, what actually happened is we paid out somewhat less than that to the seniors who are presently on Social Security. What we have before us in Washington today is a shell game.

How do we confuse people about what is going on with Social Security? When I talk to seniors in my district, as a matter of fact, when I talk to seniors anywhere, I have not found anybody that wants that money spent for anything except Social Security.

We continue to play a shell game by not being truthful with the American public. What one will see is, when we get to the year 2013, this surplus of money that is paid in versus the money that is paid out on Social Security starts running a deficit.

As we can see, with the baby boomers, of which I am one, by the year 2030, the Federal Government is going to have to come up with some $750 billion a year to fund the Social Security program.

All right. So we have a problem that is coming to us. The first thing I was taught by my father as a young boy is that a half truth is a whole lie. The half truth is that there is a surplus. Yeah, there is more money in Washington than what we are spending out. But

it does not belong to the Congress to spend any way it wants to. It belongs to the Social Security system.

What is going to happen if we continue with this half truth-whole lie is that the children that are going to be 30 years of age, that are going to be born this next year, are going to have a FICA tax rate of 28 percent instead of 12 percent.

That means that if we made $100,000, $28,000, not income tax but payroll tax, will have to go just to keep even to fund the Social Security system in this country.

So before we can ever begin to hope to solve the Social Security problem, we have to be honest about what it really is. What it really is is the surpluses that were seen last year and the surplus that we are going to see this year is made up entirely of Social Security money.

The next diagram shows you what actually happens to Social Security money. Right now, the Federal Government uses excess Social Security to pay for more spending or to pay off the debt.

Last year, we did retire some external debt. We borrowed Social Security money. We gave them a note that bears interest. We used that money to pay off people outside of our government, outside of our Nation, who have loaned us money to run at a deficit. We are paying that off. So we are putting in IOUs, credited to the Trust Fund.

It is important to note that, last year, we took $26 billion of the Social Security Trust Fund and spent it on nonSocial Security programs, which stole $26 billion of the seniors' Social Security money and spent it on other programs.

That is why it is so interesting to hear that we have to spend all this additional money on education where, in fact, if the Congress would live up to its obligations that it made in 1973 on IDEA that we would fund 40 percent of the cost of the special ed in this country, we would free up billions of dollars in local monies to be spent on education, and we would not have to have a Federal program to build schools, because the schools would have the money to build it, because we have not kept up our end of the bargain.

So what is going to happen in 2013, we are going to spend more money than what comes in. We are going to have to either go borrow money, or we are going to raise taxes. It is real simple. Actually, we are going to do one of three things, and let me show my colleagues what that is.

So how do we solve the Social Security program? How do we solve this problem so that the money that goes into Social Security is used for Social Security? How do we solve it so that the people who are working today can have a retirement benefit that is supposed to be guaranteed to them?

As they poll young people under 35 and they ask them, ''Do you believe that you will get Social Security money, or do you believe that there are UFOs out there,'' more people believe there are UFOs flying around than believe they will see their Social Security money. That is a condemnation on Congress that we have let down the American people.

So what are our options? Save the hundred percent of the Social Security surplus and transition it into some instrument that earns more money, one. What we can do is repay the money taken by the fund by raising taxes, and that is exactly what I outlined, that we are going to have a 28 percent effective FICA tax by the year 2015 to pay to meet the obligations that we have committed to under Social Security.

Or, finally, we can do all sorts of things to Social Security. We can back up on our agreement to Social Security. We can raise the age at which it is available. Nobody wants that. Or we can lessen the benefits.

Our seniors now can hardly get by on the Social Security money that they are receiving. So option three is not any good. Option two, all it does is transfer our lack of physical control, our lack of ability to do what we were sent up here to do, and sends it to our grandchildren.

As I talked to seniors, three things come to their mind. They do not want the Social Security money spent on anything but Social Security. Number two, they want the debt paid down. Number three, they do not want to saddle their grandchildren with the excesses of our inability to do what we were sent up here to do.

So let me draw you a comparison.

Mr. SANFORD. Mr. Speaker, will the gentleman yield?

Mr. COBURN. I am happy to yield to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Speaker, before the gentleman goes on, I see this next chart up on spending, but for one second I would like to go back to that first chart that he was holding up on the surpluses or lack thereof themselves. Because what I think is interesting about that chart is that, while we may not get it in Washington, folks back home in Oklahoma or folks back home in South Carolina or folks back home across this country really understand this chart; and that is, Washington says we are running a surplus. Yet, when I talk to folks back home, what they tell me is, if we went down the street and there was someone living on our street that had to borrow against their pension fund reserves or retirement reserves to put gas in the car or food on the table or rent money down, we would say that family was not running a surplus.

In the business world, if we actually borrowed against our pension fund reserves to pay for the current operations of the company, we would go to jail based on Federal law.

Mr. COBURN. Mr. Speaker, that is right.

Mr. SANFORD. Mr. Speaker, what I think the gentleman from Oklahoma is pointing out here is something that really the American public is way ahead of us on. Unfortunately, he is exactly right in that this is beginning to show itself in the confidence that people have in government.

Because I do not know if my colleagues have seen the Roper poll, but there was a Roper poll. It has been commissioned every single year, basically, for the last 30 years. In that poll, back in 1963, they basically said to the American public, ''Do you have confidence that people in Washington, that your government, will make the right decision?'' And 73 percent of Americans said, ''Yes, we believe that Washington, our government, will make that right decision.''

That poll, when it was taken last year, what people found was that 19 percent of Americans thought that Washington would make the right decision. That is reflected in the UFO poll that the gentleman mentioned.

I saw some other crazy questions that were asked in a recent poll. One of the questions was, ''Which of the following is more likely to happen: You collect all the Social Security money that you are entitled to, or a pro wrestler is elected President?'' Believe it or not, more people thought that the pro wrestler would be elected President.

Another one was, ''If you had $1,000 to bet on the Superbowl or $1,000 to pay into the Social Security system, which one would give you a better return on your money?'' Again, I think this is horrible, but more people believed in the Superbowl bet than the Social Security bet.

Mr. COBURN. Mr. Speaker, reclaiming my time, let me interject something, because the American public does not know this. The actual rate of return, real dollar rate of return on one's money that one puts into Social Security over the last 30 years has been less than 1 percent per year. It has been six-tenths of 1 percent. Well, one could loan the money to one's grandkids at 2 percent and do three times better than what the Federal Government has done with one's Social Security money.

Mr. SANFORD. Mr. Speaker, if the gentleman will yield, what I think is interesting about that is that is not a fault of the designers of Social Security. In other words, back in 1935, when they created this system, I mean nobody could have anticipated that a baby boom generation was coming our way.

So I think that they did create a great system. It did a lot of good for my mother, for my grandmother. But the question now is, because of what has been going on here, in other words, because of the way Washington has been borrowing against these Trust Fund balances, we have a real problem. The question that the gentleman correctly raises is, what are we going to do to protect those balances?

Last year, when Washington borrowed $101.3 billion from the Social Security Trust Fund, they did it without

people making a lot of noise back home. A lot of people did not realize that, one, the money had been borrowed, or those that did, it did not feel that real. It did not feel like it was out of their pocket.

But if that same money was housed in individual accounts, and I do not mean laissez faire, good luck, hope-you-make-it-when-you-retire kind of accounts, but accounts with a lot of controls, just as all Federal workers have, for instance, with the Thrift Savings Program, if we had those controls in place and people got a monthly statement and they knew to the penny how much was in their Social Security account, and then Washington came up $100 billion short, and they said, ''Well, let us see, Mr. COBURN, your pro rata share of that will be $734.53. Would you mind cutting a check and sending it to Washington?'' people would go berserk.

So I think that, as Alan Greenspan, chairman of the Federal Reserve, very correctly pointed out, we need to create a real firewall that protects basically people, Social Security money from the political forces in Washington.

□ 1545

Mr. COBURN. Let me add one other thing. The Social Security System, as designed, was a good system. We had a lot of people working to pay for very few people getting benefits.

We have two Members here that are term-limited that are talking about this issue. We are citizen legislators. We are both in our last term. We have been here 4 years. These are our last 2 years. One of the things that has happened is this body, because of politics rather than because of American spirit, has promised things for votes without asking the taxpayers to pay for it. So we have seen a lot of expansions in Social Security, which are not bad, but they did not have the political courage to say, if we spend more, we have to pay for it. So, therefore, the system's expenditures went up without a concomitant increase in the revenues to pay for it.

So now we have two problems: We have, one, the population shift with the baby boomers; but we also have the lack of true integrity by the Congress to pay for the things that they pass on as a benefit. So the way to get reelected is to send the pork back home, tell people that we are doing something for them, but their grandchildren and their great grandchildren are going to be hassled, and their standard of living is going to be markedly decreased because we did not have the courage to say, if we are going to do something, we have to pay for it.

This gets me to the next slide: why we have to control spending. This is the Federal budget, excluding Social Security. These are the real numbers. This is no hokeypokey. There is nothing other than CBO numbers here and OMB numbers. President Clinton's budget and the actual CBO projections. What we see here is if we do not restrain spending, then we are going to continue to spend more and more and more of the Social Security money on programs that are not related to Social Security.

Now, I happen to believe that this year or early next year we will run what is called a true surplus. That is, we will have more money coming into the government than we spend, excluding Social Security. The CBO budget projects that somewhere between 2000 and 2001. That is this green line. But if we follow what President Clinton wants to do, he wants to spend 38 percent, and, actually, it is more than that, it is about 45 percent in the next 5 years, of the Social Security surplus on new programs.

Now, I come from a district that is a Democrat district. I am a Republican, but my district is 75 percent registered Democrats. My Democrats, my constituents, do not want that money spent. And what will we see as we do this? What happens to the national debt? The national debt goes up. What is it that our children are going to have to pay back? They are going to have to pay back the national debt. Under President Clinton's program he is going to raise the national debt hundreds of billions of dollars. The total debt.

Now, sure, he is going to shift some of it, but at the end of this last year, when we went through, and even though we spent Social Security money and we paid off some external debt, our national debt actually increased $22 billion. Now, what is the reason for that? We passed spending proposals that were off budget. Emergency supplementals.

Whenever we hear those words, ''emergency supplemental'', what that means is our grandchildren are getting ready to get it. Because it is not going to be paid for, except in rare instances. This Congress, since 1994, has offset two of those, but the vast majority have not been offset, so they will end up paying for that. And the next year, that money that was spent comes in to raise the baseline of spending for that year.

So the reason the national debt went up $22 billion, even though we retired external debt, is because we borrowed more than what we showed on the books. There was another $22 billion that was spent that we were not honest with the American public about who was going to pay for it. And it is our grandchildren.

I have two little grandchildren, a 3-year-old and a 1-year-old, and the last thing I want to do is leave them a legacy where they have an income tax rate of 30 percent and a working tax rate, a FICA tax rate, of 25 percent, and that their standard of living is going to be markedly lower than ours.

What is the answer to that? Let me just finish this point. The answer is the Federal Government is not efficient. I have asked about that around this country and nobody says, yes, the Federal Government is efficient. Well, if it is not efficient, why do we not cut spending within the Federal Government to make it efficient so that we will not spend Social Security money?

The education dollars that the gentleman from North Carolina (Mr. ETHERIDGE) wants to spend, and which we need to invest in education, I do not think we will find anybody that disagrees with that, we can find that money through the inefficiencies of the Federal Government.

One last example. If this country were to go to war tomorrow, we would all, as a Nation, hunker down and say, we have an emergency, we can do things better, we can do things more efficiently, we can do things in a way that costs less.

We have an emergency right now equal to any world war we would go to, and that emergency is we are taking away the opportunity, we are taking away the future of our grandchildren by not having the courage to stand up and cut the spending where it does not need to be spent and spend the money where it does need to be spent.

Mr. SANFORD. On that point, I think it is interesting that Economist magazine, which is certainly well regarded, ran an article in the last 2 weeks called ''Counting Your Chickens Before They're Hatched'', and what the article talked about are the projected surpluses that are supposed to one day materialize and yet how maybe that might not happen. And, therefore, if we commit it to other forms of government spending, in other words, these projected surpluses, if we commit them to different forms of spending, we are kind of locked into a situation that could cause us to leave this place running big massive deficits.

Larry Lindsey, who was a member of the Fed, wrote an interesting piece about 6 months ago breaking out the revenue stream to the Federal Government. In other words, the taxes that are sent in by Americans across this country up to Washington. His argument was that a large part of this job of balancing the budget has, as the gentleman correctly pointed out, not been done by folks in Washington by actually cutting spending but it has really been done on the shoulders of working Americans.

Because what had happened is the historic average, basically since the time of World War II, in other words, government's take as a percentage of all the activity in America, what they call GDP, has been about 20 percent. We have been basically at or slightly below that number. Well, right now we are at a post-World War II high in terms of Washington's take as a percentage of the collective activity of working Americans. And if we actually really break out the number, what we see is a large part of that income stream to the Federal Government is due to capital gains income and it is due to bonus income. It is tied to this bull market.

Well, most certainly, at some point, this market is going to cool off. And Mr. Lindsey's argument was that when it does so, all of a sudden, since it is income tax that is solving the problem rather than spending cuts, it is going to cause us to run big deficits again. So the importance of what the gentleman is stressing here, which is actually keeping a lid on government spending, I do not think can be overemphasized. Because here we have a member of the Fed saying how important this is, which is exactly what the gentleman is saying right now.

Mr. COBURN. I think what is important for everyone to understand is all of this red in the President's budget comes from social security taxes. Every bit of it. And what he has said is that we are only going to spend 38 percent of social security taxes on something else, rather than we are going to take Social Security and put that money in Social Security and have the fiscal discipline to control the spending in the Federal Government.

Mr. SANFORD. And could I add on that point? I do not know if the gentleman has looked at the analytical perspectives within this year's budget, but there are assumptions that could make those red numbers, frankly, a lot bigger. Because one of the assumptions built into the Social Security plan is that domestic discretionary, which is basically every other spending outside of Medicare and interest and Social Security, is going to go dramatically down.

Right now it is about 7 percent of GDP, again, the collective activity of all working Americans, and what they assume is that it goes down to 3 percent. Now, they had to assume that, because to keep the amount of money going into Washington within historic bounds, which is about this 20 percent number, and given the fact we have 70 million baby boomers starting to retire around 2012, and we know entitlement spending is going to go up, to keep it within that realm of reasonableness, they had to shrink the other number.

I think that is a crazy assumption. Because what it means is if all of a sudden Congress does not get real tough in this other area of government spending called domestic discretionary, what that means is a tax cut down the road, which goes straight back to the gentleman's grandkids.

Mr. COBURN. Absolutely. There is another thing which is important to note. And this is not a method to try to beat up on the President's budget. That is not my point. My point is to draw a contrast. Even within this, there is $50 billion worth of tax increases, in fees and licensing fees and tax changes. So that if, in fact, the $50 billion in tax increases were not added, we would be stealing $75 billion or $80 billion from the Social Security based on the spending.

The Congress agreed with the President in 1997 that we would have 5-year budget caps that were locked into law. It was an agreement. Last year the omnibus reconciliation package broke that agreement. The President signed it, this House signed it. Neither of these two gentlemen that are talking today agreed with that. We did not vote for that bill. The point being, as we start the 2000 budget, with the administration's budget, they break the spending caps by $30 billion.

So we have to get back to this idea that we have to restrain spending. The fact is there are lots of programs within the Federal Government that are ineffective, that have not been looked at, that do not accomplish what they were set out to do, that have not had an oversight hearing to make sure they do that. The Congress has failed to do its job for the last 20 years in terms of oversight. There have been very few programs that have been started that have ended, number one; and there have been even many more of those that have been started that we have never looked at to see if they were accomplishing the very goal we set out to accomplish.

So if, in fact, we can constrain spending, by the year 2001 we will have a real surplus, and then we can decide what we do with that real surplus. Do we pay down the debt, as most of the seniors in my district want us to do? Do we give some money back to people who are working poor and working? Because they are having trouble making it now. Do we give some of this money back to them? Do we expand selectively some of the government programs?

Our goal should be to let us not spend anything until we are in this stage. We are spending money we do not have now and we are stealing from the Social Security System.

I see the gentleman from Michigan (Mr. HOEKSTRA) is here. Would he like to jump in on this?

Mr. HOEKSTRA. Well, I just wanted to thank my colleagues, number one, for doing the special order and for, number two, inviting me to participate in this process.

I am part of the Committee on the Budget, and as we enter the next couple of weeks the decisions that we make are going to be critical. Do we stay within the spending caps, the agreed-upon level that a couple of years ago we said we can live within this; that we can get done what we want to get done in Washington if we spend at this level?

I know a couple of years ago some of us had a very difficult time voting for those spending caps because we thought it was too much money. We said we need to get to a surplus quicker and we ought to rein that spending in a little. But as part of a bipartisan compromise, the President coming to the table, our colleagues on the other side coming to the table, we said, all right, we will give, we will let us have a little more spending. And now we get to 1999, the economy has been good, Washington has been collecting more in taxes than what we expected we would, and the first inclination here in Washington is, times are good, let us spend it.

Mr. COBURN. Show me the money.

Mr. HOEKSTRA. Show me the money, and out the door it goes. Again, we have kind of set the priorities in the wrong place, because we have said the first place the money goes is to us, this generation, this generation of citizens and this government in Washington. And, really, what we ought to be doing is we ought to be taking care of the sins of the Congresses in the 1980s who built up this $5.5 trillion debt. We ought to take care of those sins and start paying down the debt.

I agree with the gentlemen. In my district people are saying, nobody is talking about paying down the debt. They say we are talking about reducing taxes, we are talking about more spending, but nobody is talking about paying down the debt. We ought to take care of the sins of the 1980s and start paying down the debt. And when we do that, that is good for seniors, because we strengthen Social Security; and that is good for our kids, because it takes this $5.5 trillion debt off their back.

□ 1600

Mr. COBURN. I think again, just to reemphasize the point, first, if we do not put all the Social Security money into Social Security, one, if we do not address the problems with Social Security, we are going to see at least $800 billion per year in increased taxes on working Americans just to pay for Social Security. That does not have factored into it any inflationary spirals that might be higher than what we think they are going to be.

So to get $800 billion in 2030, $780 billion in 2029, what do we do? What that means is the constituents in my district, my grandchildren, they are not going to get to do anything except barely eat, barely sleep and have a roof over their head if they want to pay for my generation's Social Security.

So the hard work has to start now. The hard work has to be associated with restraining spending, not necessarily new spending on new programs but paying for it by cutting spending somewhere else that is not effective, rather than spending more of our grandchildren's money.

Mr. SANFORD. I know that the primary focus of our brief visit this afternoon is on government expenditure, it is on truth in advertising, if you want to call it that, because the government has been, I think, disingenuous with the way it has called this a surplus, because this is not what folks at home would call a surplus, it is not what business would call a surplus. But tied to it is this issue of Social Security. There is one point that I think is worth mentioning, because it frankly sounds alluring. As you mentioned earlier, which is not related to reserving the surplus for Social Security but in the

larger context of the Social Security problem, that the trustees, not what I say, not what you say, not what the gentleman from Michigan says but what the trustees have said is that if we do nothing to save Social Security, it is going to have real problems down the line. The choices are fairly limited as we all know. You can cut current benefits, you can raise taxes, or you can grow the assets of the trust fund at a higher rate than they are now growing at.

Mr. COBURN. Let me ask the gentleman a question. If all the money coming into the Federal Government, real surplus plus Social Security, was saved, we still will not have enough money to take care of Social Security, will we?

Mr. SANFORD. Correct.

Mr. COBURN. That is an important point that the President has never mentioned. No matter what the surpluses are in the future, no matter how great they are, saving all Social Security money for Social Security plus all the rest of it will never save enough money to be able to meet the obligations for the babies born from 1942 on. We will never get out of the hole. So something has to happen. I think that is the gentleman's point.

Mr. SANFORD. Of the available choices, I mean, it seems to me that the most reasonable of those three choices would be growing the assets of the trust fund at a higher rate. And then the question simply is, well, do we do that collectively, which is essentially what the President had proposed with investing a portion of the trust fund in equities, or do we do that through individual accounts?

I just think it is worth stressing that in my look at this problem, the idea of an individual account and not a laissez faire, good-luck-grandmom-hope-you-make-it-when-you-retire kind of account, but the idea of a controlled personal account with a lot of different safeguards, just as a janitor here on Capitol Hill would have through the Thrift Savings Plan.

Mr. COBURN. The whole idea is with a guarantee that nobody would ever get less than what they are committed to now in terms of Social Security. There will always be that guarantee there.

Mr. SANFORD. The reason I think that is so important is, more than anything, and this is again what the chairman of the Federal Reserve, Alan Greenspan, said, that you have to create a firewall between political forces in Washington and that money. If there is not a firewall, most certainly the money will be borrowed against, which is what has been happening over the last 30 years, to fund other areas of government. So if you are going to create that firewall, again I come down on the side of individual accounts, not only because of the firewall but also because of the way this place works.

It is interesting, it sounds enticing, let us invest collectively, we will get the higher return and we will take risk out, but by leaving it there, it leaves Washington's hands in it and that means a couple of things. It means, one, I do not think you can serve two masters. Microsoft stock, for instance, last December, not this December but the December before, between December 18 and December 23 dropped by about 14 percent. It did so when the Justice Department announced that they were bringing suit against Microsoft. If the Federal Government was invested in Microsoft through the form of the Social Security trust fund, then all of a sudden you are going to have AARP calling you up, their representatives saying, ''Wait, don't bring up that suit because my trust fund money is in that.'' In other words, it is very difficult in Washington to serve two masters. I think we ought to think about that. For that matter it is very difficult in Washington to serve one master.

The gentleman from California (Mr. WAXMAN) to his credit cares passionately about the issue of tobacco smoking. I cannot imagine him disappearing and not caring what the trust fund was invested in because he cares about the issue. The gentleman from New Jersey (Mr. SMITH) from the Republican side cares passionately about the issue of abortion. I cannot imagine him sitting idly by while the trust fund was invested in a pharmaceutical company that had a pill related to abortion. In other words, from all sides there would be political influence in the trust fund. What I think you have to look at in a trust fund is how are you going to get the highest return so that one can enjoy the best return.

Mr. COBURN. Let me just summarize, if I can. The whole purpose of talking to the American public about this is it is called daylight. Knowledge is powerful. The more Americans know that we are actually taking Social Security money and spending it on something other than Social Security, the more reaction that we are going to get to say, ''Don't do it.'' Because we know not to do it, but the tendency in Washington is to spend money, not conserve your money. The tendency is to think in the short term, not the long term. I want us thinking about our grandchildren, and I want us to ensure that we live up to every commitment that we have made to seniors. We can only do that if we are honest about the problem that faces us. To be dishonest will compound the problem for another generation past this one.

Any fix that is going to happen on Social Security cannot be a short-term fix. It has to be a long-term fix. And it has to recognize the reality which is the government cannot continue to take 22 percent of the gross domestic product without holding down growth, holding down opportunity, holding down job creation and holding down capital investment.

Mr. HOEKSTRA. If the gentleman will yield, I think the other thing that we have to take a look at is now is a wonderful window of opportunity. Much like we did a couple of years ago when we did the balanced budget agreement, we can and we found common ground, we did it with welfare and when we found the common ground, we were able to move forward and 3 years later we are finding out that those programs have been very successful. When we worked to cut spending, when we worked to do the budget agreement, we said we can get to a surplus by 2002. Under those rules, we were there in 1998. Now I think we can apply that same kind of creativity in a much different environment because we have made so much progress on spending, we can take that creativity and apply it to Social Security and I think the values and the principles that the gentleman was articulating are exactly what we want to do. We want to make sure that we don't impact seniors' benefits. We want to really restore the integrity of Social Security for 50 to 75 years. We want to make real progress on those issues.

The other thing that we know that we can do is that we can make a lot of other progress. The interesting thing is we get to a surplus, is that we forget about the $1.6 trillion that we are currently spending and we naturally assume that all that money is being spent wisely. Today in the Education Committee we marked up what we call an ed flex bill which is going to allow the States a much greater degree of flexibility. Why? Because when they get involved in reporting back to Washington from a State or a local level every dollar that we collect in taxes for education, only 65 cents of it reaches a child. And that if we apply the same kind of creativity to that $1.6 trillion that we are spending today, we open up all kinds of opportunities to better educate our kids so that no child will be left behind, that we then would have room for Social Security, to save Social Security, and then if we really are serious about taking a look at that $1.6 trillion that we are spending today, we would also have room for tax cuts, by saying we can get the same impact for education.

We took, and my colleagues are both familiar with this, on Education at the Crossroads, 39 different agencies administering something like 700 programs, losing 35 cents of every education dollar to bureaucracy, not to educating children. Just think about changing that process and focusing on the kids. We can get 35 percent more Federal money into the classroom just by taking a look at the process here and saying, it is not the process that is important, it is not the bureaucracy that is important, it is our kids that are important and we are going to get there.

This is really a wonderful era right now that we ought to grasp and we ought to take a look at every issue. We ought to save Social Security, but we cannot forget about going back and

taking a look at the $1.6, $1.7 trillion that we spend each and every year.

Mr. COBURN. I think the other point that the Education at a Crossroads made to me is not all our problems in education are going to be solved by money. I have a daughter who is not teaching now, she is fortunate enough to be able to be home raising her children. But what she told me was two things about education. One is, is I got to spend about a third of my time filling out paperwork for the bureaucracy. The second thing is I do not have the tools to control the discipline in my classroom.

So it does not matter how much money we spend, if we do not fix those two problems where teachers can teach, then we are not going to solve the problem. It is easy to get a vote from a constituent saying I am spending a lot of money on education. It is very difficult to talk about what the real problem is, because it requires us to change. It requires all of us to participate and do something.

I just wanted to make one other thing. I am into my sixth decade. I proudly have joined an organization called AARP. I did that not because they necessarily represent all my viewpoints but I wanted to be able to have input as we say this, I am interested in getting my Social Security. I am a baby boomer. I have an investment in my retirement. Since I am not going to have a retirement from Congress, I am going to want my Social Security money. So to me it is important that we create the truthful paradigm that we are trying to make sure the American public knows today about where the Social Security money is, where it is going and how big the problem is for the future.

Mr. SANFORD. I would follow up with, as we look at ways of doing that, I think it is very important that we focus on the big problem. At times in Washington, we get so caught up in actuarial balance of the trust fund and it will extend it from 2030 to 2035 and 2030 to 2045, all kinds of strange numbers focused only on the trust fund but not really focused on the big picture. The big picture to me would be that Roosevelt when he and others designed this system, the promise was we will create a system that creates for you a better lifetime in retirement. In this whole debate, I think we ought to keep focused on not just actuarial balance of trust funds, because we can do that. We can do that by cutting benefits a little bit, raising taxes a little bit. In other words, we can get to actuarial balance in the trust funds fairly easily. Taxes have been raised almost 50 times or benefits cut almost 50 times within the system since it was created. But I think we could do that and still miss the main point. The main point is are we or are we not keeping Roosevelt's promise of a better lifetime in retirement?

As you correctly pointed out, there was a recent UCLA study that showed for a young person born in 1970, they would have to live 110 years just to get their own Social Security taxes back out. Not even a return on the Social Security but just the taxes themselves back out.

Mr. COBURN. Let us say that in a little plainer words. If you put X amount of dollars into Social Security and you were born in 1970, what that says is you would have to live to be 110 years old until you got that money back. That is not in real dollars, that is in dollars from 1970, which means you would probably have to live to 130 or 140 to get it back in real dollars, not counting earning any interest on the money that you had invested.

Mr. SANFORD. So some of these looks at fixing the problem may fix the trust fund but make it so that somebody has to live 150 years to get their return. That is not the promise of Social Security. What I am hearing from constituents back home is Social Security taxes are the largest tax 73 percent of Americans make. Consequently what they are telling me is for me, it is the largest investment I will make. Therefore, you need to make this stuff count. Because some people say, you need to focus on additional savings outside of the roughly 10 percent of what you earn every day, every week and every month on Social Security. You need to make additional savings. They are saying, ''Mark, you can only squeeze but so much blood from a turnip. I am struggling between gas money, rent money, food money, education money. I don't have any other savings. Therefore, I've got to make Social Security count.''

So we have got to stay focused not on actuarial balance but on the promise of Social Security which is to make sure it is not a system that guarantees somebody a negative rate of return or a 1 percent rate of return but something higher than that.

□ 1615

Mr. COBURN. Let me share with my colleagues, as they both know, I practice medicine on Mondays and sometimes on Fridays and on the weekends, and I cannot use the patient's name because I would be breaking a confidence, but I am going to call her Mattie. Mattie, she has diabetes, she has hypertension, she has congestive heart failure. She is getting her Social Security. Her husband recently died. There is no way she can have on today's payment an adequate living to care for her without her children helping her out.

Mr. Speaker, just to fix Social Security we are going to get back to that point, let alone meeting the obligations that we really have for our seniors. So what we are really talking about is getting people back up in the future to meeting what was originally promised and meeting that commitment, but it does not solve all our problems with our seniors.

Mr. Speaker, the government cannot solve all those problems. That is why family support is so important, and this young lady, she is 86 years old, would not make it if she did not have a family.

Mr. HOEKSTRA. If the gentleman would yield, I think what our colleague has pointed out is the awesome responsibility you have. As my colleagues know, at the Federal level, at the State level and at the local level we are going to working Americans and saying:

The first 40 cents you own of every dollar is ours.

So, Mr. Speaker, we have got an awesome responsibility as to how we spend that money, how we spend it today, and also the commitments and the promises that we make. So, as my colleagues know, we are in many ways making a lot of choices for those people on how their money is going to be spent because we have taken it from them, and we do not give them a choice as to whether they are going to use it for education, for homes, for an investment or for their retirement.

Mr. COBURN. Let me get the gentleman to yield for a minute, if he would. That to me says we certainly do not want to waste this money and that we want that in the green so they will have more of that flexibility. And that is the contrast here. Hundreds of billions of dollars of additional Social Security being spent on non-Social Security programs versus no Social Security money being spent on anything except Social Security, and when we do get to a true surplus, then deciding what we do with it.

Mr. HOEKSTRA. Mr. Speaker, we have the commitment then not only for how we spend the current dollars, the 1.6–1.7 trillion, but then we also have the commitment that our colleague was talking about, the promises that they inherently believe that we have made. I mean, every week they are paying 12–13 percent to Social Security and Medicare, expecting that somewhere along the line they are going to receive a benefit from that. But we know from all the surveys that most young people do not believe they will ever see a penny of it, and that means that we are not really keeping the faith with the people that are paying those taxes today because they do not believe that they will ever get it, that we will ever solve, if the gentleman will fetch that chart back up, as my colleague knows, they do not have a degree of confidence that we are going to take care of that blue part of the chart.

Mr. COBURN. So let me ask the gentleman from Michigan a question. Can we solve the Social Security problem and can we meet the obligations to seniors in this country and can we do that honestly?

Mr. HOEKSTRA. Absolutely.

Mr. COBURN. Absolutely.

Mr. HOEKSTRA. The opportunity is here today to do that.

Mr. COBURN. And that means we have to be honest about what the numbers are. We cannot use this as a political tool to win a political race. We have to be honest. This should be above politics. This should be above, about keeping our commitment to our seniors, and making sure we ensure a future for the working people today, and making sure we ensure the opportunity for our children and grandchildren for tomorrow. I believe we can do that, but it is going to take political courage. It is going to take the courage of statesmen, not politicians, to come up here and do that. The American public is going to have to measure whether or not we did that or not.

Mr. SANFORD. Mr. Speaker, I would say again, and I do not want to go off the subject, which again is rightly focused on honesty in accounting, and that is if we, as my colleagues know, if we have to borrow money to get to run the surplus that we are running, most folks would say we are not running a surplus and therefore it is important to do something about spending. That is the primary thing we are talking about.

But tied to that again is this issue of Social Security, and I think it is so important that when we look at security for Social Security, of the available choices which are cut benefits, raise taxes or grow the investment at a higher rate than we are growing at, that we simply take a page out of the Federal book, if my colleagues want to call it that. Because everybody from a senator to a janitor here on Capitol Hill has the option of going into basically a 401(k) plan, a savings plan, and in that plan they have got a limited number of investment choices. One can have a Treasury fund, a corporate bond fund or an equities fund; and with all that, nobody can put all their eggs in one basket, nobody can go out and say, I have got a hot stock tip from my brother-in-law, and I think I am going to invest my Social Security money in that or, in this case, their thrift savings money in that. Nobody can say, I hear the Singapore derivatives are a hot investment right now; I think I will go into that. It is all very much controlled, and what is interesting about that, as a result, there are no horror stories of janitors on Capital Hill losing everything that they have.

So I think it is important that we look at the idea of putting to work what Einstein called the most powerful force in the universe, and that was this power of compound interest.

As my colleagues know, there was this woman a couple years back, and I do not know if my colleagues remember the story, a woman by the name of Oseola McCarty, and she was from Hattiesburg, Mississippi, and yet she ended up on the front page of the New York Times, not for axe murdering a cousin or a nephew, but for a great reason, and that was she went down to the local university and said, I would like to help out. And she was a woman of very humble means. She had never made a lot of money over her lifetime. In fact, she had washed clothes over the bulk of her lifetime.

So, therefore, the people at the university figured, yes, she is going to make us a cloth doily or a napkin, maybe something that she has handmade. Instead, she strokes them a check for about $100,000. They are flabbergasted, and the reporter there from the New York Times is asking:

How in the world did you do this?

And she says:

Well, I just put a little bit away over a long period of time.

Mr. Speaker, that power of compound interest is something that we ought to take advantage of when we look at cures for Social Security.

Mr. HOEKSTRA. If the gentleman would yield, I think, and also as we take a look at it, I do not think there are any proposals here that are saying take all of the Social Security money and do that with all of the Social Security funds. It is most of the proposals, if not all of them, are very modest proposals to take advantage of the exact benefit that the gentleman is talking about, and they all have structured in them protections for the individuals who will be on Social Security so that they will not get less money than what they get today but will have the opportunity to earn higher returns and have a higher payout when they get to be 65 or 67.

Mr. SANFORD. And, most significantly, I think they would keep in place the safety. The key issue with Social Security is safety of Social Security. If we were to draw a financial pyramid, the safest investments ought to be there at the foundation, if my colleagues will, of the investment, and Social Security is that foundation.

So I think the most important thing is the safety, and I go again straight back to what Alan Greenspan, Chairman of the Federal Reserve, said:

If we leave the money in Washington, political forces will probably find a way to get their hands on that money, which is what has been happening for the last 30 years.

Mr. HOEKSTRA. If the gentleman would yield, I just want to make one point that I do every time.

I have had a lot of meetings with seniors in my district because I wanted to start with seniors because I want to make it very clear to them that what we are talking about. We are not talking about, if you are getting a Social Security check today, we are not talking about changing their system. As my colleagues know, they are not going to next month or next year get a letter saying, you know, you have got this money and you have to figure out how to invest it in these kinds of things. No. If they are on Social Security and they are getting a check today, we are not messing with that.

What we are doing is we are talking about how we are going to save Social Security for our kids and for our grandkids, and it will be a transition process. It is not going to affect you. It is probably not even going to affect people who are 60 years old today. It is going to affect the people who are younger than that who are going to have time to understand any changes, will be a dialogue with them. We will process through these types of changes, and we will not jeopardize their Social Security either. But for the people who are getting a check today, it is not going to change.

Mr. COBURN. We are about to run out of time. I just want to leave the American public with something that Martin Luther King said in his last speech at the National Cathedral. He said that cowardice asks the question, is it expedient? And we have seen a lot of expediency in this body through the years. And he said vanity asks the question, is it popular? And we have seen a lot of things done because they are popular but not necessarily good for the Social Security system or not good for the future of our children. But he said conscience asks the question, is it the right thing to do?

The debate this year about the budget and about Social Security cannot be based on expediency, cannot be based on popularity. It has to be based on what is right and best for all three generations concerned.

I want to thank the gentlemen for sharing this time with me, and I hope we can do it again.

SALUTE TO A. LEON HIGGINBOTHAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this Congress is an honorable place; and our biggest challenge, of course, is to ensure the people's wants and desires are our first priority. In this very historic place have been major debates: the decision to move into World War II, the Korean confrontation, the Vietnam war.

But the mighty issues of the 1960s, post Brown versus Board of Education, and the civil rights marches and the march on Washington in 1963; I might imagine that there were emotional debates around the Civil Rights Act of 1964 and the Voter Rights Act of 1965.

It is fitting in recognizing this honorable place and those enormous challenges that we met that we bring attention to a gentleman who throughout his life played a pivotal role in changing the lives of so many Americans. He was part of that debate, although he was not a Member of the United States Congress. His words, his opinions, his convictions were all interwoven in the success stories of what we ultimately accomplished, those who served in the United States Congress during that time frame.

We lost him last year.

So it is my honor to be able to rise today and salute A. Leon

Higginbotham, a warrior, a jurist, an intellectual giant, a committed American; most of all, a lover of the Constitution. And I believe today, as we proceed to honor him, we will find enormous inspiration no matter what side of the aisle we may come, Democrats or Republicans, Independents, in what he stood for and how he loved this Nation.

I know that his wife and best friend, Evelyn Brooks Higginbotham, misses him greatly. To her I say, and her children, Karen and Nia, Stephen and Kenneth, who are listening today, watching today, this is not done out of a sense of officialdom, but it is a privilege, it is an honor to be able to salute this great American and to commemorate him in the CONGRESSIONAL RECORD, for he has touched so many lives.

I am going to start, and as I start I want to make note of the fact that one of his employees, if I might say, one who joined him in so many fights, has joined me on the floor of the House, the gentlewoman from the District of Columbia (Ms. NORTON). By the way, his wife looks forward to the tribute of which she will be organizing this coming April. She is excited about it and looks forward to it.

□ 1630

Let me begin, and then I will yield to the gentlewoman from the District of Columbia. This is, I think, the best way to introduce many Members to a person who all of us will assume is our friend and was our friend, and that is, A. Leon Higginbotham, Junior.

His book, In the Matter of Color, Race and the American Legal Process: A Colonial Period, is a giant of a statement on American history. But I would be remiss not to share with you about the man. The preface of this book reads as follows. It gives us a sense of what molded him, what caused him to be so convicted and so committed.

This book has been in the writing for almost 10 years. But if isolated personal incidents really do play the dramatic role in redirecting lives they often seem to have played, I have to go back for the book's very beginnings to a painful memory that comes out of my freshman year at college. Perhaps it was not the incident itself but the proper legal basis upon which the personal affront was rationalized that may turn out to have been the seed out of which this work has grown slowly.

Let me take you back to 1944. I was a 16-year-old freshman at Purdue University, one of 12 black civilian students that was attending that school. If we wanted to live in West Lafayette, Indiana, where the university was located, solely because of our color, the 12 of us at Purdue were forced to live in a crowded private house rather than, as did most of our white classmates, in the University campus dormitories. We slept, barrack style, in an unheated attic.

One night, as the temperature was close to zero, I felt that I could suffer the personal indignities and denigration no longer. The United States was more than 2 years into the Second World War, a war our government promised would make the world safe for democracy. Surely there was room enough in that world, I told myself that night, for 12 black students in a northern University in the United States to be given a small corner of the on-campus heated dormitories for their quarters. Perhaps all that was needed was for one of us to speak up, to make sure the administration knew exactly how a small group of its students had been treated by those charged with assigning student housing.

The next morning I went to the office of Edward Charles Elliott, president of Purdue University, and I asked to see him. I was given an appointment. At the scheduled time I arrived at President Elliott's office, neatly but not elegantly dressed, shoes polished, fingernails clean, hair cut short.

''Why was it,'' I asked him, ''that blacks and blacks alone had been subjected to this special ignominy?'' Though there were larger issues I might have raised with the President of an American university, this was but 10 years before Brown vs. Board of Education, I had not come that morning to move mountains, only to get myself and 11 friends out of the cold.

Forcefully, but nonetheless deferentially, I put forth my moderate or modest request, that the black students of Purdue be allowed to stay in some section of State-owned dormitories, segregated if necessary, but at least not humiliated.

Perhaps if President Elliott had talked with me sympathetically that morning, explaining his own impotence to change things but his willingness to take up the problem with those who could, I might not have felt as I did. Perhaps if he had communicated with some word or gesture, or even a sigh, that I had caused him to review his own commitment to things as they were, I might have felt I had won a small victory.

But President Elliott, with directness and with no apparent qualms, answered, ''Higginbotham, the law doesn't require us to let colored students in the dorm, and you either accept things as they are, or leave the university immediately.''

As I walked back to the house that afternoon, I reflected on the ambiguity of the day's events. I heard, on that morning, an eloquent lecture on the history of the Declaration of Independence and of genius of the Founding Fathers. That afternoon I had been told that under the law, the black civilian students at Purdue University could be treated differently from their 6,000 white classmates. Yet I knew that by nightfall, hundreds of black soldiers would be injured, maimed, and some even killed on far-flung battlefields to make the world safe for democracy.

Almost like a mystical experience, a thousand thoughts raced through my mind as I walked across the campus. I knew then that I had been touched in a way I had never been touched before, and that one day, that I would have to return to the most disturbing element in this incident, how a legal system that proclaimed equal justice for all could simultaneously deny even a semblance of dignity to a 16-year-old boy who had committed no wrong. Shortly thereafter I left Purdue University and transferred to Antioch College. Ultimately I chose law as my vocation, and in 1952, I graduated from Yale Law School.

On that opening note, let me say that not only was his life changed, but he helped change the lives of Americans. So that is why today we take the challenge of trying to commemorate his legacy in the CONGRESSIONAL RECORD, to be given to his family and to honor him appropriately.

With that, Mr. Speaker, I yield to the esteemed, honorable gentlewoman from the District of Columbia (Ms. NORTON), who will provide us with her own insight of Judge Higginbotham.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from Texas for yielding, and I thank her for her hard work on this special order in tribute to a great American. It is, I think, quite appropriate that there should be a special order for Judge A. Leon Higginbotham here on this very Floor of the House of Representatives. He testified shortly before his death here in the House. His work for many Americans and their right to representation in this body after he left the bench also entitles his memory to be noted here.

May I say that this is only one of many commemorations that are being held for Judge Higginbotham around the country. I myself was at such a memorial for him just 2 weeks ago at the Yale Law School. There are memorials at the several law schools where he taught, in addition to the many other things that he did in his life.

There will also be a memorial here in the House sponsored by the Congressional Black Caucus for Judge Higginbotham in April, and Members will receive notice of that memorial. We expect that his wife, herself a distinguished scholar, Dr. Evelyn Higginbotham, will be here.

The man we commemorate on the Floor this afternoon is a man of rare talent and humanity, an extraordinary American, an astute scholar, a great Federal judge. I would like to say a few words about his role as a judge and his role as a scholar, as Members may come to talk about the role he played in lawsuits that were brought by Members in order to secure their places here as representatives in the House of Representatives.

When Judge Higginbotham was appointed, initially named to the bench by President Kennedy, who then was assassinated, and had his name moved forward by President Johnson, he was one of the youngest men ever appointed to the bench, and one of the first African Americans ever appointed to the Federal bench.

But I must tell the Members that this was not the kind of superlative that Judge Higginbotham was after in his life, the youngest or the blackest or the first of a kind. He spent his life being the best. He gave real meaning to a word we throw around without always being able to document it, the word ''excellence.''

Who is Leon Higginbotham? Leon Higginbotham was a poor black boy from Trenton, New Jersey, whose parents had no education, elementary school education, but whose life tells us that all you need is a mother and father who care deeply that you get an education in order to reach your own potential.

He had deep racial experiences as a child, even in the north, as Trenton, New Jersey, is located. But in a real sense, his own dedication to racial equality goes far beyond the personal.

It is very easy for me to be against racial segregation, because I went to segregated schools. That is hardly a principled position. It is a very important stimulus, and it is a very compelling way in which to understand racial segregation.

But Judge Higginbotham understood equality in racial terms out of his own life, and understood and was dedicated to equality as a universal principle. He felt as deeply about equality for women, for example, as for African Americans. He did not believe that the word or the idea of equality could be segmented.

It was my great privilege to know Judge Higginbotham up close when I was a young woman just coming to the bar, because I was privileged to be his first law clerk. Every student out of law school wants to clerk somewhere, and particularly for a Federal judge. But I have to tell the Members that there are Federal judges and there are Federal judges. The experience of clerking for an energetic, young, principled, brilliant Federal judge was a very important one for my own professional development.

Judge Higginbotham had already been the first black to serve on the Federal Trade Commission, but he had not had a lot of experience with young people. He was very young himself. He immediately made me into his apprentice, an extension of the judge. Of course, clerks do research for the judge, but we did research together. We wrote together. He would give me something that he wrote to edit. I would give him something that I wrote to edit.

The experience of working that closely with someone that accomplished is a wonderful way to get initiated into the profession. He was a consummate professional, a first class technical lawyer, which is something every young person could do with when you get out of law school and are, in effect, first then learning to be a lawyer.

Moreover, Judge Higginbotham was a wonderful mentor. That is not the word we used then. Mentoring has become something that is often spoken of today. It was simply a natural way to proceed for the judge, for I was the first of a very long line of clerks, research assistants, interns. We are all over the country now. Many of them worked on his books. Some of them assisted in his chambers. All of them learned from him.

At the same time, Judge Higginbotham, who will be known for his boldness on racial issues after he left the bench, enjoyed enormous respect at the bench and at the bar for his work as a judge.

First of all, there was his prodigious capacity for work. Then there was the thoroughness with which he went about his work, first as a lawyer, and then as a judge. Although we know the judge for his deep racial views, he is one of the most respected judges or was one of the most respected judges in the United States for his principled interpretation of the law.

If you are a judge, and ultimately Judge Higginbotham became the chief judge on the Court of Appeals for the Third Circuit, you have to follow precedent if you are abiding by the rule of law, the rule of the law.

Let me quote from the Chief Judge of the Third Circuit today, Judge Edward Becker. I am quoting:

> His jurisprudence was always anchored in the record. He could be and was eloquent in opinions when he was vindicating civil rights, but he didn't reach for the result. He was a good craftsman and an altogether solid judge.

Now, as judges go, Judge Higginbotham, I think, when one evaluates his work, will be remembered as an activist judge. I am proud of that. I know the gentlewoman is. But the fact that he could do that within his craft, adhering to the rule of law in a principled fashion, says everything about why he was so highly regarded everywhere among his peers who serve or have served on the bench.

Make no mistake about it, A. Leon Higginbotham was a black man, and understood himself as a black man. The gentlewoman has spoken about and has read from his own works about some of his early experiences. This is a man who would never forget that he was a black man.

□ 1645

Yet, his approach to equality coming out of his treatment as a black man was universal because it taught him that everyone had to be treated in just the same way as he demanded to be treated.

One of his opinions that I believe will become an American classic was a case where the defendant sought to disqualify the judge because of his racial views off the bench. The judge had no prejudicial racial views off the bench, but he was known to speak before groups about his feelings about racial equality.

The judge responded to this request that he recuse himself from hearing the case about racial discrimination with an exhaustive opinion. Here was a judge that just did not say that ''I am not going to do it, and I resent the fact that you want me to get off the case simply because I am black and believe that black people should be treated equally and have deigned to say so.'' That is not how the judge did it. He wrote an exhaustive opinion showing why he should not be disqualified.

One of the lines from that opinion I want to read: ''Black lawyers have litigated in the Federal courts almost exclusively before white judges, yet they have not argued that white judges should be disqualified on matters of racial relations.''

But I would like to say a word about Higginbotham the scholar. The gentlewoman from Texas read from a book by the judge, ''In the Matter of Color.'' I have an autographed copy here that is very precious to me, and it is a book that was 10 years in the making because it documents the way in which the law was as enmeshed in all of our racial doctrine and practices.

What he demonstrates through a detailed evaluation of the case law and the statutory law in about a half dozen of the colonies is that without the law every step of the way, slavery, and later discrimination, would have been impossible. Law was the handmaiden of slavery and discrimination. Facilitated it. Augmented it. Made it possible.

Here was a man who loved the law. Loved the law enough to expose the law for the role it had played in the deepest injustice in our society so that we could understand it, throw it off, as will be the case when we do understand the derivation of an issue.

Leon Higginbotham lived several lifetimes all in one for his 70 years. I believe that his role as a scholar of the history of the law will be remembered as least as much as his role as a lawyer and a judge, because of these two monumental books, ''In the Matter of Color,'' and the second book, ''Shades of Freedom.'' He had intended to do about a half dozen such books. He got two done.

Essentially, what Higginbotham did was to look at 300 years of law. And when I say ''law'' I do not mean reading decisions of the Federal courts. I mean looking at every single case in the colonies, every single statute in the colonies, and in the process he unmasked what was and can only be called a jurisprudence of racism that is part and parcel of our law and was there from the very beginning. He showed how it was there even at the time of the writing of the Declaration of Independence which, of course, does not mention race at all.

Thus, what Higginbotham did as a scholar was to show us the law at its worst and our law as it is now becoming as its best. In effect, what he shows are the extraordinary, huge contradictions in our law and that these contradictions survived even the Civil War, which after all was fought in part to erase slavery and contradictions based on race. Instead, a new case law came into being and fortified discrimination to follow slavery.

In a real sense, Leon's time on the bench and his scholarly investigation is what undergirded his passion against racial discrimination. It is, as I have indicated, easy enough to have passion against racial discrimination that is felt. What was extraordinary to see was how Higginbotham was animated by what he had read about slavery, what he had discovered about the role of the law in perpetuating slavery and discrimination.

At the end of his life, that is what propelled him. It was intellectual curiosity at its best. And as one of his former law partners have said, he died working, which is what he wanted to do. He died in love with the law, exposing the law, wanting to let everyone

know what was wrong with it so that we could make it right. And he spent much of his life doing what it will take to make it right.

Like the gentlewoman, I would like to close by reading a couple of passages from ''In the Matter of Color,'' because these passages document what I have been trying to convey about why the judge wrote about the law's imperfections.

I am quoting here: ''Specifically, this book will document the vacillation of the courts, the State legislatures, and even honest public servants in trying to decide whether blacks were people and, if so, whether they were a species apart from white humans, the difference justifying separate and different treatment. I am aware that an analysis of cases, statutes and legal edicts does not tell the whole story as to why and how this sordid legal tradition managed to establish itself. Nevertheless, there is merit in abolitionist William Goodell's statement: 'No people were ever yet found who were better than their laws, though many have been known to be worse.' ''

Finally, let me read the last passage I want to bring to the attention of this body. The judge goes on to say, ''While I do not represent what I put forward here as a complete picture of the practices of the society, that canvas will never be painted unless someone first treats adequately the interrelationship of race and the American legal process.''

Mr. Speaker, we are a part of the American legal process. To the extent that we come to grips with the scholarly discoveries of Leon Higginbotham, we will avoid the pitfalls out of which we have just come. Leon Higginbotham served us in so many ways. As a lawyer, as a judge, as a scholar, enlightening us, humanizing us in each and every role.

This special order simply brings to the attention of this body the role that a great man has played in the life of our country.

Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman for both her passion and her distinct eloquence.

Mr. Speaker, I think it is very clear, after her rendition, why I thought it was so important to come to the floor and honor this great American. I am delighted as well that other Members are joining us, and I wanted to comment on some of the points made by the gentlewoman from the District of Columbia (Ms. NORTON) in that she defined a special role and responsibility and interaction that she had with Judge Higginbotham.

I guess I can call myself a product of Judge Higginbotham's work, for in the State of Texas I would venture to say that it would be difficult to count more than 20 African-Americans on our entire State elected judiciary. Judge Higginbotham and his research helped enunciate or make plain those difficulties.

The existence of this 18th Congressional District is by the very fine works of Judge Higginbotham and his supporting team, the NAACP Legal Defense Fund, who argued against the demise of minority-majority districts which, for some reason, has gotten a bad name in our legal system and all we see it is as an attempt at representation.

But I think that it started early in his life, his recognition of the fact that he had to be a fighter. I am glad the gentlewoman ended on the fact that he was a great American. He, as a child, wanted to be a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality. And it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as he wanted as a youth to be a firefighter, he became in the end the responsible person for the dampening of the fires of racism.

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. Judge Higginbotham reminded us in poignant terms and with his powerful voice of our Nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our founding fathers to include all Americans and he fought with all his might and intellect to protect his principles and guarantees.

One can imagine our perspective in the House Committee on the Judiciary during the impeachment proceedings when he brought this eloquence, this statesmanship, this intellect into those impeachment proceedings. Everyone to a one, Republicans and Democrats alike, respected this giant intellectual. And he handled us in that committee. And it was not with insult, but it was with straightforwardness. He knew the Constitution. He had lived it and he shared his vision with us. I thank Judge Higginbotham for that.

He was an African-American judge and we just finished celebrating African-American History Month. He is the kind of person that I know in years to come I will go into the halls of our elementary schools and middle schools and rather than seeing some of the age-old heroes that all of us support from the 1800s and early 1900s, and maybe the new ones, the athletes of the 20th century, we will begin to understand the role of Judge Higginbotham. And I can imagine that his face will be plastered all over the schools of America: Here we see a popular judge.

As a judge, he authored 600 opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania then on the Third U.S. Circuit Court of Appeals, and finally as that court's Chief Judge.

He was a judge hero. He won awards. The Presidential Medal of Freedom in 1995, the Raoul Wallenberg Humanitarian Award, and he was so respected as a humanitarian that in 1994, South Africa President Nelson Mandela called him to be an international mediator in that country's first election.

He would never turn down anyone without a voice. At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. He serves as an inspiration. And so it is important that we honor this soldier, born on February 25, 1928, in New Jersey. He was a son of New Jersey, and he liked to tell people before his death that there were only two books in his home, a dictionary and a Bible.

Higginbotham's personality and character are taken from his parents who believed that a man should be kind to everyone, regardless of their social class, and that they should be strong in their convictions. His father was a simple plant laborer who worked at the same plant for 45 years, and Judge Higginbotham would say that his father was late to work only once during that tenure.

Judge Higginbotham acquired his father's work ethic which few matched during his career as a judge, author, lawyer, professor, humanitarian.

□ 1700

But, oh, how he loved his mother. She had a sixth-grade education. He gave his mother credit for his appreciation of the value of education and compassion for his fellow man. His mother as well contributed to young Leon Higginbotham's work ethic. She not only raised him but also the children of the people for whom she worked.

Judge Higginbotham would often say of his mother that, if she had been given the opportunity, she could have been a lawyer or great psychiatrist. He would often refer to the lost opportunities of his mother and other African Americans by referencing the story of Saint Peter and Napoleon.

The story goes on that Napoleon happened upon Saint Peter one day in heaven and said he was the greatest general in the history of the world. Saint Peter responded to Napoleon, ''No, you are not the greatest general.''

Two days later, confused how he could not be the greatest general with his numerous victories, he asked Saint Peter if he could meet this individual. Saint Peter took Napoleon to meet this individual. To Napoleon's surprise, he recognized this person. Napoleon commented to Saint Peter that this individual had only made shoes for his army, and that Saint Peter must have been mistaken.

Saint Peter replied, ''No, I am not mistaken. If this individual had been given the opportunity, he would have been the greatest soldier the world would have ever known.''

Judge Higginbotham was a soldier but, as well, in his humble beginnings,

became a great jurist. So in his enrolling in Yale Law School, that further refined his desire, his intellect for service in the civil rights war.

He indicated that a janitor at Yale moved him to his ultimate commitment to civil rights. One of the greatest legal minds that this country had ever seen was convinced by a janitor that he made the right decision to attend Yale.

What most people do not realize is that, during that conversation that Judge Higginbotham had with this janitor, the janitor told Judge Higginbotham that he had worked sweeping those floors at Yale for 25 years in the hopes that he would see the day when an African American entered the doors of Yale. Judge Higginbotham did that in 1949 and graduated in 1952, going on to his first job as an Assistant District Attorney in Pennsylvania, going on to Special Deputy Attorney General for Pennsylvania, appointed by John F. Kennedy to the Federal Trade Commission, all firsts, and then ultimately to the 1964 appointment to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year.

I want to just note for the RECORD a comment by Bernard Wolfman on Judge Higginbotham when he invited Judge Higginbotham to teach at Pennsylvania Law School. He described his aptitude and skill as a professor with the following description: ''He has demonstrated by his life's work how one can love and serve the law at the same time as he makes a proper target of stringent criticism because of his prejudice, assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure.''

What an apt description of Leon Higginbotham. So much you could say, so much we want to say, so many denials to him, but yet so much a warrior and a victor, but yet a kindly man, astute with his own learning, but humbled by his own experience.

I am gratified today, Mr. Speaker, that Members of this House have come to join us in honoring Judge Leon Higginbotham. With that, I am delighted to yield to my esteemed colleague, the gentlewoman from Cleveland, Ohio (Mrs. JONES) who has joined us in this special order.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank the gentlewoman from Texas for this opportunity to be a part of this special order regarding the great, late Judge Higginbotham.

The gentlewoman from Texas (Ms. JACKSON-LEE) should be commended for organizing this special order, because we are paying tribute to one of America's greatest jurists and legal scholars.

I will always remember him as an advocate of civil and human rights. He was a shining example of integrity and set the standard which all African Americans who aspired to be a Federal judge should meet and the standard that any person aspiring to be a Federal judge should meet.

Judge A. Leon Higginbotham was appointed to the Federal bench in 1964. In 1989, he became the chief judge of the United States Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey, and Delaware.

He retired from the bench in 1993 but never from the struggle. Judge Higginbotham used his courtroom to display his dedication to human and civil rights. He enforced the broad constitutional protections of individual rights and personal liberties in tribute to his roll model, the late Supreme Court Justice Thurgood Marshall.

It would only be interesting and axiomatic that, in fact, Judge Higginbotham had the opportunity to comment with regard to Judge Marshall's replacement on the bench and the need to never forget from whence you came.

History will recognize him as more than an outstanding jurist. He was an outstanding African American. He used his intellect as a tool to address the wrongs in America.

According to a noted Harvard law professor, Charles Ogletree, ''He was the epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden.''

As a child, the Judge learned firsthand that separate and unequal reduced opportunities had cast a shadow on the horizon of African Americans. Judge Higginbotham credits his mother with instilling in him the importance of education. Education was the key that could unlock the door.

Soon after joining the Federal bench, Judge Higginbotham began teaching at the University of Pennsylvania. My colleagues have talked about his career prior to the bench and after the bench. But he would eventually author more than 100 Law Review articles and author a book, as has previously been said, entitled ''In The Matter of Color.''

In Cleveland, Cuyahoga County, Ohio, I had the opportunity and privilege to serve as a judge for more than a decade. He inspired me, Judge Higginbotham, to stay in the court, to be willing to make the right decision even when it was not the popular decision, to be a judge who was not content to hide behind the cannons of ethics, but willing to speak out on matters with respect to the legal system without violating those cannons of ethics.

I am pleased and privileged to stand before my colleagues today and to tell them that the last time I had a chance to see Judge Higginbotham was in Cleveland at Case Western Reserve University. He was delivering the Judge Frank J. Battisti lecture.

It is something that Judge Frank J. Battisti was, in fact, the judge who made the decision in Cleveland that the school system had unfairly, unconstitutionally segregated schools for African American children.

Here it was Judge Higginbotham delivering that lecture. I have to tell my colleagues the room boomed. He delivered that address, stood tall above everyone else. I was pleased to have had an opportunity to be in the audience.

Judge Battisti's wife said, as she introduced Judge Higginbotham, no one could better deliver the lecture on behalf of her husband who took a lot of flack for saying that the schools in the City of Cleveland were unlawfully and unconstitutionally segregated.

In closing, Mr. Speaker, I want to thank the gentlewoman from Texas (Ms. JACKSON-LEE for organizing this special order. Mr. Speaker, I want to thank you for the opportunity to be heard. I ask all Americans to join us in celebrating a great American hero, the great, late Judge A. Leon Higginbotham.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Ohio for her passion, her enthusiasm, and the excitement that she has generated around the life and legacy of A. Leon Higginbotham. This is very special to have the gentlewoman's participation.

Mr. Speaker, I yield to the distinguished gentleman from New Orleans, Louisiana (Mr. JEFFERSON), the next governor of the State of Louisiana. And I hold in my hand one of the cases of Judge Higginbotham, the State of Louisiana versus Ray Hayes.

Mr. JEFFERSON. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding to me and for that very accurate description of me.

Mr. Speaker, I rise today to pay tribute to a great American, Judge A. Leon Higginbotham, Jr., a man who was a giant in stature, a giant in intellect, and a giant in his unparalleled achievements.

Physically, Judge Higginbotham was a towering man who stood over 6 foot 4 inches tall and possessed a booming voice that was both awesome and inspiring. At a memorial service held for him in Philadelphia, there were many references to the voice, the Judge's booming baritone that commanded respect and attention in every setting.

Intellectually, Judge Higginbotham's peers heralded him as one of the most brilliant jurists, historians and scholars in the history of American jurisprudence. His numerous accomplishments include almost 30 years of distinguished service on the Federal bench, coveted teaching positions at both the University of Pennsylvania and Harvard University, and two renowned books and numerous articles on race and the American legal process.

In service, Judge Higginbotham was always a person of compassion, principle, and integrity. Though his work schedule was legendary, Judge

Higginbotham found the time to serve as a mentor, as a teacher, as an advisor, and as a friend to countless many.

In my own personal experience, Judge Higginbotham has come to this Congressional Black Caucus on numerous occasions to provide us advice, lectures, and to be involved in our Congressional Black Caucus weekends and stir us to a great achievement. He has been an inspirational figure for our Caucus for many years and was one who was always ready to give of his time.

In my own personal work for the Black Caucus, Judge Higginbotham joined with me and with Lou Stokes and the gentleman from Missouri (Mr. CLAY) to help in a project to raise money and to explain to the giving community how important it was to support reinforcement efforts around the country through that giving and through their support.

He traveled with us to New York and to Philadelphia to make the case as to why it still made sense for the community at large to give in this very important endeavor.

I can tell my colleagues, and on a more personal note, for my daughter Jamila, who was a student at Harvard Law School when Judge Higginbotham was there in his last years, he was her third-year paper advisor and was one who took the time to help her to get through her third year preparation and to graduate well from Harvard Law School. So I thank him personally for what he did for my family, particularly for my daughter.

Undoubtedly, Judge Higginbotham's personal attributes and professional accomplishments qualify him as a great American. However, I believe that his legacy lies in the fact that he used these attributes not to enrich himself but, instead, to enrich America.

He used his remarkable talents to mount an intellectual challenge to all vestiges of racism in society and the law and to provide constructive critique of those who chose to feign a color-blind vision of society and politics in America as an excuse for not dealing with the tough racial issues that face us all.

In his own words, ''One of the biggest problems for American society during the 20th century is our not recognizing the consequences of racism and that the real test of the 21st century is our being able to move from equality in the abstract to equality in significant results.''

It is not an overstatement to say that, in the last several decades, whenever the issues of social injustice were to be dealt with in this country, at the core of the debate was Judge Higginbotham, standing and speaking out on these very important questions.

Judge A. Leon Higginbotham was an extraordinary human being, who, in 1995, received the Nation's highest civilian honor, the President's Medal of Freedom.

Although he is gone, his legacy will live on in the many individuals whose lives he has touched. We all shall remember him fondly, Mr. Speaker, and we shall miss his work with us, and God bless his family and keep him high in our memory.

I recall, as I stand here, the words of Frederick Douglass, which I think speak well to how we should remember Judge Higginbotham, and speaking about a fairly different issue, but nonetheless one that is related, the issue of liberty and freedom.

Frederick Douglass said something like this, ''When it is finally ours, this freedom, this liberty, more usable to man than earth, more important to man than air, when it is finally ours,'' he said, ''then when it is more than the mumbo jumbo of politicians,'' he said, ''when it is diastole, systole, reflex action, when it is finally ours,'' he said, ''then this man, this Douglass, this negro, beaten to his knees, but yearning for the day when none are enslaved, none are alien, none are hunted, then this man,'' he said ''this Douglass will be remembered, oh, not with the statuted rhetoric,'' he said, ''and not with wreaths of bronze alone, but with lives, grown out of his life, with lives fleshing his dream of this beautiful needful thing.''

□ 1715

And so Judge Higginbotham's life will flesh our dreams of freedom and liberty in this country and we will live and work in the future and achieve because of the life and the legacy of this great man.

I thank the gentlewoman for yielding to me.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much for those very moving closing remarks and the words that would be attributable to Judge Higginbotham.

I now want to yield, Mr. Speaker, to the chief constitutionalist on the Committee on the Judiciary, also a Yale law graduate and certainly friend of Judge Higginbotham, the gentleman from North Carolina (Mr. MEL WATT).

(Mr. WATT of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, I want to thank my colleague, the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE), for organizing this special order in tribute to a wonderful human being and statesman, Judge Higginbotham.

Let me start by just expressing condolences to Judge Higginbotham's wife, Evelyn Brooks Higginbotham, and to his two sons and his two daughters. They stood with him and by his side and enabled him to provide a service to our country that, in my estimation, is unparalleled in many respects.

This is a very sad occasion for all of us, when we pay tribute to a fallen hero, and Judge Higginbotham, indeed, was a hero for us. He was a man who practiced tolerance, and he practiced it because he had experienced many episodes of intolerance and he understood the impact that intolerance and prejudice breeds in this country.

While he was a student at one university he complained about substandard housing for black students and was told by the president of the university, ''The law doesn't require us to let colored students in the dorm, and you can either accept things as they are or you can leave, immediately.''

Despite his outstanding academic credentials, he was denied employment by two major white law firms when they realized that this man, with these credentials on paper, was a black man.

So his tolerance and fight against intolerance grew out of himself being discriminated against and experiencing the negative impact of intolerance.

We can often tell a lot about a man by what other people say about him, and it was interesting to me some of the things that people said about him.

Here is Thurgood Marshall. Thurgood Marshall, former Justice on the United States Supreme Court, said of Leon Higginbotham: ''A great lawyer and a very great judge.'' Not a long accolade, just concise and to the point.

President Clinton on Judge Higginbotham. ''One of our Nation's most passionate and steadfast advocates for civil rights.''

People were always calling this man a hero, but he was also a very humble man. Professor Charles Ogletree, ''The epitome of the people's lawyer. Despite his individual merits and accomplishments, he never hesitated to lend a hand to the poor, the voiceless, the powerless, and the downtrodden.''

This was a man who could command the respect of all of us, and did command the respect of all of us, yet he fought all the way to the end for ordinary common people.

I remember very well when my Congressional District was in the midst of litigation, and he said, ''You know, we need to convene a group of people to talk about the importance of having minority representation in the Congress of the United States.'' About 2 weeks after that I got a call telling me that scholars and historians and professors and college presidents were convening to have a discussion about this issue in North Carolina.

He had just gotten on the phone and called systematically people that he knew would have an interest in this, and they all interrupted their schedule to come and have a discussion about how we would communicate to a court the importance of having minority representation in the Congress of the United States after North Carolina had been without a minority representative in Congress for over 90 years. What would one say to a court that would communicate the importance of the decision the court was being asked to make?

That was the kind of command that Judge Higginbotham had of people around him. They respected him so much that they would drop other things and respond to his request.

I remember very well the last encounter I had with Judge Higginbotham. I knew he had had a heart attack, and he had gone through an extended recovery period. All of a sudden, we were having a hearing on the impeachment matter in the Committee on the Judiciary and there was Judge Higginbotham expounding on the historical significance of the impeachment clause in the Constitution.

When it was over, I went to him and I said, ''Judge, what are you doing here; shouldn't you be at home in bed?'' And he said to me, ''You know, I can't quit fighting about the things that are important, and you know how I feel about the United States constitution. I got to keep fighting for that.''

Within 2 weeks after that Judge Higginbotham passed away, but he was fighting to the very end, and we owe him just a tremendous debt of gratitude.

I thank the gentlewoman for yielding me the time to make these comments.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and I do see that this is not enough time, Mr. Speaker, to be able to commemorate such a giant.

Let me simply say, and I am delighted that our minority whip has come to the floor, but let me thank the gentleman from North Carolina (Mr. WATT) for his words and simply say that, likewise, I chatted with Judge Higginbotham on that day in the Committee on the Judiciary when we held hearings on the impeachment, and what I noted most of all was his attempt to show his young students, six of whom he had brought with him, to show them to us and us to them and to get them to understand his passion.

Let me close, Mr. Speaker, by saying that we who knew him, miss him, admire him, and love him, but we know Evelyn and the children have an even greater feeling, and so I would simply want to bring this to my colleagues' attention: He was a giant of a man with a baritone voice. He had a way of impacting many of us. When he donned his judicial robes and he spoke from the bench, one got the sense that God was speaking up. Those were the words of one of his law clerks.

Judge Higginbotham was not God but, Mr. Speaker, he certainly was a great American who went beyond the call of duty to fight on the battlefield for equal justice and opportunity.

There are few greater tributes this esteemed body can pay an American than to recognize that individual's life and work in the public forum established by our Founding Fathers. Mr. Speaker; I rise along with several of my colleagues to pay honor to the legacy of Judge A. Leon Higginbotham.

How fortunate America was to have such a dedicated soldier in the struggle for civil rights. As a child, a young Leon Higginbotham dreamed of being a firefighter. But it was a time when racism and bigotry would not allow this dream to become a reality, and it is somewhat ironic that we have the ugliness of racism to thank for this advocate of civil rights. Thus, as a youth he wanted to serve as a firefighter but in the end he answered a higher calling by ''dampening the fires of racism.''

As a jurist and as an author, Leon Higginbotham's dedication to civil rights of all Americans was unmatched. He tirelessly worked to ensure that there was one rule of law that applied to all individuals—no matter their race, their gender, or their disability. Judge Higginbotham reminded us, in piognant terms and with his powerful voice, of our nation's tortuous and still unfinished struggle to live up to its constitutional mandate of equal justice under the law. He realized that the Constitution was an inclusive document designed by our Founding Fathers to include all Americans, and he fought with all his might and intellect to protect it's principles and guarantees.

As an African-American judge on the federal bench he would adhere to his vision on one rule of law that applied equally to all Americans. As a jurist, Judge Higginbotham authored some 600 published opinions in 29 years, first on the U.S. District Court for the Eastern District of Pennsylvania, then on the Third U.S. Circuit Court of Appeals and finally as that court's chief judge.

Among his many accolades, Judge Higginbotham was awarded the Presidential Medal of Freedom in 1995 and the Raul Wallenberg Humanitarian Award. He was so respected as a humanitarian, that in 1994, South African President Nelson Mandela asked Higginbotham to be an international mediator during the country's first election in which blacks could vote. But despite these achievements he was never one to turn away from those without a voice.

At the height of racism in our country, Judge Higginbotham was able to break the color barrier and become an influential member of our society. The accomplishments of Judge Higginbotham serve as an inspiration for all Americans but especially for African-Americans who strive to be leaders in our society.

It is fitting that my colleagues and I pause today to honor A. Leon Higginbotham because his life provides a legacy of leadership, impartiality, equality, and dedication for all public servants, and indeed, for all of humanity. The foundation for this legacy comes from two individuals who provided Judge Higginbotham with a nurturing and loving environment. Judge Higginbotham's beginnings were indeed humble, but I am sure he would describe them as his perfect fortune.

Born on February 25, 1928, Higginbotham was raised in Trenton, New Jersey. It is said that in his home there were only two books—a dictionary and a bible. Higginbotham's personality and character are taken from his parents, who believed that a man should be kind to everyone regardless of their social class, and that he should be strong in his convictions.

Judge Higginbotham's father was a simple plant laborer. He worked at the same plant for 45 years and Judge Higginbotham would say that his father was late to work only once during that tenure. Judge Higginbotham acquired his father's work ethic, which few matched during his career as a judge, author, legal professor, and humanitarian.

The mother of Judge Higginbotham completed her education only to the sixth grade level. Judge Higginbotham gave his mother credit for his appreciation of the value of education and his compassion for his fellow man. And his mother, as well, contributed to young Leon Higginbotham's work ethic—she not only raised him, but also the children of the people for whom she would work.

Judge Higginbotham would often say of his mother that if she had been given the opportunity, she could have been a lawyer or a great psychiatrist. He would often refer to the lost opportunities of his mother and other African-Americans by referencing the story of St. Peter and Napoleon. The story goes that Napoleon happened upon St. Peter one day in heaven and asked if he was the greatest general in the history of the world. St. Peter responded to Napoleon, ''no you are not the greatest general''. Two days later confused as to how he could not be the greatest general with his numerous victories, he asked St. Peter if he could meet this individual. St. Peter took Napoleon to meet this individual and to Napoleon's surprise he recognized this person. Napoleon commented to St. Peter that this individual had only made shoes for his army and that St. Peter must have been mistaken. St. Peter replied, ''no I am not mistaken, if this individual had been given the opportunity he would have been the greatest soldier the world would have known''.

Judge Higginbotham referenced this story to highlight the many lost opportunities of African-Americans like his mother. He also referenced this story to spur young people today to take full advantage of their own opportunities. Judge Higginbotham was able to take full advantage of his limited opportunities, which made themselves apparent during his life.

The first of these opportunities came with Judge Higginbotham's acceptance into the Yale Law School. Despite his father's dismay at why his son turned down a full scholarship to attend Law School at Rutgers, Judge Higginbotham still enrolled in his first year at Yale in 1949. That year, he was one of only three African-Americans to enroll at Yale and one of only five African-Americans to enroll at any of the five Ivy League law schools.

Despite the daunting challenges of racism, not to mention the riggers of the academic curriculum at Yale, Judge Higginbotham thrived in his new environment. He received more oral advocacy awards in his tenure at Yale than any law student to that point in the school's history. Anytime doubt crept into his head regarding whether he had made the right decision, Judge Higginbotham reminded himself of a conversation he had with a janitor. Yes, that is right—janitor. One of the greatest legal minds that this country has ever seen, was convinced by a janitor that he made the right decision to attend Yale. What most people do not realize is that during that conversation that Judge Higginbotham had with this janitor, the janitor told Higginbotham that he had worked sweeping those floors for twenty-five years in hopes that he would see the day when African Americans entered the doors of Yale. Therefore, failure was not an option that Higginbotham could accept, and he forthrightly earned his law degree from Yale in 1952. He would eventually become the school's first black trustee in 1969.

Upon graduation, perhaps because of his humble origins, or because of the words of that janitor, or because of the racism that he himself experienced, Judge Higginbotham made a passionate commitment to the goal of equality for all human beings. This ideal became the hallmark of his life and his career as

he sought to help all Americans, no matter how rich or how poor, no matter how influential or how powerful.

In his lifetime, there is not much that Judge Higginbotham did not do—and do well. He has been described by his friends, ''as performing in each of his roles in the first rank, with ability, dedication, energy, imagination, and courage.'' His first job as an attorney came in 1952 as an assistant district attorney in Philadelphia, Pennsylvania for two years. He would later become a partner in a law firm there. His prestige grew when, in 1956, Higginbotham became special Deputy Attorney General for Pennsylvania.

His rise to national prominence came in 1962, when President John F. Kennedy appointed him to become a commissioner of the Federal Trade Commission. President Kennedy's appointment of Higginbotham marked the first time that an African-American had become the head of a federal regulatory commission.

In 1964, Higginbotham was appointed to the U.S. District Court in the Eastern District of Pennsylvania. President Kennedy had nominated him in 1963, but a Mississippi Senator blocked his appointment for a year, supposedly because of his age. After Kennedy was assassinated, President Lyndon Johnson re-nominated Higginbotham to the bench and in 1964, at the age of thirty-five, he became the youngest federal judge to be appointed in some thirty years. Judge Higginbotham was only the third African-American to be appointed as a federal district judge.

In 1977, President Carter appointed him to be a judge on the Third U.S. Circuit Court of Appeals. In 1989, he became Chief Judge on that same panel, which has jurisdiction over Pennsylvania, New Jersey and Delaware. He retired as chief judge in 1991 and stayed on as senior judge until 1993.

He was one the most prominent and visible African-American judges on the federal bench. The late Supreme Court Justice Thurgood Marshall once called Judge Higginbotham ''a great lawyer and very great judge.'' What made him a great jurist was his desire to see that the rule of law was fairly applied and that all received equal treatment in his courtroom. I am sure that his law clerks would all agree that despite a busy schedule, he always made time for people irrespective of the person's status or station in life.

Judge Higginbotham's career as a professor of the law was no less astonishing. As a part of his legacy, Judge Higginbotham leaves numerous attorneys who have benefited from his knowledge and experience. By his example, his writing, and his teachings—students who have had the good fortune of sitting in his classrooms have undoubtedly learned the values of careful research, and of honesty and fairness. Bernard Wolfman, who invited Judge Higginbotham to teach at Penn Law School, described his aptitude and skill as a professor with the following description:

> He has demonstrated by his life's work how one can love and serve the law at the same time as he makes it a proper target of trenchant criticism because of its prejudiced assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure.

Perhaps his greatest accomplishment as a professor was to instill in his students the belief that they can and will make a difference in their careers as attorneys. He would reference his experiences in South Africa to illustrate his point. In a 1982 trip to South Africa he had an opportunity to speak before a group of future black attorneys. In his introduction and greeting to these students he commented that it was a pleasure to meet the future Supreme Court Judges of South Africa. His audience laughed at this notion because at this time South Africa was still under the rule of apartheid. Just a few years later, Judge Higginbotham would return to South Africa at the invitation of Nelson Mandela, to become an international mediator for issues surrounding the 1994 national elections in which all South Africans could participate for the first time. On that visit, there is no doubt, that Judge Higginbotham must have thought about those students whom he had addressed in 1982.

Judge Higginbotham often referenced this story to point out to law students that one does not truly know when his or her opportunity will present itself. He wanted all potential lawyers to realize the importance of their service to the Constitution and the laws of this nation.

Judge Higginbotham is also acclaimed for his multi-volume study of race, ''Race and the American Legal Process.'' In those books, he examined how colonial law was linked to slavery and racism, and examined how the post-emancipation legal system continued to perpetuate the oppression of blacks.

Just recently, Judge Higginbotham testified before the House Judiciary Committee where he demonstrated his firm commitment to the Constitution before an esteemed panel of lawyers, judges, and legal historians. I do not think that there was an American who, after they heard him speak, did not turn away with a profound respect for his convictions, his considerable intellect, and his passion.

With his baritone voice that drew the envy of singers everywhere, Judge Higginbotham was often said to be larger than life when he donned his juridicial robes. ''When he spoke from the bench you got the sense that God was speaking up there,'' said Edward Dennis Jr., who clerked for Higginbotham in the 1970's. And although I am sure Judge Higginbotham would have frowned on that comparison, I am sure there are many lawyers and clients who would not. While the thoughts and memories of his fierce questioning surely continue to instill fear and respect from those lawyers that advocated before him, I seriously doubt that any of them would ever challenge his judgement, or his fairness.

Judge Higginbotham championed equal rights and the Constitution with unmatched passion and energy. Rest assured, although there will never be another A. Leon Higginbotham, there remain many disciples who will continue to follow in his legal tradition. I can only hope to be considered amongst them.

Mr. HOLT. Mr. Speaker, the Honorable A. Leon Higginbotham, who recently passed away at the age of 70, was a highly esteemed jurist, renowned scholar, noted lecturer, and civil rights leader.

But the citizens of central New Jersey had a special connection to Judge Higginbotham. For them, particularly the African-American community, he served as a shining example of hope for the future.

A native of Ewing, New Jersey located in my Congressional District, Judge Higginbotham was widely known in his youth as a talented musician and excellent student. At a time when professional and academic possibilities for blacks were severely limited, his outstanding accomplishments represented hope that such success was within the reach of all our children.

The African-American community knew that he was forced to live in an unheated attic room because his college had no housing for blacks. They knew of the struggle he endured at Yale Law School and during his early years in the legal profession.

But his perseverance and refusal to settle for anything less than excellence made Leon Higginbotham a living symbol of the possibilities for all children.

I am proud to take this time to salute Judge Higginbotham, and on behalf of all the citizens of the 12th Congressional District, would like to express my condolences to his family.

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to a giant within American jurisprudence, Judge A. Leon Higginbotham, Jr. He was a civil rights champion who died with his boots on; it was only a few weeks before his death that Leon Higginbotham testified before the House Judiciary Committee in protest of its impeachment process.

Judge Higginbotham's contributions to the law, both as a peerless judge and superb educator, were immense. His love for the cause of justice made him a colossus of the civil rights movement. In his impeccably coherent and flawlessly logical testimony before the House Judiciary Committee, Judge Higginbotham reminded the nation's lawmakers, and the American people, of his legal brilliance.

The achievements of Leon Higginbotham should serve as an inspiration to Americans of all ages. His legacy is a stellar example of a meritocracy at work, that diligence and opportunity can be an equalizing force against the vestiges of racism. After obtaining a brilliant record as a civil rights attorney, he was first appointed to a federal judicial post in 1964. His performance as one of the country's most consistent and fair judges led to his appointment to the U.S. Circuit Court of Appeals. As a mediator in the 1994 South African elections, that country's first post-apartheid experiment with democracy, Judge Higginbotham shared with the world his judicial expertise and impartiality. The entire country paid him tribute in 1995, when President Bill Clinton awarded him the Presidential Medal of Freedom. There is no question that Leon Higginbotham belongs to that group of exceptional people which any nation would be proud to call its own.

His outspoken courage and passionate opposition to racism were unceasing. Judge Higginbotham's condemnation of the damage that discrimination and disregard for individual civil rights does to the justice system made his ''Race and the American Legal System'' one of the most important and influential legal texts in the history of our country.

I am honored to join my colleagues in saluting the living legacy of Leon Higginbotham. His compassion and respect for the individual, combined with his unrivaled knowledge and love of the law, make him a person I am proud to have known. We shall forever be indebted to Judge Higginbotham for his superior commitment to justice and his impeccable example of judicial scholarship and service.

Mr. PAYNE. Mr. Speaker, I am pleased to join my colleagues in paying tribute to one of the true heroes of our time, and a personal hero of mine, Judge Leon Higginbotham.

One of the proudest moments of my life was in January of 1989, after having won election to the U.S. House of Representatives for the first time, when Judge Higginbotham administered the oath of office to me at a ceremony in the Rayburn Foyer. Being sworn in as New Jersey's first African American Congressman by a man of Judge Higginbotham's Stature, who had achieved such a place in history, is an honor I will always remember. Earlier in my career, Judge Higginbotham nominated me for President of the National Council of YMCAs and I remain grateful for that honor as well.

It was characteristic of Judge Higginbotham that no matter how high he rose, he was always available whenever anyone needed his help or guidance. He never missed an opportunity to encourage young people to achieve their goals.

Judge Higginbotham was a man of great intellect, ability and passion for justice. He was a native of my home state of New Jersey, where he grew up in the segregated society of Trenton. With determination and fortitude, he forged ahead, graduating from Yale Law School in 1952. During President John Kennedy's Administration, he was appointed as the first African American to head the Federal Trade Commission.

In 1964, President Lyndon Johnson nominated him to the U.S. District Court for the Eastern District of Pennsylvania. He joined the Third Circuit Court of Appeals in Philadelphia in 1977, where he retired as Chief Judge in 1991.

President Clinton awarded Judge Higginbotham the Presidential Medal of Freedom in 1995 and in 1996, he was honored with the NAACP's Springarn Medal.

Mr. Speaker, Judge Higginbotham was truly larger than life. Let us honor his memory and carry forth his proud legacy.

GENERAL LEAVE

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this tribute to Judge Higginbotham.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

DISCRIMINATION CONTINUES AT AMERICA'S AIRPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me just begin by echoing the comments of the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) and the gentleman from North Carolina (Mr. WATT) about a real giant in our history, Judge Higginbotham, who was a noted defender of civil rights; who went on to become one of the country's most prominent African American judges; and who, through his long and distinguished career, stood on the side of those who needed help.

He, as we have heard, was awarded numerous awards, including the Medal of Freedom for his work and also the Wallenberg Humanitarian award.

He was a giant, and he certainly will be missed, and I thank my colleagues for remembering him and bringing his spirit to light again so that the country can appreciate this remarkable man.

□ 1730

It is with that that I would like to make a transition to another issue, but the transition is easy because it is a civil rights issue, Mr. Speaker.

In the Washington Post today, I read that five workers, all Muslim women, have filed a religious discrimination complaint with the Equal Employment Opportunity Commission. Apparently, according to this article, it was in the Metro section, I believe, of the Washington Post, they were fired from their jobs as screeners of passengers and luggage at Dulles International Airport because they refused to remove the head scarves they wear for religious reasons.

Their employer, Argenbright Security, Incorporated, told them they would have to give up their head scarves or give up their jobs. Now, faced with such a choice, they chose to honor their religious commitment.

As a result of the women's complaint to the EEOC, Argenbright Security is now backtracking. The company has issued a statement denying religious discrimination and inviting these five women to return to work.

What this incident does, though, is raise a larger issue, and, that is, of the widespread and systematic discrimination against Muslims and Arab Americans at airports all across this country. Under current procedures, security companies like Argenbright are used to enforce profiling standards to ensure airport security.

But you have to ask yourselves that if firms like Argenbright cannot even treat their Muslim employees fairly, how are we to believe they will treat Muslim passengers whom they do not even know in a fair and courteous manner?

Now, we all understand that airport security is a must. But the people who are responsible for it should be trained in a way that ensures cultural sensitivity and fairness as they carry out these important responsibilities. This profiling issue is a huge embarrassment and problem, especially in the Detroit metropolitan airport. We have, as many of my colleagues may know, in the State of Michigan a large Arab-American and Muslim population, almost 700,000, close to 8 percent of our State.

Because of the incidence of stopping these women and gentlemen as they come through the airport, I had a hearing at the airport, organized it, and I had Jane Garvey, the Director of the FAA, Federal Aviation Administration, come with her top people, and she heard stories from folks who told how they were stopped, denied passage because they fit a certain profile.

One family, a good family, friends of mine, Dr. Basha and his family have been stopped on several occasions as they traveled on vacation to the Middle East. Another woman told of her son who was an Olympic rower going to a meet for a trial for the Olympics in Cincinnati and he was detained, missed the flight, missed the opportunity for the Olympics, because he fit a certain profile. We had another person who was a police officer in the Detroit area who was stopped and detained because he fit a profile.

Now, let me say that this is not the first airport and this is not the first incident that led me to believe that airport security is being contracted out to companies who do not have a commitment to treat all Americans with fairness and dignity.

I just want to applaud these five women for standing up for their religious beliefs and for their rights, for their rights on the job. I intend to contact the FAA about this situation and to insist that companies providing security at our airports do so without discriminating against Americans regardless of their religious faith or their ethnic heritage.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING INTERIM BUDGET ALLOCATIONS AND AGGREGATES FOR FISCAL YEARS 1999–2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Section 2 of House Resolution 5, I submit for printing in the CONGRESSIONAL RECORD interim budget aggregates and allocations for fiscal year 1999 and for the period of fiscal years 1999 through fiscal year 2003. This submission includes the budget aggregates and allocations to the Committee on Appropriations that were not included in my submission on February 25.

These interim levels will be used to enforce sections 302(f), 303(a) and 311(a) of the Congressional Budget Act of 1974. Section 303(a) prohibits the consideration of legislation that provides new budget authority or changes in revenues until Congress has agreed to a budget resolution for the appropriate fiscal year. Sections 302(f) and 311(a) prohibit the consideration of legislation that exceeds the

appropriate budgetary levels set forth in budget resolution and the accompanying report.

Without these interim levels, the House would be prohibited under section 303(a) of the Budget Act from considering legislation with even negligible budgetary effects in certain fiscal years because a budget resolution is not in effect for the current fiscal year. There would be no levels to make determinations under sections 302(f) and 311(a) for fiscal year 1999 and such determinations for the five year period would be based on the now-obsolete levels set forth under H. Con. Res. 84 (H. Rept. 105–116) in 1997.

The interim allocations and aggregates are essentially set at current law levels. They reflect legislation enacted through the end of the 105th Congress as estimated by the Congressional Budget Office (CBO). In the case of the Committee on Appropriations, the allocations are identical to the levels set forth in H. Res. 477 (H. Rept. 105–585) except that they reflect adjustments for emergencies, arrerages and other items under section 314 of the Congressional Budget Act.

These levels are effective until they are superseded by a conference report on the concurrent budget resolution.

If there are any questions on these interim allocations and aggregates, please contact Jim Bates, Chief Counsel of the Budget Committee, at ext. 6–7270.

APPROPRIATE LEVELS

	Fiscal years	
	1999	1999–2003
Budget Authority	1,443,821	(1)
Outlays	1,392,861	(1)
Revenues	1,368,374	7,284,605

[1] Not applicable because annual appropriations acts for Fiscal Years 2000–2003 will not be considered until future sessions of Congress.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Appropriations Committee

	Budget Authority	Outlays
Fiscal year 1999:		
Nondefense*	287,107	273,837
Defense*	279,891	271,403
Violent Crime Reduction*	5,800	4,953
Highways*	0	21,885
Mass Transit*	0	4,401
Total Discretionary Action	572,798	576,479
Current Law Mandatory	291,758	283,468

* Shown for display purposes only.

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES

Committees Other than Appropriations

Budget year	1999	2000	2001	2002	2003	Total 1999–2003
AGRICULTURE COMMITTEE						
Current Law:						
BA	17,337	9,727	8,499	6,967	2,738	45,268
OT	14,885	5,927	5,729	4,374	51	30,966
Reauthorizations:						
BA	0	0	0	0	28,328	28,328
OT	0	0	0	0	27,801	27,801
Total:						
BA	17,337	9,727	8,499	6,967	31,066	73,596
OT	14,885	5,927	5,729	4,374	27,852	58,767
ARMED SERVICES COMMITTEE						
Current Law:						
BA	47,809	49,218	50,895	52,579	54,366	254,867
OT	47,672	49,108	50,792	52,476	54,273	254,321
BANKING AND FINANCIAL SERVICES COMMITTEE						
Current Law:						
BA	3,442	4,586	5,431	5,297	5,027	23,783
OT	874	−2,016	−473	−24	186	−1,453
COMMITTEE ON EDUCATION AND THE WORKFORCE						
Current Law:						
BA	3,303	4,503	5,061	5,495	5,424	23,786
OT	2,744	3,829	4,366	4,835	4,955	20,729
Discretionary Action:						
BA	0	0	0	305	305	610
OT	0	0	0	92	275	367
Total:						
BA	3,303	4,503	5,061	5,800	5,729	24,396
OT	2,744	3,829	4,366	4,927	5,230	21,096
COMMERCE COMMITTEE						
Current Law:						
BA	8,663	10,247	12,263	15,747	16,015	62,935
OT	5,421	8,351	10,963	16,458	16,942	58,135
INTERNATIONAL RELATIONS COMMITTEE						
Current Law:						
BA	10,924	9,888	9,982	9,557	8,711	49,062
OT	12,162	11,516	10,860	10,415	9,698	54,651
GOVERNMENT REFORM COMMITTEE						
Current Law:						
BA	57,886	59,661	61,516	63,577	65,822	308,462
OT	56,644	58,365	60,164	62,174	64,396	301,743
Discretionary Action:						
BA	0	2	4	4	4	14
OT	0	2	4	4	4	14
Total:						
BA	57,886	59,663	61,520	63,581	65,826	308,476
OT	56,644	58,367	60,168	62,178	64,400	301,757
COMMITTEE ON HOUSE ADMINISTRATION						
Current Law:						
BA	93	90	90	90	93	456
OT	56	262	49	13	57	437
RESOURCES COMMITTEE						
Current Law:						
BA	2,296	2,391	2,370	2,319	2,351	11,727
OT	2,253	2,254	2,332	2,205	2,326	11,370
JUDICIARY COMMITTEE						
Current Law:						
BA	4,759	4,548	4,550	4,539	4,631	23,027
OT	4,578	4,371	4,461	4,617	4,622	22,649
TRANSPORTATION AND INFRASTRUCTURE COMMITTEE						
Current Law:						
BA	49,121	48,697	49,721	50,714	51,714	249,967
OT	16,114	16,021	16,026	15,834	15,722	79,717
Discretionary Action:						
BA	1,205	2,410	2,410	2,410	2,410	10,845
OT	0	0	0	0	0	0
Total:						
BA	50,326	51,107	52,131	53,124	54,124	260,812

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES—Continued

Committees Other than Appropriations

Budget year	1999	2000	2001	2002	2003	Total 1999–2003
OT	16,114	16,021	16,026	15,834	15,722	79,717
SCIENCE COMMITTEE						
Current Law:						
BA	38	38	35	32	32	175
OT	33	36	36	36	34	175
SMALL BUSINESS COMMITTEE						
Current Law:						
BA	−414	0	0	0	0	−414
OT	−585	−156	−140	−125	−110	−1,116
VETERANS' AFFAIRS COMMITTEE						
Current Law:						
BA	1,182	1,144	1,077	990	931	5,324
OT	1,296	1,358	1,331	1,316	1,355	6,656
Discretionary Action:						
BA	0	394	874	1,367	1,868	4,503
OT	0	360	833	1,325	1,824	4,342
Total:						
BA	1,182	1,538	1,951	2,357	2,799	9,827
OT	1,296	1,718	2,164	2,641	3,179	10,998
WAYS AND MEANS COMMITTEE						
Current Law:						
BA	671,063	676,265	692,412	705,685	728,575	3,474,000
OT	659,770	666,279	684,407	696,184	721,486	3,428,126
Reauthorizations:						
BA	0	0	0	0	19,553	19,553
OT	0	0	0	0	17,312	17,312
Discretionary Action:						
BA	0	−2	0	0	0	−2
OT	0	−2	0	0	0	−2
Total:						
BA	671,063	676,263	692,412	705,685	728,575	3,473,998
OT	659,770	666,277	684,407	696,184	721,486	3,428,124

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Mr. GEPHARDT), for today and for the balance of the week, on account of a death in the family.

Ms. SANCHEZ (at the request of Mr. GEPHARDT), for today and March 4, on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BOSWELL, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today.

Mr. WOLF, for 5 minutes each, today and March 4.

Mr. SHIMKUS, for 5 minutes, today.

Mr. CUNNINGHAM, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 314. An act to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes; to the Committee on Small Business.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, March 4, 1999, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third and fourth quarters of 1998 by Committees of the House of Representatives, as well as a consolidated report of foreign currencies and U.S. dollars utilized for speaker-authorized official travel during first quarter of 1999, pursuant to Public Law 95–384, are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998

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. Gary Condit	8/21	8/26	Egypt		1,254.00		(3)		679.84		1,933.84
Hon. Bob Smith	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Tom Ewing	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Bill Barrett	8/21	8/26	Egypt				(3)		559.84		559.84
Hon. Collin Peterson	8/21	8/26	Egypt				(3)		559.84		559.84
Paul Unger	8/21	8/26	Egypt				(3)		559.84		559.84
Lynn Gallagher	8/21	8/26	Egypt				(3)		559.84		559.84
Jason Vaillancourt	8/21	8/26	Egypt				(3)		559.84		559.84

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1998—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]
Brian MacDonald	8/21	8/26	Egypt				(3)		559.84		559.84
Andy Baker	8/21	8/26	Egypt				(3)		559.84		559.84
Committee total									6,972.40		6,972.40

[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 SMITH, Chairman, Feb. 18, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

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]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒

[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.

DAN BURTON, Chairman, Feb. 1, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

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]
Lloyd Jones	11/3	11/10	Australia/New Caledonia/Western Samoa/New Zealand.		1,596.00		7,574.13				9,170.13
Manase Mansur	11/3	11/10	Australia/New Caledonia/Western Samoa/New Zealand.		1,596.00		7,574.13				9,170.13
Bonnie Bruce	11/14	11/28	Spain		1,700.00		1,750.23				3,450.23
Sharon McKenna	11/14	11/23	Spain		1,700.00		1,407.23				3,107.23
Committee total					6,592.00		18,305.72				24,897.72

[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, Jan. 29, 1999.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

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]
Phil Kiko	11/13	11/17	New Zealand		1,070.00		1,936.00				3,006.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
William Stiles	11/14	11/17	New Zealand		875.00		2,394.67				3,269.67
	11/17	11/21	Antarctica								
	11/21	12/01	New Zealand								
Steve Eule	11/14	11/17	New Zealand		875.00		2,376.00				3,251.00
	11/17	11/21	Antarctica								
	11/21	11/22	New Zealand								
Hon. George E. Brown, Jr	12/5	12/13	Mexico		1,919.00		829.76				2,748.76
Michael Quear	12/5	12/13	Mexico		1,919.00		829.76				2,748.76
Myndii Gottlieb	12/6	12/12	Mexico		1,422.00		713.94				2,135.94
Committee total					8,080.00		9,080.13				17,160.13

[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.

F. JAMES SENSENBRENNER, Jr., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998

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]
Elizabeth Larson	11/30	12/10	Europe		3,250.00		(3)				3,250.00
Michael Meermans	12/2	12/3	Europe		213.00						213.00
	12/3	12/6	Middle East		405.00						405.00
	12/6	12/8	Europe		306.00						306.00
Commercial airfare							4,029.24				4,029.24
Merrell Moorhead	12/2	12/3	Europe		213.00						213.00
	12/3	12/6	Middle East		405.00						405.00
	12/6	12/8	Europe		306/00						306.00
Commercial airfare							4,029.24				4,029.24
Catherine Eberwein	12/9	12/12	Europe		1,042.00						1,042.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1998—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]
Commercial airfare							5,235.97				5,325.97
Committee total					6,140.00		13,384.45				19.524.45

[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 transportaion.

PORTER J. GOSS, Feb. 12, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO SOUTH KOREA, INDONESIA, HONG KONG, AND JAPAN, EXPENDED BETWEEN JAN. 8 AND JAN. 19, 1999

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 Kolbe	1/10	1/11	South Korea		260.82		(3)				
Hon. Doug Bereuter	1/10	1/11	South Korea		260.82		(3)				
Hon. Connie Morella	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Moran	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Greenwood	1/10	1/11	South Korea		260.82		(3)				
Hon. Jerry Weller	1/10	1/11	South Korea		260.82		(3)				
Hon. Earl Blumenauer	1/10	1/11	South Korea		260.82		(3)				
Hon. Steve Kuykendall	1/10	1/11	South Korea		260.82		(3)				
Everett Eissenstat	1/10	1/11	South Korea		260.82		(3)				
Jamie McCormick	1/10	1/11	South Korea		260.82		(3)				
Mike Ennis	1/10	1/11	South Korea		260.82		(3)				
Hon. Jim Kolbe	1/11	1/14	Indonesia		554.31		(3)				
Hon. Doug Bereuter	1/11	1/14	Indonesia		554.31		(3)				
Hon. Connie Morella	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Moran	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Greenwood	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jerry Weller	1/11	1/14	Indonesia		554.31		(3)				
Hon. Earl Blumenauer	1/11	1/14	Indonesia		554.31		(3)				
Hon. Steve Kuykendall	1/11	1/14	Indonesia		554.31		(3)				
Everett Eissenstat	1/11	1/14	Indonesia		554.31		(3)				
Jamie McCormick	1/11	1/14	Indonesia		554.31		(3)				
Mike Ennis	1/11	1/14	Indonesia		554.31		(3)				
Hon. Jim Kolbe	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Doug Bereuter	1/14	1/16	Hong Kong		538.14		(3)				
Hon. Connie Morella	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jim Moran	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jerry Weller	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Earl Blumenauer	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Steve Kuykendall	1/14	1/17	Hong Kong		888.21		(3)				
Everett Eissenstat	1/14	1/17	Hong Kong		888.21		(3)				
Jamie McCormick	1/14	1/17	Hong Kong		888.21		(3)				
Mike Ennis	1/14	1/17	Hong Kong		888.21		(3)				
Hon. Jim Kolbe	1/17	1/19	Japan		577.16		(3)				
Hon. Doug Bereuter	1/18	1/19	Japan		238.00		(3)				
Hon. Connie Morella	1/17	1/19	Japan		577.16		(3)				
Hon. Jim Moran	1/17	1/19	Japan		577.16		(3)				
Hon. Jerry Weller	1/17	1/19	Japan		577.16		(3)				
Hon. Earl Blumenauer	1/17	1/19	Japan		577.16		(3)				
Hon. Steve Kuykendall	1/17	1/19	Japan		577.16		(3)				
Everett Eissenstat	1/17	1/19	Japan		577.16		(3)				
Jamie McCormick	1/17	1/19	Japan		577.16		(3)				
Mike Ennis	1/17	1/19	Japan		577.16		(3)				
Committee total					22,930.90						

[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.

JIM KOLBE, Feb. 2, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HOUSE DELEGATION TO FINLAND, GERMANY, FRANCE, AND AUSTRIA, EXPENDED BETWEEN JAN. 9 AND JAN. 18, 1999

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]
Peter Davidson	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
Chaplain James D. Ford	1/10	1/12	Finland		568.00						568.00
	1/12	1/14	Germany		508.00						508.00
	1/14	1/16	France		502.00						502.00
	1/16	1/18	Austria		480.00						480.00
Total					3,134.00						3,134.00

[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.

BEN GILMAN, Feb. 10, 1999.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PERU, EXPENDED BETWEEN JAN. 9, AND JAN. 14, 1999

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]
Robert Van Wicklin (Rep. Amo Houghton's Office)	1/9	1/14	Peru		1,224.00		3,260.40				4,484.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO PERU, EXPENDED BETWEEN JAN. 9, AND JAN. 14, 1999—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					1,224.00		3,260.40				4,484.40

[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.

RON KIND, Feb. 22, 1999.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

846. A letter from the Secretary of the Navy, transmitting certification that the Department of the Navy has converted the Fisher House Trust Fund to a non-appropriated fund instrumentality (NAFI); to the Committee on Armed Services.

847. A letter from the Secretary of Defense, transmitting a report containing information on the retention of members of the Armed Forces; to the Committee on Armed Services.

848. A letter from the Principal Deputy, Under Secretary of Defense, transmitting the annual report on operations of the National Defense Stockpile; to the Committee on Armed Services.

849. A communication from the President of the United States, transmitting a copy of Presidential Determination No. 98–36: Exempting the United States Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local hazardous or solid waste laws that might require the disclosure of classified information concerning that operating location to unauthorized persons, pursuant to 42 U.S.C. 6961; to the Committee on Commerce.

850. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Re-issue of the Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air quality Standards (NAAQS)—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

851. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Quality Assurance Guidance Document 2.12—Monitoring PM 2.5 in Ambient Air Using Designated Reference of Class I Equivalent Methods—received February 17, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

852. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of Safeguards Information for the calendar year quarter beginning October 1 and extending through December 31, 1998, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

853. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Spent Fuel Heat Generation in an Independent Spent Fuel Storage Installation—received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

854. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Policy and Procedure for NRC Enforcement Actions; Revised Treatment of Severity Level IV Violations at Power Reactors [NUREG–1600, Rev. 1] received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

855. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—OTC Derivatives Dealers [Release No. 34–40594; File No. S7–30–97] (RIN: 3235–AH16) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

856. A letter from the Secretary of Commerce, transmitting the Bureau of Export Administration's ''Annual Report for Fiscal Year 1998'' and the ''1999 Foreign Policy Export Controls Report,'' pursuant to 50 U.S.C. app. 2413; to the Committee on International Relations.

857. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Exports of High Performance Computers under License Exception CTP [Docket No. 981208298–8298–01] (RIN: 0694–AB82) received January 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

858. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Commerce Control List: Changes in Missile Technology Controls [Docket No. 990112008–9008–01] (RIN: 0694–AB75) received February 9, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

859. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received February 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

860. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–574, ''Home Purchase Assistance Step Up Fund Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

861. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–580, ''Equal Opportunity for Local, Small, and Disadvantaged Business Enterprises Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

862. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–629, ''TANF-related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

863. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–576, ''Closing of a Public Alley in Square 371, S.O. 96–202, Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

864. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–586, ''Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

865. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 12–628, ''Advisory Neighborhood Commissions Management Control and Funding Temporary Amendment Act of 1999'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

866. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–607, ''Health Benefits Plan Members Bill of Rights Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

867. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–397, ''Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

868. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–380, ''Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

869. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–633 ''Closing of Public Alleys in Square 51, S.O. 98–145, Temporary Act of 1999'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

870. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–632 ''Bethea-Welch Post 7284, Veterans of Foreign Wars Equitable Real Property Tax Relief Temporary Act of 1999'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

871. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–631, ''Annuitants' Health and Life Insurance Employer Contribution Temporary Amendment Act of 1999'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

872. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 12–609, ''Comprehensive Plan Amendment Act of 1998'' received February 23, 1999, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

873. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 1998, pursuant to D.C. Code section 43–513; to the Committee on Government Reform.

874. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1998 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform.

875. A letter from the Director, Office of Insular Affairs, Department of the Interior, transmitting the fourth annual report on the Federal-CNMI Initiative on Labor, Immigration, and Law Enforcement; to the Committee on Resources.

876. A letter from the Secretary, Judicial Conference of the United States, transmitting a request on behalf of the Judicial Conference of the United States that Congress approve the consolidation of the office of the bankruptcy clerk and the office of the district clerk of court in the Southern District of West Virginia; to the Committee on the Judiciary.

877. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Magnetic Levitation Transportation Technology Deployment Program [FRA Docket No. FRA–95–4545; Notice No. 2] (RIN: 2130–AB29) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

878. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Policy and Procedures Concerning the Use of Airport Revenue [Docket No. 28472] (RIN: 2120–AG01) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

879. A letter from the Director, Office of Regulations Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Notification of Representatives in Connection with Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error (RIN: 2900–AJ75) received February 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

880. A letter from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, transmitting the Service's final rule—Acceptance of BONDS Secured By Government Obligations in Lieu of BONDS with Sureties (RIN: 1510–AA36) received January 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

881. A letter from the Director, Congressional Budget Office, transmitting CBO's Sequestration Update Report for Fiscal Year 2000, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); jointly to the Committees on Appropriations and the Budget.

882. A letter from the Deputy Under Secretary of Defense (Environmental Security), Department of Defense, transmitting a report listing all military installations where an integrated natural resources management plan is not appropriate; jointly to the Committees on Armed Services and Resources.

883. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled ''Satellite Controls Under the United States Munitions List''; jointly to the Committees on Armed Services and International Relations.

884. A letter from the Secretary of Labor, transmitting a report entitled ''Pension Plans for Professional Boxers''; jointly to the Committees on Education and the Workforce and Commerce.

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. SHUSTER: Committee on Transportation and Infrastructure. H.R. 701. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; with amendments (Rept. 106–40). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 91. Resolution providing for consideration of the bill (H.R. 707) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes. (Rept. 106–41). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PALLONE:

H.R. 950. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation waters, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DUNCAN:

H.R. 951. A bill to amend title 49, United States Code, to provide assistance and slots with respect to air carrier service between high density airports and airports not receiving sufficient air service, to improve jet aircraft service to underserved markets, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BASS:

H.R. 952. A bill to amend the Telecommunications Act of 1996 to preserve State and local authority over the construction, placement or modification of personal wireless service facilities; to the Committee on Commerce.

By Mr. BOEHLERT (for himself, Mr. CLYBURN, Mr. HOLDEN, Mr. WEYGAND, Mr. DELAHUNT, Mr. MASCARA, Mr. WISE, Mr. MEEKS of New York, Mr. FILNER, Mr. COSTELLO, Ms. CARSON, Mr. SHERMAN, Mr. SMITH of Washington, Ms. DANNER, Mr. STUPAK, Mr. FROST, Mr. PAYNE, Ms. WATERS, Mr. HINCHEY, Mr. MCNULTY, Mr. QUINN, Mr. METCALF, Mr. KUCINICH, Mr. FARR of California, Mr. MARTINEZ, Mr. BONIOR, Mr. INSLEE, Ms. DELAURO, Mr. HORN, Mr. STARK, Mr. GEJDENSON, Mr. POMBO, Mrs. MCCARTHY of New York, Mr. FRANK of Massachusetts, Mr. EVANS, Mr. LOBIONDO, Mrs. LOWEY, Mr. MCGOVERN, Mrs. CLAYTON, Mr. MICA, Mr. TOWNS, Mr. OLVER, Mr. NADLER, Mr. DOYLE, Ms. LEE, Mr. BLAGOJEVICH, Mr. KLINK, Mr. TRAFICANT, Mr. SANDERS, Mr. RUSH, Mr. SNYDER, Mr. BARCIA, Ms. KILPATRICK, Mr. TIERNEY, Mr. RANGEL, Mrs. TAUSCHER, Mrs. THURMAN, Ms. BROWN of Florida, Mr. GUTIERREZ, Mr. FORBES, Mr. DEFAZIO, Mr. PASCRELL, and Mr. ROTHMAN):

H.R. 953. A bill to amend title 49, United States Code, to provide for the protection of employees providing air safety information; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred by taxpayers in transporting food to food banks; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 955. A bill to expand the geographic area of the TRICARE Senior Supplement demonstration project for certain covered beneficiaries under chapter 55 of title 10, United States Code, to include one additional site; to the Committee on Armed Services.

By Mr. GIBBONS (for himself and Ms. BERKLEY):

H.R. 956. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans' Affairs.

By Mr. HULSHOF (for himself, Mrs. THURMAN, Mr. COMBEST, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. NUSSLE, Mr. ENGLISH, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. FOLEY, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. CONDIT, Mr. BOEHNER, Mr. DOOLEY of California, Mr. EWING, Mr. MINGE, Mr. POMBO, Mr. BALDACCI, Mr. SMITH of Michigan, Mr. HOSTETTLER, Mr. MORAN of Kansas, Mr. THUNE, Mr. JENKINS, Mr. CALVERT, Mr. GUTKNECHT, Mr. OSE, Mr. HAYES, Mr. TALENT, Ms. DANNER, Mrs. EMERSON, Mr. GORDON, Mrs. BONO, Mr. SHOWS, Mr. NETHERCUTT, Mr. ISTOOK, Mr. SNYDER, Mr. BEREUTER, Ms. WOOLSEY, Mr. PAUL, Mr. BOUCHER, Mr. DOOLITTLE, Mr. MURTHA, Mr. HILL of Montana, Mr. SANDLIN, Mr. HILLEARY, Mr. FROST, Mr. STEARNS, Mrs. CAPPS, Mr. MCHUGH, Mr. CLYBURN, Mr. HUTCHINSON, Mr. HOLDEN, Mr. LATHAM, Mr. LAFALCE, Mr. SCARBOROUGH, Mr. KLINK, Mr. BACHUS, Mr. TAYLOR of Mississippi, Mr. CALLAHAN, Mr. BLUNT, Mr. SISISKY, Mr. REYNOLDS, Mr. HUNTER, Mr. BURTON of Indiana, Mr. PITTS, Mr. HASTINGS of Washington, Mr. LEACH, Mr. RADANOVICH, Mr. COOK, Mr. ADERHOLT, Mr. METCALF, Mr. SOUDER, Mr. TERRY, Mr. WALSH, Mr. QUINN, Mr. BONILLA, Mr. WHITFIELD, Mr. CUNNINGHAM, Mr. RYUN of Kansas, Mr. DICKEY, Mr. MCINTOSH, and Mr. BARTLETT of Maryland):

H.R. 957. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. KLECZKA (for himself, Mr. RANGEL, Mr. DINGELL, Mr. STARK, Mr. WAXMAN, Mr. MCDERMOTT, Mr. CARDIN, Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. FORD, Ms. PELOSI, Mr. BORSKI, Ms. BROWN of Florida, Mr. SANDERS, Ms. DELAURO, Ms. KILPATRICK, Mr. HINCHEY, Mr. PALLONE, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. THOMPSON of Mississippi, Ms. RIVERS, Mr. GREEN of Texas, Mr. DAVIS of Florida, Mr. SERRANO, Mrs. JONES of Ohio, and Mr. SANDLIN):

H.R. 958. A bill to amend title XVIII of the Social Security Act to restore the nonapplicability of private contracts for the provision of Medicare benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, 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. MCGOVERN (for himself, Mr. SANDERS, and Mr. LEWIS of Georgia):

H.R. 959. A bill to amend the Higher Education Act of 1965 to increase the maximum Pell Grant; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Mr. LEWIS of Georgia, Mr. HOLT, Mr. SHERMAN, Mr. DELAHUNT, Mr. ACKERMAN, Mr. TIERNEY, Mr. GUTIERREZ, Mr. HINCHEY, Mr. BLAGOJEVICH, Mr. PASCRELL, Mr. FARR of California, Ms. DEGETTE, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. MCNULTY, Ms. KILPATRICK, Mr. GEJDENSON, Ms. ESHOO, Mr. BORSKI, Mr. OLVER, Mr. CARDIN, Ms. DELAURO, Mr. ANDREWS, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Ms. PELOSI, Ms. RIVERS, Mr. CLAY, Mr. DEFAZIO, Mr. RAHALL, Mr. NADLER, Mr. PALLONE, Mr. SHAYS, Mr. BERMAN, Mr. LEVIN, Mr. WEXLER, Ms. MILLENDER-MCDONALD, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. MARKEY, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. MORAN of Virginia, Mr. BLUMENAUER, Mr. BARRETT of Wisconsin, Ms. WOOLSEY, Mr. FORBES, Mr. ALLEN, Mr. SANDERS, Mr. MEEHAN, Mr. WYNN, Mrs. JOHNSON of Connecticut, Mr. SABO, Mr. MCGOVERN, Mr. STARK, Mr. PAYNE, Mr. DICKS, Mr. BONIOR, Mr. HOEFFEL, Mr. CAPUANO, Ms. MCCARTHY of Missouri, Mrs. LOWEY, Ms. WATERS, Mr. MALONEY of Connecticut, Ms. BALDWIN, Mr. MOORE, and Mr. FALEOMAVAEGA):

H.R. 960. A bill to amend the Endangered Species Act of 1973 to ensure the recovery of our Nation's declining biological diversity; to reaffirm and strengthen this Nation's commitment to protect wildlife; to safeguard our children's economic and ecological future; and to provide assurances to local governments, communities, and individuals in their planning and economic development efforts; to the Committee on Resources, and in addition to the Committee on Ways and Means, 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 Mrs. MINK of Hawaii:

H.R. 961. A bill to amend the Public Health Service Act to provide for programs regarding ovarian cancer; to the Committee on Commerce.

By Ms. NORTON (for herself, Mr. OBERSTAR, Mr. WISE, and Mr. TRAFICANT):

H.R. 962. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the United States Capitol, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on House Administration, and Ways and Means, 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. PRYCE of Ohio (for herself, Mr. ROEMER, Mr. BEREUTER, Mr. LATOURETTE, Mrs. KELLY, Ms. GRANGER, Mr. FROST, Mr. SHOWS, Mr. HINCHEY, Mrs. CLAYTON, Mr. CUMMINGS, Mrs. MYRICK, Mr. WALSH, Ms. NORTON, Mr. CLEMENT, Mr. KING of New York, Mr. VENTO, Ms. LOFGREN, Ms. DEGETTE, Mr. PAUL, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. SANDLIN, Mr. DEFAZIO, and Mr. FORBES):

H.R. 963. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees; to the Committee on Ways and Means.

By Mr. QUINN:

H.R. 964. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. QUINN:

H.R. 965. A bill to provide that December 7 each year shall be treated for all purposes related to Federal employment in the same manner as November 11; to the Committee on Government Reform.

By Mr. RAHALL:

H.R. 966. A bill to provide for the disposition of land deemed excess to a project for flood control at Matewan, West Virginia; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER (for himself and Mr. COBLE):

H.R. 967. A bill to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiforum civil actions; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. FRANKS of New Jersey, and Mr. WISE) (all by request):

H.R. 968. A bill to authorize appropriations for hazardous material transportation safety, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SOUDER (for himself, Mrs. MYRICK, Mr. LARGENT, Mr. MCINTOSH, Mr. WELLER, Mr. PITTS, Mr. HOSTETTLER, Mr. COBURN, Mrs. KELLY, Mr. ENGLISH, Mrs. CHENOWETH, Mr. DUNCAN, Mr. KOLBE, Mr. BURTON of Indiana, Mr. WELDON of Florida, Mr. WICKER, Mrs. EMERSON, Mr. COX, Mr. CHABOT, Mr. PAUL, and Mr. CALVERT):

H.R. 969. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable contribution deduction, to allow such deduction to individuals who do not itemize other deductions, and for other purposes; to the Committee on Ways and Means.

By Mr. THUNE:

H.R. 970. A bill to authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota; to the Committee on Resources.

By Mr. WALSH (for himself, Mr. HOUGHTON, Mr. HINCHEY, Mr. SWEENEY, Mr. TOWNS, and Mr. BOEHLERT):

H.R. 971. A bill to amend the Public Utility Regulatory Policies Act of 1978 to protect the Nation's electricity ratepayers by ensuring that rates charged by qualifying small power producers and qualifying cogenerators do not exceed the incremental cost to the purchasing utility of alternative electric energy at the time of delivery, and for other purposes; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 972. A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the ''Hurff A. Saunders Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. KOLBE (for himself, Mr. PASTOR, Mr. STUMP, Mr. SALMON, Mr. HAYWORTH, Mr. SHADEGG, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

H. Con. Res. 40. Concurrent resolution honoring Morris King Udall, former United States Representative from Arizona, and extending the condolences of the Congress on his death; to the Committee on House Administration.

By Mr. MICA (for himself, Mr. STUPAK, Mr. KNOLLENBERG, Mr. MILLER of Florida, Mr. WELDON of Florida, Mr. ENGLISH, Mr. SESSIONS, Mrs. MALONEY of New York, Mr. OSE, Mr. HINCHEY, Mr. PETERSON of Minnesota, Mr. KUCINICH, Mr. SAWYER, Mrs. MORELLA, Mr. HORN, Mr. GOODLING, Mr. HOLDEN, Mr. TRAFICANT, Mr. HILLEARY, Mr. STEARNS, Mr. MARKEY, Mrs. FOWLER, Mr. ACKERMAN, Mr. VENTO, Mr. LAHOOD, Mr. MASCARA, Mr. BORSKI, Mr. GEKAS, Mr. SHIMKUS, Mr. GREENWOOD, Mr. HYDE, and Mr. BRADY of Texas):

H. Res. 92. A resolution recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO); to the Committee on International Relations.

By Mr. NADLER (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BORSKI, Mr. BRADY of Pennsylvania, Ms. CARSON, Mr. COSTELLO, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HOOLEY of Oregon, Ms. KAPTUR, Mr. KILDEE, Mr. KLECZKA, Mr. KLINK, Mr. LAFALCE, Mr. LAMPSON, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Ms. NORTON, Mr. OLVER, Mr. PALLONE, Ms. PELOSI, Mr. POMEROY, Mr. RAHALL, Mr. RODRIGUEZ, Mr. SANDERS, Mr. SERRANO, Mr. SHERMAN, Mr. SHOWS, Ms. SLAUGHTER, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H. Res. 93. A resolution expressing the sense of the House of Representatives regarding strengthening the Social Security system to meet the challenges of the next century; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BILBRAY, Mr. BLUMENAUER, Mrs. CAPPS, Mr. COYNE, Mr. CUNNINGHAM, Mr. ENGLISH, Ms. DEGETTE, Mr. DUNCAN, Mr. GEJDENSON, Mr. GREEN of Texas, Mr. HAYWORTH, Mr. HOUGHTON, Mr. RAMSTAD, Mr. ROMERO-BARCELO, Mr. SESSIONS, Mr. SHOWS, Mr. SPENCE, Mr. STUPAK, Mr. TOWNS, Mrs. THURMAN, and Mr. WELDON of Pennsylvania):

H. Res. 94. A resolution recognizing the generous contribution made by each living person who has donated a kidney to save a life; to the Committee on Commerce.

By Mr. PITTS (for himself, Mr. WATTS of Oklahoma, Mr. SUNUNU, Mr. PICKERING, Mr. SAM JOHNSON of Texas, Mr. BARR of Georgia, Mr. HOSTETTLER, Mr. PAUL, Mr. SESSIONS, Mr. QUINN, Mr. ROYCE, Mr. ADERHOLT, Mr. SOUDER, Ms. GRANGER, and Mr. CUNNINGHAM):

H. Res. 95. A resolution expressing the sense of the House of Representatives that American families deserve tax relief; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H. Res. 96. A resolution amending the Rules of the House of Representatives to require a two-thirds vote on any bill or joint resolution that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures or that implements a trade agreement

pursuant to such procedures; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. HERGER, Mr. MCCRERY, Mr. HAYWORTH, Mr. ENGLISH, Mr. ADERHOLT, Mr. TALENT, Mr. HALL of Texas, Mrs. MYRICK, Mr. FOLEY, Mr. DEUTSCH, Mr. DREIER, Mr. SENSENBRENNER, Mr. GOODE, Mr. WICKER, Mr. SHAW, Mr. BOUCHER, Mr. NETHERCUTT, Ms. DANNER, Mr. MCCOLLUM, Mrs. EMERSON, Mr. WATTS of Oklahoma, Mr. CONDIT, Mr. ROYCE, Mr. SCHAFFER, Mr. NEY, Mr. CUNNINGHAM, Mr. HUTCHINSON, Mr. FORBES, Mr. MCINTYRE, Mr. HASTINGS of Washington, Mr. MANZULLO, Mr. CRANE, Mr. LOBIONDO, Mr. REYNOLDS, Mr. TANCREDO, Mr. JOHN, Mr. SALMON, Mr. DICKEY, Mr. SESSIONS, Mr. BARCIA, Mr. CHAMBLISS, Mr. HEFLEY, Mr. RAHALL, Mr. LAHOOD, Mr. KASICH, Mr. CRAMER, Mr. HOSTETTLER, Mr. CALLAHAN, Mr. BACHUS, Mr. BISHOP, Mr. SKEEN, Mrs. CHENOWETH, Mr. LUCAS of Kentucky, Mr. BOEHNER, Mr. BILBRAY, Mr. PACKARD, Mrs. CUBIN, Mr. WELLER, Mr. RAMSTAD, Mr. MILLER of Florida, Mrs. BONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NORTHUP, Mr. COOK, Mr. DEMINT, Mr. COBLE, Ms. PRYCE of Ohio, Mr. WATKINS, Ms. ROS-LEHTINEN, Mr. GARY MILLER of California, Mr. GORDON, Mr. FRANKS of New Jersey, Mr. GALLEGLY, Mr. WALDEN of Oregon, Mr. KOLBE, Mr. BURTON of Indiana, Mr. RILEY, Mr. JENKINS, Mr. WOLF, Mr. PEASE, Mr. GOODLATTE, Mr. GOSS, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. PHELPS, Mr. PITTS, Mr. MCINNIS, Mr. METCALF, Mr. LUCAS of Oklahoma, Mr. KUYKENDALL, Mr. OSE, Mr. HILL of Montana, Mr. SIMPSON, Mr. COLLINS, Mr. COX, Mr. THOMAS, Mr. LEWIS of Kentucky, Mr. HULSHOF, Mr. HAYES, Mr. SWEENEY, Mr. BRYANT, Mr. HOUGHTON, Mr. CLEMENT, Ms. LOFGREN, Mr. RADANOVICH, Mr. GIBBONS, Mr. FLETCHER, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. ARMEY, Mr. MCKEON, Mr. TIAHRT, Mr. EWING, Mr. BARRETT of Nebraska, and Mr. KNOLLENBERG.

H.R. 14: Mr. KING of New York, Mr. TIAHRT, Ms. PRYCE of Ohio, Mr. HAYWORTH, Mrs. MYRICK, and Mr. TALENT.

H.R. 25: Mr. SWEENEY, Mr. MCHUGH, Mr. LAZIO, and Mr. HINCHEY.

H.R. 27: Mr. SMITH of New Jersey and Mr. LUTHER.

H.R. 44: Mr. OLVER, Mr. STUPAK, Mr. TERRY, Mr. HYDE, Mr. SAXTON, Mr. ANDREWS, Mr. PASCRELL, and Mr. SPENCE.

H.R. 45: Mr. TIAHRT, Mr. MCCRERY, Mr. EDWARDS, Mr. HILLIARD, Mr. CALVERT, Mr. DIAZ-BALART, Mr. GOODE, Mrs. THURMAN, Mr. COBLE, and Mr. WAMP.

H.R. 46: Mr. WELDON of Pennsylvania and Mr. LATHAM.

H.R. 58: Mr. WEYGAND.

H.R. 65: Mr. MCHUGH, Mr. SAXTON, Mr. ANDREWS, and Mr. SPENCE.

H.R. 82: Mrs. FOWLER, Mr. YOUNG of Alaska, Mr. HALL of Ohio, Mr. WEXLER, and Mr. UNDERWOOD.

H.R. 117: Mr. LARGENT.

H.R. 142: Mr. STEARNS, Mr. ROMERO-BARCELÓ, Mr. DUNCAN, Mr. KLECZKA, Mrs. MYRICK, Mrs. MORELLA, Mr. ENGLISH, Mr. WOLF, Mr. PETRI, Mr. GOODLATTE, Mr. GOODLING, Mr. GOODE, and Mr. MCHUGH.

H.R. 175: Mr. RAHALL, Mr. VENTO, Mr. NEY, Mr. LUCAS of Oklahoma, Mr. KANJORSKI, Ms. VELÁZQUEZ, Ms. HOOLEY of Oregon, Mr. SANDLIN, Mr. MASCARA, Mr. SWEENEY, Mr. CHAMBLISS, Mr. INSLEE, Mr. CALLAHAN, Mr. RILEY, Mr. WYNN, Mr. ALLEN, Mr. BARRETT of Nebraska, Mr. SESSIONS, Mr. WHITFIELD, Mr. BURR of North Carolina, Mr. CAMP, Mr. BASS, Mr. KENNEDY of Rhode Island, Mrs. CAPPS, Mr. TANNER, Ms. DANNER, Mr. UPTON, Mr. HAYES, Mr. LEWIS of California, Mr. DICKS, Mr. WOLF, Mr. CRAMER, Mr. SMITH of Washington, and Mr. SNYDER.

H.R. 184: Ms. LOFGREN.

H.R. 212: Mr. METCALF, Mr. LAHOOD, and Mr. SMITH of Washington.

H.R. 220: Ms. LOFGREN.

H.R. 224: Mr. ISTOOK.

H.R. 274: Ms. VELÁZQUEZ, Mr. BORSKI, and Mr. GREEN of Texas.

H.R. 275: Mr. SAXTON.

H.R. 303: Mr. MCHUGH, Mr. WYNN, Mr. SHERMAN, Mr. METCALF, Mr. SAXTON, Ms. DUNN, and Mr. ANDREWS.

H.R. 306: Mr. ANDREWS, Mr. BACHUS, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. CHRISTENSEN, Ms. DANNER, Mr. FALEOMAVAEGA, Mr. HALL of Ohio, Mr. MALONEY of Connecticut, Mrs. MCCARTHY of New York, Mr. MOAKLEY, Mr. OBERSTAR, Mr. PASCRELL, Mr. PAYNE, Ms. RIVERS, Mr. ROEMER, Mr. RUSH, Mr. SABO, and Mr. WEXLER.

H.R. 315: Mr. BROWN of California and Mr. SCOTT.

H.R. 325: Mr. BLUMENAUER, Mr. ENGEL, Mr. HOEFFEL, Mrs. JONES of Ohio, Mr. PASTOR, Mr. PHELPS, Mr. ROMERO-BARCELÓ, Ms. VELAZQUEZ, and Mr. WISE.

H.R. 346: Mr. MANZULLO.

H.R. 347: Mr. WELDON of Pennsylvania and Mr. NORWOOD.

H.R. 351: Mr. ROGERS, Mr. WHITFIELD, Mr. WAMP, Mr. SUNUNU, Mr. UPTON, Mr. CAMPBELL, Mr. NEY, Mr. SMITH of New Jersey, and Mr. BARTON of Texas.

H.R. 352: Mr. PETERSON of Minnesota, Mr. GARY MILLER of California, Mr. TIAHRT, Mr. TERRY, and Mr. SKELTON.

H.R. 355: Mr. BARCIA, Mr. UNDERWOOD, Mrs. CLAYTON, Ms. DANNER, and Mr. ABERCROMBIE.

H.R. 357: Ms. RIVERS and Mr. COYNE.

H.R. 371: Mr. SABO.

H.R. 372: Mr. PALLONE, Mr. SANDLIN, and Mr. MARTINEZ.

H.R. 393: Mr. WAXMAN.

H.R. 403: Mr. BEREUTER, Ms. STABENOW, and Mr. SIMPSON.

H.R. 410: Mr. GEJDENSON, Mr. FALEOMAVAEGA, Mr. STARK, and Mr. PALLONE.

H.R. 417: Mr. FILNER and Mr. LARSON.

H.R. 430: Mr. COSTELLO, Mr. ENGEL, Mr. SHIMKUS, Mr. INSLEE, and Mr. MCKEON.

H.R. 443: Mr. NADLER and Mr. PALLONE.

H.R. 448: Mrs. FOWLER.

H.R. 461: Mr. SHOWS, Mr. WICKER, Mr. DEAL of Georgia, Mr. GOODLATTE, Mr. SHADEGG, and Mr. BEREUTER.

H.R. 472: Mr. TERRY.

H.R. 483: Mr. HOUGHTON and Ms. PELOSI.

H.R. 491: Mr. MCGOVERN, Mr. PAYNE, and Ms. KAPTUR.

H.R. 492: Mr. TURNER.

H.R. 502: Mr. WISE.

H.R. 506: Mr. ENGEL, Mr. MICA, Mrs. MINK of Hawaii, Mr. ORTIZ, Mr. FRANKS of New Jersey, Mr. TIERNEY, Mr. EVERETT, Mr. NEAL of Massachusetts, and Mr. DUNCAN.

H.R. 516: Mr. MANZULLO.

H.R. 528: Mr. CAMP, Mr. FOLEY, and Mr. PAUL.

H.R. 534: Mr. GOODE.

H.R. 540: Mr. HALL of Texas and Mr. LAZIO.

H.R. 542: Mr. PETRI, Mr. MARKEY, and Mr. GUTIERREZ.

H.R. 550: Mr. BLILEY.

H.R. 552: Mr. METCALF, Mr. BERMAN, Mr. ENGEL, Ms. LEE, Mr. LAMPSON, Mrs. CAPPS, Ms. PRYCE of Ohio, Mr. THOMPSON of Mississippi, Mr. WEINER, Mr. LIPINSKI, Mrs. CLAYTON, and Mr. HOSTETTLER.

H.R. 561: Mr. PALLONE, Mr. STARK, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. WEINER, Mr. KUCINICH, Mr. MARKEY, and Mr. FORBES.

H.R. 566: Mr. SMITH of Washington, Mr. DIXON, Mr. GUTIERREZ, Mr. CUMMINGS, Mr. FRANK of Massachusetts, and Mr. INSLEE.

H.R. 568: Mr. PAYNE.

H.R. 571: Mr. FORBES.

H.R. 600: Mr. GARY MILLER of California, Mr. DIAZ-BALART, Mr. SWEENEY, Mr. DELAY, Mr. SOUDER, Mr. BEREUTER, Mr. PETERSON of Pennsylvania, Mr. BURTON of Indiana, Mr. MICA, and Mr. KING of New York.

H.R. 655: Mr. LAMPSON and Ms. KAPTUR.

H.R. 659: Mr. FROST, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, and Mr. EHRLICH.

H.R. 683: Mrs. MALONEY of New York, Mr. CLYBURN, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. GOSS, Mrs. MORELLA, Mrs. JONES of Ohio, Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Mr. SHOWS, Mr. FORD, Mrs. CLAYTON, Mr. BISHOP, Mr. DIXON, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mrs. THURMAN, Mr. GREEN of Texas, Ms. DEGETTE, Mr. MEEKS of New York, and Mr. FILNER.

H.R. 685: Mr. HERGER.

H.R. 732: Mr. PORTER, Mr. PRICE of North Carolina, Mr. MOORE, Ms. SCHAKOWSKY, Ms. LOFGREN, Mr. UPTON, Mr. ALLEN, Mr. QUINN, Mr. WAXMAN, Mr. SHERMAN, Mrs. MINK of Hawaii, Mr. DOYLE, and Mr. HOLT.

H.R. 745: Mr. WHITFIELD.

H.R. 746: Mr. FROST, Mr. SANDLIN, and Mr. BROWN of Ohio.

H.R. 749: Mr. SAXTON, Mr. DEMINT, and Mr. UNDERWOOD.

H.R. 750: Mrs. JOHNSON of Connecticut, Mr. BARRETT of Wisconsin, and Mr. BLUMENAUER.

H.R. 760: Mr. BROWN of California, Mr. ROHRABACHER, Mr. GREEN of Wisconsin, and Mr. EHLERS.

H.R. 762: Mrs. MALONEY of New York, Mr. GEJDENSON, Mr. FROST, Mr. ROMERO-BARCELO, Mrs. CLAYTON, Mr. HALL of Ohio, Mr. MCGOVERN, Mr. ACKERMAN, Mr. UPTON, Mr. STARK, Mr. GUTIERREZ, Mrs. MORELLA, Mr. MORAN of Virginia, Mr. DELAHUNT, Mr. SANDLIN, Mr. DIXON, Mr. FORD, Ms. MILLENDER-MCDONALD, Mr. WAXMAN, Mr. TOWNS, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. WEXLER, Mr. RANGEL, Mr. FOLEY, Mr. WYNN, Mr. WALSH, Mr. PAYNE, Ms. LOFGREN, Mr. LEWIS of Georgia, Mr. LATOURETTE, Mr. MCHUGH, Mr. BENTSEN, Mr. HAYWORTH, Ms. KAPTUR, Mr. BISHOP, Mrs. LOWEY, Mr. NADLER, and Mr. COYNE.

H.R. 783: Mr. SHOWS, Mr. DEAL of Georgia, Mrs. MINK of Hawaii, Mr. UNDERWOOD, and Mr. BALDACCI.

H.R. 786: Mr. HERGER.

H.R. 805: Mr. DEUTSCH, Mr. KENNEDY of Rhode Island, Mr. SANDLIN, and Mr. FALEOMAVAEGA.

H.R. 815: Mr. MICA, Mr. WALSH, Mr. KASICH, Mr. LUCAS of Oklahoma, Ms. DUNN, Mr. PETERSON of Minnesota, and Mr. BONILLA.

H.R. 832: Ms. STABENOW.

H.R. 835: Mrs. NAPOLITANO, Mr. CAPUANO, Mr. TERRY, Mr. BLUMENAUER, Mr. BOUCHER, and Mr. TURNER.

H.R. 845: Mr. SHOWS, Ms. PELOSI, Mr. PALLONE, Mrs. MINK of Hawaii, Mr. FROST, and Ms. KILPATRICK.

H.R. 853: Mr. BARTON of Texas, Mr. CASTLE, Mr. ENGLISH, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mrs. JOHNSON of Connecticut, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. REGULA, Mr. SESSIONS, and Mr. SHAYS.

H.R. 872: Ms. WOOLSEY and Mr. GREEN of Texas.

H.R. 884: Mr. LANTOS.

H.R. 886: Mr. STARK and Mr. RUSH.

H.R. 894: Mr. PORTER and Mr. NORWOOD.

H.R. 903: Mr. BARTON of Texas, Mrs. CHENOWETH, Mr. HANSEN, Mr. HASTERT, Ms. DUNN, Mr. LATHAM, Mr. ARMEY, Mr. DREIER, Mr. OXLEY, Mrs. WILSON, Mr. LARGENT, Mr. MANZULLO, Mr. SCHAFFER, Mr. COMBEST, Mr. POMBO, Mr. YOUNG of Alaska, Mr. DEAL of

Georgia, Mr. DELAY, Mr. CRANE, Mr. WOLF, Mr. DAVIS of Virginia, Mr. HOBSON, and Mr. CHAMBLISS.

H.R. 914: Mr. WALSH.

H.R. 935: Mr. FORBES.

H.R. 941: Mr. FRANK of Massachusetts and Mr. BERMAN.

H.J. Res. 2: Mr. GOODLATTE.

H. Con. Res. 8: Mr. MANZULLO.

H. Con. Res. 24: Mr. SWEENEY, Mr. KLINK, Mr. LEWIS of California, Mr. HILL of Montana, Mr. SAWYER, Mr. REYES, Mrs. MALONEY of New York, Mr. LARSON, Mr. CLEMENT, Mr. PORTMAN, Ms. PELOSI, and Mr. HOSTETTLER.

H. Con. Res. 25: Mr. DEFAZIO.

H. Con. Res. 28: Mr. BEREUTER, Mr. KING of New York, Mr. MANZULLO, Mr. FALEOMAVAEGA, Mr. HYDE, Mr. WOLF, Mr. SHERMAN, Mr. ADERHOLT, Mr. GUTIERREZ, Mr. CAPUANO, Mr. FORBES, and Mr. KUCINICH.

H. Con. Res. 29: Mr. LAHOOD, Mr. DEMINT, and Mrs. MYRICK.

H. Con. Res. 31: Mr. INSLEE, Mr. ROEMER, Mr. WOLF, and Mr. OLVER.

H. Con. Res. 36: Mr. DEUTSCH and Mr. CUNNINGHAM.

H. Res. 35: Mr. ETHERIDGE, Mr. OWENS, Mr. FORD, Ms. NORTON, Mr. KANJORSKI, Ms. LEE, Mr. DAVIS of Illinois, Mr. EDWARDS, Mr. ROEMER, Mrs. LOWEY, Mr. BLAGOJEVICH, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mrs. MINK of Hawaii, Mr. SPRATT, Mr. UPTON, Mr. HOUGHTON, Mr. PORTER, and Mr. ROTHMAN.

H. Res. 41: Mr. BALDACCI, Mr. BARR of Georgia, Mr. BERMAN, and Mrs. MALONEY of New York.

H. Res. 55: Mr. FRELINGHUYSEN, Mr. LUTHER, and Mr. SCARBOROUGH.

H. Res. 82: Ms. NORTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 41: Mr. LINDER.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, MARCH 3, 1999 No. 33

Senate

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

PRAYER

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

Lord of all life, thank You for the gift of time. You have given us the hours of this day to work for Your glory by serving our Nation. Remind us that there is enough time in any one day to do what You want us to accomplish. Release us from that rushed feeling when we overload Your agenda for us with added things which You may not have intended for us to cram into today. Help us to live on Your timing. Grant us serenity when we feel irritated by trifling annoyances, by temporary frustration, by little things to which we must give our time and attention. May we do what the moment demands with a glad heart. Give us the courage to carve out time for quiet thought and creative planning to focus our attention on the big things we must debate and eventually decide with a decisive vote. Help us to be silent, wait on You, and receive Your guidance. May the people we serve and those with whom we work sense that, in the midst of the pressures of political life, we have had our minds replenished by listening to You. Through our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. JEFFORDS. This morning the Senate will resume consideration of the motion to proceed to S. 280, the Education Flexibility Partnership Act. There are 4 hours remaining for debate on the motion to proceed, with Senator WELLSTONE to control 3 hours 30 minutes and Senator JEFFORDS or his designee in control of the remaining 30 minutes.

Under a previous order, at the conclusion or yielding back of debate time, the Senate will proceed to vote on the motion to proceed. If the motion is adopted, the Senate will begin consideration of the bill itself, with amendments being offered and debated during today's session. Therefore, Members should expect votes throughout Wednesday's session.

I thank my colleagues for their attention.

Mr. President, I make a point of order that a quorum is not present.

Mrs. LINCOLN. I ask my colleague if he will withhold his request.

Mr. JEFFORDS. Certainly.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as if in morning business, and I would like to charge that time to my colleague, Mr. WELLSTONE.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. LINCOLN. I thank the Chair.

PROMOTION OF COMMANDER MICKEY ROSS

Mrs. LINCOLN. Mr. President, I am honored this morning to recognize Commander Mickey Vernon Ross, a great American from Arkansas who later today will be promoted to the rank of Captain in the United States Navy. With his promotion to Captain, Commander Ross not only earns the respect and admiration of his country, he also earns a place in Arkansas history, becoming the first African-American from our state to attain that high rank.

Commander Ross is a native of North Little Rock and comes from a proud family with a long record of military service, following his father and three older brothers into the Armed Services. His father is no longer with us, but his mother, Minnie P. Ross, has traveled from Arkansas to be at the ceremony formally recognizing her son's promotion today. As you might imagine, she is overjoyed knowing how hard her son has worked to accomplish this feat. His wife, Mary Ann Ross, of Elaine, Arkansas, which is my home area, and their two children, Timothy, age 14, and Benjamin, age 6, will also be on hand to celebrate this momentous occasion.

From an early age, Commander Ross has exhibited excellence in all aspects of his life—academically, professionally and personally. More than that, in a world short on heroes and role models to guide our children, Commander Ross is a shining example of the brilliant promise every life holds. Hard work and an eager spirit still equal success in America—no matter how difficult the challenges may be. It is my privilege—indeed, my duty as a voice for my state—to hold him up as an example for others to see.

After graduating from North Little Rock High School in 1973, Commander Ross attended the United States Naval Academy in Annapolis, Maryland, where he was commissioned an Ensign and graduated in 1977 with a degree in Physical Science. In 1983, Commander Ross received a Master of Science in Electrical Engineering from the Naval Postgraduate School in Monterey, California. Currently, Commander Ross is pursuing a doctoral degree in Engineering Management at George Washington University.

As an officer in the Navy, Commander Ross has served his country with distinction. His first tour of duty was onboard the U.S.S. *Ranger* CV 61 where he helped the command receive top honors, the No. 1 Recruiting District in the Nation. Later, on the U.S.S. *Acadia* as the Repair Officer, his department received the highest award for fleet maintenance support and the ship received the Navy ''E'' award from Commander Naval Surface Forces, Pacific. And I couldn't help but notice

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

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that in between his many assignments, Commander Ross found time to return to Arkansas to recruit Naval Officers at colleges and universities in our state. Today, Commander Ross is Director for Combat Systems for the Program Executive Officer for Aircraft Carriers at the Naval Sea Systems Command in Arlington, Virginia.

But Commander Ross' record as a student and a Naval Officer aren't the only things for which I want to commend him this morning. Commander Ross is also a devoted husband and a wonderful father. His wife, Mary Anne, and their children must be very proud of him today.

My father fought in Korea and my grandfather fought in World War I and they taught me at an early age to have the highest respect for the men and women in uniform who defend our nation. On behalf of the state of Arkansas and the United States Senate, I thank you, Commander Ross, for your service to our country. I hope the honor you bestow on your family, our state and our nation today inspires others to follow your example. I, for one, will be following your career with great interest and I suspect this will not be my last opportunity to recognize an outstanding achievement in your life.

I thank you, Mr. President.

MEASURE PLACED ON THE CALENDAR—H.R. 350

Mr. JEFFORDS. Mr. President, a bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (H.R. 350) to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—S. 508

Mr. JEFFORDS. Mr. President, another bill is at the desk due for its second reading. I ask it be read.

The PRESIDING OFFICER. The clerk will read.

The bill clerk read as follows:

A bill (S. 508) to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

Mr. JEFFORDS. Mr. President, I object to further consideration of this measure at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, leadership time is reserved.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 280, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of S. 280, a bill to provide for education flexibility partnerships.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours 30 minutes under the control of the Senator from Minnesota, Mr. WELLSTONE, and 30 minutes under the control of the Senator from Vermont, Mr. JEFFORDS, or his designee.

Mr. JEFFORDS. Mr. President, I make a point of order a quorum is not present.

Mr. President, I ask unanimous consent that that time be charged to Senator WELLSTONE.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton and Elizabeth Kuoppala be allowed to be on the floor during the duration of the debate on Ed-Flex.

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

Mr. WELLSTONE. Mr. President, let me, first of all, explain to my colleagues and for those in the country who are going to now be focusing on this bill, the Ed-Flex bill, why I started out yesterday speaking in opposition to this motion to proceed and why I will be taking several hours today to express my opposition to this piece of legislation. There are a number of different things I am going to cover, but at the very beginning I would like to spell out what I think is the fundamental flaw to this legislation, the Ed-Flex bill. Frankly, I think my colleagues, Democrats and Republicans, would have had an opportunity to carefully examine this legislation if we had a hearing, I mean a thorough hearing, or if we had waited to really examine in some detail and some depth what has happened in the different Ed-Flex States.

The General Accounting Office gives us a report in which they say it looks like some good work has been done, but we don't really have a full and complete understanding of what has happened in these Ed-Flex States. I think what this piece of legislation, called Ed-Flex—and I grant it is a great title, and I grant it is a winning political argument to say let's give the flexibility to the States and let's get the Federal Government out of this—but what this piece of legislation is essentially saying is that we, as a national community, we as a National Government, we as a Federal Government representing the people in our country, no longer are going to maintain our commitment to poor children in America. That is what this is all about.

What this piece of legislation essentially says to States and to school districts is: Look, when it comes to the core requirements of title I, core requirements that have to do with qualified teachers, that have to do with high standards for students, that have to do with students meeting those standards and there being a measurement and some result and some evaluation, these standards no longer necessarily will apply. What this legislation says is, when it comes to what the title I mission has been all about, for poor children in America—that is to say that we want to make sure that the money, first and foremost, goes to the neediest schools—that standard no longer will necessarily apply.

As a matter of fact, in 1994, one of the things that we did in the Elementary/Secondary Education Act reauthorization was we sought to concentrate title I funds by requiring districts to spend title I on schools with over 75 percent poverty-stricken students first. That restriction has had the desired effect. Only 79 percent of schools with over 75 percent poverty received title I funds in 1994. Today, over 95 percent of those schools receive it.

So, Mr. President—and I want to make it clear that I will have an amendment—one of the amendments that I will have to this piece of legislation, if we proceed with this legislation, is an amendment that says that the funding has to first go to schools that have a 75 percent or more low-income student population.

I cannot believe my colleagues are going to vote against that. If they want to, let them. But if they do, they will have proved my point—that we are now about to pass a piece of legislation or a good many Republicans and, I am sorry to say, Democrats may pass a piece of legislation that will no longer provide the kind of guarantee that in the allocation of title I funds for poor children that the neediest schools will get served first. I cannot believe that we are about to do that. I cannot believe this rush to recklessness. I cannot believe the way people have just jammed this bill on to the floor of the Senate. I cannot believe that there isn't more opposition from Democrats.

Mr. President, the second amendment that I am going to have, which I think will really speak to whether or not people are serious about flexibility with accountability, is an amendment which essentially says, look, here are the core requirements of title I.

The reason we passed title I as a part of the Elementary/Secondary Education Act back in 1965—that was almost 35 years ago—the reason we passed title I was we understood, as a nation, whether or not my colleagues want to admit to this or not, that in too many States poor children and their families who were not the big givers, who were not the heavy hitters, who do not make the big contributions were falling between the cracks.

So we said that, as a nation, we would make a commitment to making sure that there were certain core requirements that all States had to live up to to make sure that these children received some help. Thus, the core requirements of title I: Make sure they are qualified teachers; make sure low-income students are held to high standards; make sure there is a clear measurement of results.

Let me just read actually some of the provisions that would be tossed aside by Ed-Flex in its present form: the requirement that title I students be taught by a highly qualified professional staff; the requirement that States set high standards for all children; the requirement that States provide funding to lowest-income schools first; the requirement that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards; the requirement that funded vocational programs provide broad education and work experience rather than narrow job training.

These are the core requirements. I will have an amendment that will say that every State and every school district receiving title I funding will be required to meet those requirements, will be called upon to meet those requirements.

Mr. President, right now this legislation throws all of those core requirements overboard. This legislation represents not a step forward for poor children in America; it represents a great leap backwards. This piece of legislation turns the clock back 35 years. It comes to the floor of the Senate without a full hearing in committee; it comes to the floor of the Senate without any opportunity to see any report with a thorough evaluation of what those Ed-Flex States have done; it comes to the floor of the Senate with the claim being made that Ed-Flex represents a huge step forward for education and for the education of poor children in America. It is absolutely ridiculous.

I will talk over the next couple of hours about what we could be doing and should be doing for children if we are real. This piece of legislation does not lead to any additional opportunities for low-income children. This piece of legislation does not dramatically increase the chances that they will do well in school. This piece of legislation does absolutely nothing by way of making sure that we have justice for poor children in America.

To the contrary, this piece of legislation does not call for—and I am pretty sure that it will not happen, although I will have legislation that will try to make it happen—for an additional expenditure of funds for title I programs. This piece of legislation does nothing for the schools in St. Paul and Minneapolis that have over 50 percent low-income students and still don't receive any money whatsoever because there isn't enough money and there aren't enough resources that are going to our school districts.

This piece of legislation does nothing to make sure children, when they come to kindergarten, are ready to learn, that they know how to spell their names, that they know the alphabet, that they know colors and shapes and sizes, that they have been read to widely, that they have been intellectually challenged. This piece of legislation does nothing to assure that will happen. This piece of legislation does not do anything to dramatically improve the quality of children's lives before they go to school and when they go home from school. And I want to talk about that as well.

I will tell you what this piece of legislation does. This piece of legislation says, we, as the U.S. Senate, are no longer going to worry about whether States and school districts live by the core requirements of title I. We are just going to give you the money and say, Do what you want to do. What this piece of legislation says is we are no longer going to worry about whether or not States and school districts provide funding first to those schools with a 75 percent or more low-income student population, the neediest schools. We are just going to say, Do what you want. And this is being passed off as something positive for poor children in America?

Again, I will have two amendments—I will have a number of amendments, quite a few amendments—but two amendments that I think are going to be critical by way of sort of testing out whether or not we are talking about accountability or not: One, an amendment that says, again, the allocation of funding by States and school districts means that those schools that have 75 percent or more low-income students get first priority, and, second of all, an amendment that says, here are the core requirements of title I. This is what has made title I a successful program. And this is fenced off, and in no way, shape or form will any State or any school district be exempt from these core requirements.

Why would any State or school district in the United States of America not want to live up to the requirements that we have highly qualified teachers, that we hold the students to high standards, that we measure the results, and we report the results?

Mr. President, before talking more about title I, let me talk a little bit about context. And it is interesting. I am going to do this with some indignation. And I want to challenge my colleagues. I want to challenge my colleagues not in a hateful way, but I certainly want to challenge my colleagues.

We are a rich country. Our economy is humming along. We are at peak economic performance. But fully 35 million Americans are hungry or at risk of hunger. Every year, 26 million Americans, many of them children, go to food banks for sustenance.

Last year, the requests for emergency food assistance rose 16 percent. Many of those requests were unanswered. I would like for everyone to listen to this story. A Minnesota teacher asked his class, ''How many of you ate breakfast this morning?'' As he expected, only a few children raised their hands. So he continued, ''How many of you skipped breakfast this morning because you don't like breakfast?''

Lots of hands went up. And how many of you skipped breakfast because you didn't have time for it? Many other hands went up. He was pretty sure by then why the remaining children hadn't eaten, but he didn't want to ask them about being poor, so he asked, How many of you skipped breakfast because your family doesn't usually eat breakfast? A few more hands were raised. Finally, he noticed a small boy in the middle of the classroom whose hand had not gone up. Thinking the boy hadn't understood, he asked, And why didn't you eat breakfast this morning? The boy replied, his face serious, ''It wasn't my turn.''

Do you want to do something for children and education of poor children? Don't eliminate standards and accountability with title I. Make sure those children don't go hungry. The U.S. Senate, 2 years ago, put into effect a 20-percent cut in the Food Stamp Program, which is the single most important safety net nutritional program for children in America, and my colleagues have the nerve to come out here with something called Ed-Flex and make the claim that this is going to do all these great things for poor children in America.

Let me repeat it: We have entirely too many children that are not only poor but hungry in America. We put into effect 2 years ago a 20-percent cut which will take effect 2002 in food stamp assistance, which by all accounts is the single most important safety net program to make sure that children don't go hungry. I will have an amendment to restore that funding before this session is out.

Children don't do real well in school when they are hungry. They don't do real well in school when they haven't eaten breakfast. If we want to help those children, this is the kind of thing we ought to do to make sure that these low-income families have the resources so that they can at least put food on the table. I can't believe that in the United States of America today, as

rich a country as we are, we can't at least do that.

Instead, we have something called Ed-Flex. For all of the families with all of the hungry children, for all of the children that are poor in America—a quarter of all children under the age of 3 are growing up poor in America; 50 percent of all children of color under the age of 3 are growing up poor in America—Ed-Flex doesn't mean anything. Ed-Flex means absolutely nothing.

The New York Times told the story of Anna Nunez and of hundreds of thousands of families like her. Up a narrow stairway, between a pawn shop and a Dominican restaurant, Anna Nunez and her three children live in a single, illegal room that suffocates their dreams of a future. It is a $350-a-month rectangle with no sink and no toilet, that throbs at night with the restaurant's music. Ms. Nunez' teenagers, Kenny and Wanda, split a bunk bed, while she squeezes into a single bed with little Katrina, a pudgy 4-year-old with tight braids. Out of the door and down the linoleum-lined hallway is the tiny bathroom they share with five strangers.

Last winter, tuberculosis traveled from Kenny to his mother and younger sisters in a chain of infection as inevitable as their bickering. Inevitable, too, is the fear of fire: Life in 120 square feet means the gas stove must stand perilously close to their beds. Kenny, at age 18, is a restless young man in a female household. Ask him what bothers him most, and he flatly states that he has the only way to get some privacy—''I close my eyes.''

At night, Anna said, when the mice crawl over us in bed, it feels even more crowded.

What should we be doing on the floor of the U.S. Senate if we are really committed to children in America, and if we are committed to poor children in America? We would be making a dramatic investment in affordable housing, which is receiving crisis proportion. But these children and these families are not the ones who march on Washington every day.

We want to talk about what will help children in school. If we want to talk about family values, we ought to talk about making sure that these children don't live in rat-infested slum housing, but have some decent shelter. But we don't. Instead, we have Ed-Flex. Ed-Flex will do absolutely nothing for these children.

I have a close friend that many staffers know well and I think many Senators know well because of his brilliance and also because he is sort of a perfect example of someone who really lives such an honest life. He treats all of us, regardless of our political viewpoint, with such generosity—Bill Dauster. My friend, Bill Dauster, wrote something which I think applies to this debate:

> We need to restore the family values that put our children first, for if we do not advance the interests of those who will inherit the future of our society, then we have no vision. And if we do not protect the most helpless of our society, then we have no heart. And if we do not support the most innocent of our society, then we have no soul.

I think he is absolutely right.

Mr. President, I will talk more about the concerns and circumstances in children's lives in a while, but I did want to give some context before returning to title I, and then I am going to develop my arguments about what we should be doing specifically in education.

I will say one more time that I find it very interesting that we have a piece of legislation on the floor that purports to be some major step forward for poor children. As a matter of fact, most of the Ed-Flex waiver requests have dealt with title I, which deals with poor children. That is why I am talking about poor children. At the same time, this is the U.S. Congress that not only has no positive agenda to make sure that poor children aren't hungry and therefore able to learn, doesn't have any positive agenda to make sure that poor children live in decent housing and therefore can come to school ready to learn, but actually has cut nutrition programs for children, and now brings a piece of legislation out which, all in the name of flexibility, is supposed to do all of these great things for poor children.

Now, let me return to title I. Let me explain my indignation. My indignation about this particular bill goes further than what I have said. Not only does it represent a retreat on the part of the U.S. Senate from a commitment to poor children in America, not only does it represent a retreat from any basic accountability so that the core requirements of title I—I will repeat it one more time—that have to do with highly qualified teachers and high standards and those standards being met—no longer apply if a State or local school district doesn't choose to comply, not only does this piece of legislation abandon what we did in 1994 with positive effect, that is to say some assurance that the money would first go to the neediest schools. In addition to adding insult to injury—I don't even know why this bill is on the floor—to add insult to injury, this piece of legislation does absolutely nothing by way of, not even one word, calling for more funding.

I will tell you what people in Minnesota are telling me. I am assuming—but I am not so sure it has happened—I would like to believe that my colleagues who are in such a rush to pass this piece of legislation have spent a lot of time with principals and teachers and teacher assistants who are working with the title I program. I have to believe that. Well, if you have, I want to find out—when we get into debate, I would like for my colleagues to identify for me a specific statute in title I right now that is an impediment to reform. Tell me what exactly we are talking about.

I will tell you what I hear from people in Minnesota. They are not worried about flexibility. What they are worried about is, they don't have enough money. What we hear from those men and women who are working with poor children in the title I program is, ''We don't have enough resources.'' That is what they are telling us. In that sense, this particular piece of legislation is a bit disingenuous. We talk about flexibility, that is the sort of slogan here, but we don't provide any additional resources.

Examples: St. Paul. I talked about some of this yesterday, but I think it is well worth presenting this data. There are 20 schools altogether—there are 60 K-through-12 public schools in St. Paul, MN. There are 20 schools in St. Paul with at least a 50 percent free and reduced lunch—that is the way we define low-income—that receive no title I funds at all—one-third of the schools.

Let's talk about urban schools. I would like to ask my colleagues, have you been in the urban schools? Did the principals and the teachers and the families in these urban schools—was the thing they were saying to you over and over again, ''We need to have Ed-Flexibility''? Or were they saying, ''We need more resources to work with these children''? What were they saying to you? I will tell you what they were saying to me: ''We don't have the resources.'' One-third of St. Paul's schools have significant poverty, a low-income student body, and receive no title I funds to eliminate the learning gap. At Humboldt Senior High School, on the west side of St. Paul, 68 percent of the students are low-income; no title I funding. I visited the school. I try to be in a school about every 2 weeks.

For those listening to the debate—and I am taking this time because I want to slow this up. I want people in the country, and journalists, people who cover this or who write and cover it—so people in the country will know what is going on. I can be put in parentheses and keep me out of it, but I want the people to know what is going on. I don't think legislation like this that has the potential of doing such harm to low-income children should zoom through the U.S. Senate.

As I say, at Humboldt Senior High 68 percent of the students are on free and reduced lunch; no title I. So the question is, How can that be? The answer is that in Minnesota, altogether, this year, we had $96 million for title 1 programs. We can use double that amount of funding, triple that amount of funding. What happens is that after we allocate the money in St. Paul to the schools that have an even higher percentage of low-income students, there is no funding left. And we have Ed-Flex that is such a ''great response'' to the challenges facing these families and these children, which isn't even talking about providing more funding.

My prediction is that, come appropriations, don't count on it. Don't count on it. It won't happen, though some of us will fight like heck to try to make it happen.

Several middle schools receive no title I funding. Battle Creek Middle School has 77 percent low-income students and no title I funds.

By the way, I argue that I have often believed—since I have some time here today, I can go a little slower—I have often believed that the elementary school teachers just do God's work. I think it starts there. I was a college teacher, but I know that elementary school teaching is more important; I am sure of it. If I had to do it over again, I think I would have been an elementary school teacher, if I could be creative enough. I was a wrestling coach, but I would have liked to teach elementary school. I did coach the junior high school wrestling team in Northfield. Those are difficult years. I think any kind of support we can give kids who are middle school or junior high school age, we ought to do so.

What is the kind of support we can do with title I? It is a good program. That is why I am on the floor. This is a good thing we did in 1965. This was a good thing we did in reauthorization in 1994. It means there are more teacher assistants, more one-on-one instruction, more community outreach, and more parental involvement. It is not easy because a lot of not such beautiful things are happening in the lives of many children in America today. I know that. I am in the communities. But this makes a difference. I will tell you, we could do a lot at Battle Creek Middle School if we had the funding. Frost Lake Elementary School has 66 percent low-income children and no title I funding.

So can I ask this question: What exactly are these schools going to be flexible with? Are they going to be flexible with zero dollars? What are they going to get to be flexible about? Do they get to choose between zero and zero? Is that the flexibility? Let's get real. Let's get real. The U.S. Congress, a couple years ago—because it is so easy to bash the poor—cut the Food Stamp Program by 20 percent. We have done next to nothing by way of pre-K. That is where the Federal Government is a real player in education. I will talk about that in a moment. We have done next to nothing by way of getting resources to families so there could be decent child care. And we are not talking about increasing the funding for title I, but we are talking about flexibility.

Some other schools: Eastern Heights Elementary, 64 percent low-income, no title 1. Mississippi Magnet School, 67 percent low-income students and no title I. They get to be flexible between zero and zero. They get to choose how to spend no money. They get to imagine and dream. But do you want to know something? They need to do more than that. I am not going to let this piece of legislation go through this floor like this. I am sure some of my colleagues will be angry, but I am not going to let this zoom through the Senate without a lot of discussion. I want people to know exactly what it is.

Now, it could be—I have to be careful because it could be that people say: Well, you know what, all right, case made; we know what it doesn't do; but, nevertheless, in terms of what it tries to do, let's have more flexibility. These are two different things. I don't, first of all, want this to go through as the ''big education initiative.'' It is not. It is not. I don't want this piece of legislation to go through as the sort of legislation that represents the ''bold response'' on the part of the United States of America to the concerns and circumstances of poor children. It is not. And I certainly don't want this piece of legislation to go through with the slogan of ''flexibility,'' unless we have real accountability.

When we get to our amendments, I will have an amendment on accountability. I know Senator KENNEDY will have an amendment on accountability. I know that Senator REID will have an amendment on accountability. We will see if people are ''real'' about that.

By the way, what I hear from the St. Paul School District is that if they had another $8 million in title I funding, they would use it to reduce class size. They would use it to increase parental involvement. They would use it to hire additional staff to work with students with greatest needs. There are a lot of ways they could use it. But we are not providing for the funding that they need. This is one of the things that I just hate about this vicious zero sum game, especially in greater Minnesota, which is rural. Here is what happens.

Don't anyone believe I am giving only urban examples somehow about the problem of children that need additional support. The whole goal of getting it right for all the kids in our country is not just an urban issue. It is suburban, and it is rural. But see, here is what happens when we don't provide enough funding. I don't know why we don't call this an unfunded mandate. It may not technically be, but in many ways it is.

We talk a lot about IDEA. We should. I say to the Chair, who is a former Governor, that the Governors make a good point. And I am in complete agreement that we ought to, when it comes to children with special needs, be providing for funding. I don't know why we don't talk about this, because you know what happens, I say to my colleague from Vermont. There is strong rural community as well in Vermont. What happens is that in those schools in the rural areas where maybe there is a 35 percent, low-income, or 30 or 20 percent, they say, ''Listen. We need some funding.'' But we get into this zero sum game with not enough funding. It gets divided up in such a way that it makes sense that the funding goes first to the neediest schools. And there isn't any. And there isn't any.

Minneapolis—this is just looking at estimates for next year. K through 12 schools in Minneapolis: 31 schools will receive no title I funds; 14 schools with at least 50 percent free and reduced lunch recipients will receive no title I; 14 schools that have 50 percent low-income student population will receive no title I funding. Burroughs Elementary School, 43 percent low-income, no title I funding. The school would be eligible, if we had funding.

For almost $100,000 in title I next year, they would use the money to buy computers for special reading software, additional assistance in reading and math, work for students in small groups, and to close the achievement gap. But they can't do it. We are going to give them Ed-Flex. We are going to give them Ed-Flex. Anthony Elementary School, 43 percent free and reduced lunch, again, the operational definition of low-income, receive no title I. The school would be eligible if we got funding we needed—$154,000 next year—and they would use the money for afterschool tutoring, that is what we should be doing, if we are ''real.'' We will have an amendment on that before this debate is all over.

They would use the money for afterschool tutoring to improve math and science, to improve technology, to increase staffing, and to improve parental involvement.

Marcy Open Elementary School, 44 percent low-income, they are going to lose their educational assistance if they don't get the funding they need. Kenny Elementary School, 39 percent low-income, no title 1. If they were going to get the funding that they deserve, they would have about another $9,000 that they would be eligible for, and they would use that to hire tutors who are trained to tutor small group instruction, to buy certain computer-assistance instruction, to make the Read Naturally Program available to more students, and to focus on students who are English language learners. I think this whole issue of students who are English language learners is the key issue here.

One of the things that is so unconscionable to me about all of this and the way we give title 1 the short end of the stick is that we have a lot of students right now who are from families—Minneapolis, MN—I think I am right. Don't hold me to these figures. But, roughly speaking, in Minneapolis students come from families where there are 90 languages and dialects spoken. That is Minneapolis, MN. That is not New York City. In St. Paul, it is about 70 languages and dialects spoken. It is not uncommon. I remember being in a Jackson Elementary School meeting with fourth grade students, and there were five different languages spoken in that class of 25 or 30. For a lot of those students, they need additional help. We know why. That is a big challenge.

Title I really helps if the funding is there. But we are not talking about—I haven't heard any Republican colleagues talking about dramatically increasing the funding for title I. I haven't heard the President talk about it. He has talked about $110 billion

more for the Pentagon over the next 6 years, and $12.5 billion next year. And the President of the United States, a Democrat, says education is his highest priority, and he doesn't even call for an additional $2 billion for education for the whole Nation. You would think that he would call for as big of an increase, I say to my colleague from Vermont, for the Education Department and education as he would for the Pentagon, if education was his No. 1 priority. I think that is part of the problem. I think the White House has absolutely caved on this issue. I cannot believe their silence. I cannot believe it.

Mr. President, I would like to talk a little bit about some success of title I. I think I read a couple of these letters last night. But I think it is worth talking about again.

Let me start with Annastacia Belladonna Maldonado from the Minneapolis Chicano-Latino Council who says:

> I am very concerned about the hurried fashion in which Congress is handling S. 280. Given that ESEA is up for reapproval, it seems reasonable, more appropriate, and certainly a more dramatic way of addressing issues and concerns that Ed-Flex has written. At the very least I would expect a series of responsible considerations of all aspects of S. 280 be addressed by the committee before proceeding to an open debate.

Well, it is too late. We are on the floor. Secretary Riley, who I personally think is probably the gentlest and kindest person in government—I can't fault him for his commitment to education. I can't fault him for his courage as Governor of South Carolina who called for an increase in taxes to fund public education. He came to our committee, I say to my colleague from Vermont, a couple of weeks ago, and he said we believe that since title I represents really a big part of what the Federal Government does here, we would prefer that when you go through your reauthorization of the Elementary Secondary Education Act, that you put off this Ed-Flex legislation, which has such huge consequences, until then. But we didn't. While I appreciated the words of Secretary Riley, I don't see a lot of fight on the part of the administration on this question.

A constituent of mine, Vicki Turner, says:

> The title I program of the Minneapolis public schools provided not only help for my two children, but the parental involvement program was crucial in helping me develop as an individual parent and now a teacher for the program.

Gretchen Carlson Collins, title I director of Hopkins School District, a suburb of Minneapolis, says:

> There is no better program in education than title I, of the ESEA. We know it works.

She didn't say, ''Oh. We are just strangled with regulations. It doesn't work.'' In fact, I haven't heard that. I haven't had people in Minnesota say this is the statute that has been changed. As a matter of fact, I would say to my colleagues, if there is something right now in the title I statute that is an impediment to the kind of steps we need to take to improve educational opportunities for low-income children, please identify it, and then we will change it. But what you want to do is throw out all of the accountability.

You want to basically have the Federal Government, which represents the Nation, a national community, you want us to remove ourselves from any kind of protection for these low-income children. You want to say that the very core requirements that have made title I so important and so positive in the lives of children, albeit we have enough funding, we no longer will require that States and the school districts live up to these requirements. That is what you want to do. That is not acceptable. I don't care if you call it ''Ed-Flexability.'' I don't care if you have all of the political arguments, 10-second sound bites down pat. Give the power back to the States, get the Federal Government out, get rid of all of the Washington rules and regulations.

You can say that over and over and over again, and I will tell you, even though some of you won't like it, that I am all for flexibility. I was a community organizer. I am all for people at the local level making a lot of the decisions in terms of how they design programs and what they do. But I will tell you something else. There is a whole history of all too many States not making poor children and their families top priorities when it comes to commitment.

I am not about to let this piece of legislation just fly through here without pointing out what we are doing, which is we are abandoning a 35-year-old commitment on the part of the Federal Government that we will at least have some minimal standard that will guarantee some protection that poor children will get the assistance they need in the United States of America.

That is what this legislation does. And this legislation could be different legislation if strong accountability measures were passed—strong, not wishy-washy language. And we will see. We will see, because I am, again, all for the flexibility part, but I am not for abandoning this commitment to low-income children in the country.

John and Helen Matson say:

> How could anyone question the need for a strong ESEA? Ed-Flex waivers are an invitation to undermine the quality of public schools.

That is an e-mail I received.

High school senior Tammie Jeanelle Joby was in Title I in third grade. She says:

> Title I has helped make me the hard-working student that I am. My future plan after high school is to attend St. Scholastica—

Which is a really wonderful college in Duluth, MN—

> I may specialize in special education or kindergarten.

And I think that is great.

Then here is something from Claudi Fuentes from the Minnesota Urban Coalition. He opposes Ed-Flex. And you know what he says instead: ''Focus on all day, every day kindergarten.''

People in the communities, they have the wisdom. I will come back to some of their wisdom a little while later, but it is pretty interesting. The whole idea of Ed-Flex is let's get it back to the local communities. You know what. Why don't we listen to people in the local communities?

Did we spend any time, I would love to find out—I can't wait for the debate. Here is the question I am going to ask of the authors of the legislation: How much time did you spend with low-income parents? How many meetings did you have with the parents? How many meetings did you have with the children? How many meetings did you have in communities with those students and those families who are going to be most affected by this legislation? I will be very interested in hearing the answer. I will be very interested in what they say because, frankly, I don't even hear anybody talking about it. When I go into cafes in Minnesota, nobody comes up to me and says, Are you for or against Ed-Flex? They don't even know what it is. They will tell me that I am a single parent or we are two parents and we have an income of $30,000 a year and we can't afford child care. Child care costs us as much as college tuition now. Can anything be done about that?

They will say what about a tax credit? How about we pass today a refundable $2,000-a-year tax credit for child care, for families with incomes up to $50,000 a year? Why don't we do something real?

That is what people talk about. Or they talk about—and I will talk about early childhood development in a moment—or they talk about working and their kids are home after school and they are very worried and what about afterschool care? Can something be done by way of providing some adults to look after our kids when school is over because we are both working?

Or they will talk about how their daughter has a really—she has an abscessed tooth, and I don't have any dental care; we can't afford it, and she goes to school in pain. She can't learn when she is in pain.

The language is very concrete. I don't hear community people—as long as we are saying the case for Ed-Flex is to decentralize, I don't hear community people saying it. Sometimes I think Washington, DC, is the only city I have ever lived in where when the Governors come to town everybody says, The grassroots is here; let's hear from the grassroots. I have never lived anywhere else where that happens. ''The Governors represent the grassroots of America.''

Well, I would suggest to you, since most of what Ed-Flex is really about is waivers and title I, that grassroots goes down to a little bit lower level. It goes to the community level and starts with the children and the parents who

will be affected by what we do or by what we don't do.

Mr. President, let me talk about what would make a difference as opposed to this piece of legislation, which represents at best a great leap sideways and at worst a great leap backwards. And let me talk about equity in education, which is just another way of talking about the kind of inequality that exists right now. Let me talk about learning gaps.

And by the way, I don't have any evidence of this. A friend of mine, Colin Greer, who is head of the New World Foundation, told me—I think Senator JEFFORDS would be interested in this. I haven't seen the data. It would be interesting. I think this is what Colin said. He said that actually the United States of America measures up well against any other country in terms of our educational attainment, educational tests if you take title I students and put them in parenthesis for a moment. In other words, the learning gap is essentially, these are issues of race and gender and poverty in children. That is really what the learning gap is about. These are the kids who come to school behind and fall further behind.

So let me talk about the learning gaps. They are prevalent at all education levels. In general, the poor and minorities do worse on just about any measurement of achievement, be it the Federal Government's national assessment of educational progress or real-world outcomes like high school and college graduation rates

Boy, I hope I didn't read this the right way, but I think I read the other day that in California there are five times as many African American men ages 18 to 26 or 30 in prison than in college. I think I read that the other day, that in California there are five times as many African American men ages 18 to 30 in prison than in college.

And, by the way, there is a higher correlation between high school dropout and winding up in prison than between cigarette smoking and lung cancer. So we should be doing everything we can to make sure that kids do well in school and don't drop out. And Senator BINGAMAN will have an amendment that speaks to that.

The disparities that we see—if you think that where I am going is blaming the children, no, I am not. Now, let me be clear about this because we have a lot of this going on, too, and I would like to talk a little bit about the White House again.

When I say that in any measure of achievement the poor and ''minorities'' fall way behind, I am not now about to engage in blaming those children and blaming those families because a large part of these disparities are caused by unequal educational opportunities. These students have unequal access to key resources that strongly affect their achievement levels. Preparation to begin schools, teacher quality, class size, curriculum content, school infrastructural quality—and I will talk about all of that. Let me just jump ahead now.

I am sorry to be speaking with some anger here today. I don't know, maybe the President got it from a poll—you know, be against social promotion. I am a Democrat. Say you are tough on social promotion because everybody says, boy, I tell you what, you are right; those students, they just shouldn't be promoted if they haven't reached an educational attainment. That is just terrible. Well, you know what it is. But here is what is so outrageous about this latest given.

You have a White House that sends a budget over here—and I will be talking about it—that does precious little by way of making sure the children come to school ready to learn. We know that is the most critical time. It does absolutely nothing by way of really investing resources in afterschool care. We have this huge disparity that I am about to go into, where all too many kids go to schools where the toilets don't work, where the heating doesn't work, where there is no air conditioning, where the buildings are crumbling, when they are hungry, where there are not enough textbooks, where there aren't computers, where there aren't adequate lab facilities. They don't have the same opportunity to do well. So, now, all in the name of educational rigor—I was a teacher—now what we are going to do is flunk them again. It is outrageous.

We don't do anything to make sure that they have the same chance to do well on these tests, but we will give them the tests and flunk them. That's great. These kids come to school way behind, we don't make the investment in the schools, they don't have the same opportunities to learn, and then we give them the tests, and then we say you don't go on. And then, come senior year, we give them another test, and if they don't pass it, then they don't graduate.

We failed the students who have been failing. If you don't do anything to make sure that these children have the same chance to do well, then this is just blaming these children. This is cowardly. Why don't you blame the school systems? Why don't you blame the adults? Why don't you blame Senators? Why don't you blame mayors and representatives and school boards? No, you blame the children.

By the way, a lot of our educational experts, if anybody wants to listen to them, say: Listen, you know what, we want to do additional one-on-one tutoring, we want to do summer school, we want to do everything we can to help these kids to do well. But if the only thing you are going to do is flunk them, what happens is they will drop out of school. Pretty soon you will have 17-year-olds who will be in, I don't know, 10th grade, 9th grade, they will be flunked 2 or 3 years, and they drop out or they cause trouble for other kids. Not many educational experts are very high on this idea, especially given the tin cup education budget that the President gives to us, with my Republican colleagues probably not even wanting to support that. But we blame the children.

Let's talk about what we should be putting the focus on.

> It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

That is Bill Taylor, ''A Report On Shortchanged Children, the Impact of Fiscal Inequity on the Education of Students at Risk,'' U.S. Government Printing Office, 1991.

May I repeat this quote? And then I would like to, later on in debate, ask my colleagues how you intend to rectify this through Ed-Flex.

There is probably not a more serious and important scholar on this question than Bill Taylor.

> It is not unusual for economically disadvantaged students in these poor districts to enter school without any preschool experience, to be retained in the early grades without any special help in reading, to attend classes with 30 or more students, to lack counseling and needed social services, to be taught by teachers who are inexperienced and uncertified, and to be exposed to a curriculum in which important courses are not taught and materials are inadequate and outdated.

What does Ed-Flex do? What does Ed-Flex do to address any of these disparities? Do you know what the answer is? Nothing. Zero. What is the U.S. Senate doing to address these disparities? Nothing.

Mr. President, let me start off—and this is hard to do—by reading excerpts from a book by a man who has probably contributed more to raising the consciousness of people about children in this country than anyone else, Jonathan Kozol. The last thing he wrote was a book called ''Amazing Grace, Poor Children and the Conscience of America.'' It is set in the Mott Haven community in the Bronx. I recommend this book. For all who are listening, I recommend this book, it is so powerful. It is called ''Amazing Grace, Poor Children and the Conscience of America.'' Here is what Jonathan Kozol said. Basically, what he is saying is: No country which truly loved children would ever let children grow up under these conditions. But we do.

By the way, I had a chance to meet with these children. The heroine of this book is a woman named Mother Margaret, who is an Episcopalian priest. She has done incredible work with these kids. She came down to D.C., and Jonathan said, ''Would you host the children?'' I said, ''Great. I read the book and I read about the kids.'' They came down here, and I think Jonathan

Kozol thought they would be impressed, meeting in the office, but the only thing they really talked about was the swimming pool in the hotel, and the other thing they talked about was beds. It was a very big deal to them to be able to sleep in a bed.

Mr. President, this book is called ''Savage Inequalities.'' Let's just talk about what Ed-Flex does and what it does not do.

A 14-year-old girl, with short black curly hair says this:

Every year in February we are told to read the same old speech of Martin Luther King. We read it every year. ''I have a dream.'' It does begin to seem, what is the word—she hesitates and then she finds the word—perfunctory.

Perfunctory? I asked her what do you mean?

We have a school in East St. Louis named for Dr. King, she says. The school is full of sewer water and the doors are locked with chains. Every student in that school is black. It's like a terrible joke on history.

It startled Jonathan Kozol to hear her words, but I am startled more to think how seldom any press reporter has noted the irony of naming segregated schools for Martin Luther King. Children reach the heart of these hypocrisies much quicker than the grownups and the experts do.

A history teacher at Martin Luther King School has 110 students in 4 classes but only 26 books. What is Ed-Flex going to do for this teacher of these students?

Each year, [Kozol observes of East St. Louis High School] there is one more toilet that doesn't flush, one more drinking fountain that doesn't work, one more classroom without texts. Certain classrooms are so cold in the winter that the students have to wear their coats to class while children in other classrooms swelter in a suffocating heat that cannot be turned down.

You know, we have all these harsh critics of our public schools. Some of them are my colleagues in the U.S. Senate. They couldn't last 1 hour in the classrooms they condemn. They couldn't last 1 hour in these schools.

I am going on to quote the teachers:

These kinds of critics willfully ignore the health conditions and the psychological disarray of children growing up in burnt out housing, playing on contaminated land, and walking past acres of smoldering garbage on their way to school.

Mr. President, let me go on to read from this book:

In order to find Public School 261 in District 10, a visitor is told to look for a mortician's office. The funeral home which faces Jerome Avenue in the North Bronx is easy to identify by its green awning. The school is next door in a former roller skating rink. No sign identifies the building as a school. A metal awning frame without an awning supports a flagpole, but there is no flag. In the street in front of the school, there's an elevated public transit line. Heavy traffic fills the street. The existence of the school is virtually concealed within this crowded city block. Beyond the inner doors, a guard is seated. The lobby is long—

And there is a sign, by the way, on the outside of the school: ''All students are capable of learning.''

Beyond the inner doors, a guard is seated. The lobby is long and narrow. The ceiling is low. There are no windows. All the teachers that I see at first are middle-aged white women. The principal, also a white woman, tells me that the school's capacity is 900, but there are 1,300 children here. The size of classes for fifth and sixth grade children in New York, she says, is capped at 32, but she says the class size in the school goes up to 24. I see classes as large as 37. Classes for younger children, she goes on, are capped at 25, but a school can go above this limit if it puts an extra adult in the room. Lack of space, she says, prevents the school from operating a prekindergarten program. ''Lunchtime is a challenge for us,'' she explains. ''Limited space obliges us to do it in three shifts, 450 children at a time.'' Textbooks are scarce.

And it goes on:

The library is tiny, windowless. There are only 700 books. There are no reference books.

And it goes on and on and on. These are the conditions of the schools.

Let me just read the conclusion. I could go on for an hour from this book. Here is the conclusion where he concludes his book:

All our children ought to be allowed a stake in the enormous richness of America. Whether they were born to poor white Appalachians or to wealthy Texans, to poor black people in the Bronx or to rich people in Manhattan or Winnetka, they are all quite wonderful and innocent when they are small. We soil them needlessly.

Mr. President, I have tried to develop my case. We are not talking about providing more funding for title I. We talk about abandoning basic core requirements of title I—we are talking about abandoning the Federal Government, holding States and school districts accountable and making sure that the money gets to the neediest schools. We are talking about abandoning the very essence of accountability, that these standards are lived up to to make sure that there are good teachers, to make sure that the kids are held to high standards, to make sure there is testing.

And we know the results. We have not done a darn thing to make sure we make a commitment to pre-K so kids come to kindergarten ready to learn. We do not do much by way of after-school care. We do not have the money, we say. We are a rich country. The economy is booming, but we do not have the money to do any of that?

In addition, the reality is that some schoolkids go to schools, because of the property tax, wealth of the school districts, that can give them the best of the best of the best—the best of computers, the best of technology, the best of labs, the best school buildings, the best teachers, the best band and music and theater and athletics, the best of everything. Other kids in America, who come from different school districts, or come from communities where there is not the commitment to them or they do not have the resources to make the commitment, go to schools that are burnt out—I mean, how would any of my colleagues do, as U.S. Senators, if you walked into this Chamber —this is a beautiful Chamber, thank God—how would you do if you walked into this Chamber and it was the summer in DC and there was no air-conditioning or it was winter and there was no heat or we did not have staff to help us, we did not have pages to help us, we weren't able to have the materials we needed, we were hungry, and maybe 20 percent of us had a gun, which is not unusual in a lot of schools in our cities? Would you learn? Would you do well?

What kind of message do you think we communicate to children in America when they go to school buildings that are decrepit, where the roofs are leaking, where the toilets do not work, where the buildings are just grim? What kind of atmosphere is that for children? What kind of encouragement do you think we give these children to learn?

You think these children are fools? You think these children think that the Ed-Flex program is going to do anything for them? They are a lot smarter than you think they are. They know it is not going to do anything for them, because we are not doing anything for them. As a matter of fact, we are going to pass a piece of legislation, unless there is some strict accountability measures in this bill, amendments that are passed, that is going to do harm to them. That is what we are doing. And I cannot believe that this bill just came to the floor of the Senate and there has been so little opposition.

Mr. President, let me talk about some of the inequalities that exist. First of all, the inequality in participation in early childhood programs, like nursery school and prekindergarten: Three-year-olds from better-off families are more than twice as likely than those from less-well-off families to be in these programs, like the nursery school programs and prekindergarten programs.

Among 4-year-olds, there remains substantial disparities. Barely half of the children with families of incomes of $35,000 or less have participated in early childhood learning programs compared to three-fourths of the children from families with incomes over $50,000. So if we wanted to do something about this, Mr. President, what we would do is we would make sure that we would invest the resources in early childhood development.

I am going to talk about some really shocking statistics in a moment. But let me just say it again—whether it be Arkansas or whether it be Minnesota or whether it be Vermont, the Federal Government—what the education community tells me in Minnesota is you all are real players when it comes to making sure that children can come to kindergarten ready to learn. You could make a real commitment of resources.

We have in the President's budget—you know, we have a White House conference on the development of the brain. The evidence is irrefutable, it is irreducible. I am going to talk about it at some length a little later on in my

presentation. But we know that if you do not get it right for these kids by age 3, they may never do well in school and may never do well in life.

What is really interesting about the literature that has come out is that—we have always known—we have always known that if a 7-year-old comes to school and she has not received dental care, she is not going to do well. We have always known that if children do not have an adequate diet, they are not going to do well. We have always known if women expecting children do not have a good diet, that at birth that child may have severe disabilities and may not be able to do well. But what we did not know—although I think all of us who are parents and grandparents; I am a grandparent as well—what we did not know is that actually literally the way the brain is wired, and whether or not a child will do well in school, whether or not a child will behave well is highly correlated to whether or not—is my mike working or not? Is the mike working?

The PRESIDING OFFICER (Mr. HUTCHINSON). Senator, I do not know whether your mike is working. You can be heard very well.

Mr. WELLSTONE. Mr. President, my good friend from Arkansas, what is really astounding about this literature is that literally the key part of it is whether or not there is real intellectual stimulation for these children. It isn't a question of whether they have had a proper diet or have been immunized; that has a huge impact on whether they can come to school and do well.

Anyone who is a parent or grandparent knows this. I like to tell the story, because it is absolutely true. Our children are older and I had forgotten what it was like. But now we have three grandchildren: 3-year-old Josh; 4-year-old Keith; Kari is 7, she is older. They visit us and every 15 seconds these children are interested in something new. When they are 2 and 1, it is the same way. It is a miracle. It makes me very religious. It is as if these small children are experiencing all the unnamed magic of the world that is before them.

We know that if we would make an investment in these children, we make sure that there is good child care, and we make sure when they come to kindergarten they are ready to learn. I will say it again: Our national goal ought to be that every child in the United States of America, when he or she comes to kindergarten, they know how to read, they know how to spell their name, they know the alphabet; if they do not know how to read, they have been read to widely. Can't we make that a national goal? These are all God's children. But the fact of the matter is, we don't. There is a huge disparity. The fact of the matter is that many children, by the time they come to kindergarten, are way behind, and then they fall further behind. And then they wind up in prison.

This Ed-Flex bill does absolutely nothing to make a difference for these children.

Point 2: Reading levels are not where they need to be. In early February of this year, the National Center for Education Statistics released the 1998 reading report card for the Nation. These results are based on the national assessment of education progress data collected in 1998. These results tell us how our children are doing, what their reading levels are, and whether they need improvement.

There are two sets of findings I want to emphasize. First, as a country, too few of our children have the reading skills necessary to succeed. At all grade levels, 40 percent or fewer of the Nation's students read at a level that is proficient for their grade. This figure is unacceptably low. What can we do?

Second, and even more disturbing, are the tremendous disparity levels in reading levels by family income, race, and ethnicity. For example, children who are eligible for the free and reduced lunch program, title I or title I-eligible children, are more than twice as likely to be below the basic reading level than those who are not eligible for the program. In addition, fourth- and eighth-grader white students are three times as likely as black students or Hispanic children to be proficient readers.

Part of what these figures are telling us—in fact, they are screaming at us—is that we have a long way to go. This is a crisis.

Now, may I ask the question: Does Ed-Flex do anything to help these students? Are there additional resources that we are calling on? Are we doing anything to make sure that kids come to school ready to learn? Are we doing anything to improve their nutritional status? We cut nutrition programs for these children. Are we doing anything to make sure each and every one of those children is healthy? Are we doing anything about the housing conditions? Are we doing what we should do to reduce some of the violence in the communities, some of the violence in the homes? Are we doing anything to provide some additional support services for these kids?

A woman is beaten up every 15 seconds in her home. Every 15 seconds in the United States of America, a woman is battered in her home. A home should be a safe place. Those children, even if they are not battered themselves—although many are—see it. They essentially suffer from posttraumatic stress syndrome.

My colleague from Arkansas works with veterans. I have done a lot of work with Vietnam vets. I see it all the time, PTSS. We have children who suffer from that. Do we have anything in Ed-Flex that talks about additional services to these children? No. The only thing we do in the Ed-Flex bill is essentially wipe out any kind of accountability standard that would make sure the money goes to the neediest schools first, and we wipe out the accountability standards that make sure title I children have good teachers, are held to high standards, that we have testing and results, and we know how we are doing. And this legislation purports to be a step forward for poor children in America?

There have been a number of lawsuits filed. It is too bad, but that is the way we have to go to affect these conditions. Since Ed-Flex doesn't have anything to do with the reality I am describing, I think the lawsuits are necessary. Let me cite a lawsuit that came out of Hartford, CT, in the early 1990s. The Hartford School District had a substantially higher percentage of minority students than the surrounding suburbs. The Hartford school enrollment was more than 92 percent minority, whereas contiguous suburbs such as Avon, East Granby, and Wethersfield were less than 5 percent minority. Although Connecticut had the highest per capita in the United States, Hartford was the fourth-poorest of the United States cities, with the second highest rate of poverty among children.

At the same time, not surprisingly, the Hartford school system had substantially inferior educational resources than other school systems. Hartford students were shortchanged in a broad range of educational inputs. For example, school systems across the State spent an average of $147.68 per student per year on textbooks and instructional supplies; in Hartford, it was $77 dollars, only 52 percent of the statewide average.

Or consider East St. Louis, IL, in 1997. Here are some of the problems that the students in the East St. Louis school system faced: Backed up sewers, flooding school kitchens; faulty boilers and electrical systems, regularly resulting in student evacuations and cancelled classes; dangerous structural flaws, including exposed asbestos; malfunction of fire alarms; and emergency exits that were chained shut; instructor shortages that usually meant students did not know in advance whether or not they even had a teacher; and school libraries that were typically locked or destroyed by fire.

How can we expect our children to achieve or be able to learn to develop and realize any, let alone all, of their potential as human beings when faced with such an outrageous environment as this? What does Ed-Flex do to change this environment? Nothing, zero. This is what we ought to be talking about on the floor of the U.S. Senate. That is why I am trying to slow this bill up.

Here is a final description from Louisiana, although you can pick any State. In preparing for a lawsuit in Louisiana, the ACLU staff discovered a pitiful lack of the most basic resources. Besides having to deal with leaky roofs and broken desks, students often had to share textbooks among the entire class, negating any possibility of doing homework or building out-

of-class research skills. What few books existed in school libraries were typically torn, damaged, or outdated, a particularly riling problem for subjects like technology, science, and history. At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building. I repeat that: At one school, students posing for a class photo in the auditorium had to keep their coats on because of the lack of heat in the building.

Here is the reaction of one of the staff attorneys. ''It was impossible to imagine that any serious education could go on in these decrepit schools. In some schools children had to go to the principal's office to get toilet papers. The overwhelming impression left on us [the lawyers] was sadness.''

Mr. President, let me talk about Federal standing on elementary and secondary education. Now, I am going to try—some of this is off of the top of my head. These statistics will be close, but they might be off just a little bit. We have had reports, like Nation at Risk in the early 1980s, and we have had politicians of all stripes give speeches about children and education. We all want to have photo opportunities next to children. We have talked about it as a national security issue.

Do you want to know something? The percentage of the Federal budget that goes to education is pathetic. It is pathetic. It amounts to about 2.5 percent of total Federal budget outlays—2.5 percent.

By the way, on title I, since this Ed-Flex is supposed to represent some great step forward, according to the Rand Corporation study, we would have to double our spending on title I to really even begin to make a difference for these children. I said this earlier and I will say it again. Here is what I am not quite sure of. Then I will tell you what I am absolutely sure of. What I am not quite sure of is, I think that during the sixties—this was where title I became part of the Elementary and Secondary Education Act—we were at maybe 10 percent that we were devoting as a percentage of the Federal budget to education. That is what we say is a priority.

When Richard Nixon was President, it was higher than it is with the Democratic President. And then it was Ford and Carter, and I think it stayed about the same level. With Reagan, it went way down. And then, with President Bush, it went up some. It never got back to the percentage it was during Nixon's Presidency. With President Clinton, it is about the same as it was with President Bush, maybe even a little less; I am not sure.

Here we have a Democratic President who says that education is the No. 1 priority, and we are spending less as a percentage of our Federal budget on education than under President Nixon, a Republican. I am going to talk about Head Start in a while. Here we have a Democratic President and we don't fully fund the Head Start Program. I can forgive my Republican colleagues; I didn't expect a Republican President to fully fund Head Start. I just expected a Democratic President to fully fund Head Start. How naive of me.

Mr. President, it is just unbelievable. I point out these disparities, and a lot of K through 12 is at the State level. But you would think that we would make a difference where we could make a difference. Yet, we don't, and we have all this discussion about education being the No. 1 priority.

Frankly, the President has presented us with a ''tin cup budget.'' The President wants to increase the Pentagon budget next year by $12.5 billion and by $110 billion over the next 6 years, and he calls for barely a $2 billion increase in the Department of Education budget. Pretty unbelievable. You would think that if education was a big priority, we would see the same increase in funding for education as we would see for the Pentagon. Not so.

Mr. President, I now want to turn my attention to what we ought to be doing as opposed to what we are doing. Before I do that, however—and I will finish up on this—I want to point out one more time—and I will have an amendment that deals with this part of the bill that makes it crystal clear that this title I program is severely underfunded. And I will have a vote on it. I spend a lot of time in these schools with these principals, teachers, and these families. They all tell me—before my colleague came here, I was saying that I went to the schools in St. Paul-Minneapolis with 65 to 70 percent poverty that don't receive any title I funding because by the time we allocate the money, there is no more money left. And we do very good things with this money for these children that need additional help. But we are not calling for any additional investment of money for our schools to work with. In addition, what we are not doing is, as a national community, we are no longer saying to the States and school districts there are certain core, if you will, values, that we want to see maintained.

There is a mission to title I. We know why we passed title I in 1965, because we took a look around the Nation and it wasn't a pretty picture. In quite a few States, whether anybody wants to admit it or not, these poor children fell between the cracks. So we, as a Nation, will at least have a minimal standard that will say, with title I, there will be certain core requirements; there will be qualified teachers; there will be high standards; there will be some testing and some results and some evaluation, and this will apply to title I programs everywhere in our land, to make sure that some of these children have a real opportunity. And now, with this legislation, we are going to toss that overboard. I will have an amendment that says we can't.

The second thing we said in 1994—and I don't know what my colleagues think, and I will have an amendment and we will have a debate and vote on it—was that in the allocation of the money, those schools with a higher percentage, 75 percent low-income students or more, should have first priority for funding. That makes sense to me. For some reason, my colleagues want to toss that overboard.

By the way, I made a third point, which is that I understand—I know my colleague from Arkansas comes from a smaller town, a rural community, and that is a big part of Minnesota. I understand the zero sum game we are in, because the crazy part of it is that we don't get enough funding and, therefore, say—I could pick any community in Minnesota, but in any number of our greater Minnesota communities, people are saying, ''Paul, we have 20 percent or 30 percent low-income or 35 percent low-income''—in some rural areas it is much higher—''and we don't get any funding.'' So it becomes a zero sum game. What do you do with a limited amount of money? I would like to see something real out here on the floor of the U.S. Senate when we talk about getting more resources to our States and school districts.

Now, here is what we should be talking about on the floor of the U.S. Senate: early childhood development. This is the most pressing issue of all. If you talk to your teachers, they will tell you this. The best thing we can do as Senators is to get—by the way, it would be $20 billion over the next 4 years minimally. If we really wanted to make a difference, it would be about $20 billion over the next 4 years. Well, listen, we are going to do $110 billion to the Pentagon over 6 years—more subs, more nuclear warheads, more missiles.

If we were serious about this, we would make the commitment to early childhood development. That is what all of our teachers are telling us, and that is what our experts are telling us. It is the best thing you can do. By the way, those of you for flexibility, I agree, don't run it from Washington, DC. Get the resources back to the local communities and, like NGOs and nonprofits and all sorts of folks who meet the standards, set up really good development child care centers and also family-based child care and give the tax credits, but make sure they are refundable and that the low-income aren't left out, or families. Do it. Get real. Do the best thing we can do. But that is not on the floor today. We have Ed-Flex. Ed-Flex means nothing to these families.

Mr. President, I have already talked some about the kind of science literature—my colleague, I am trying to remember the name of the book—Dick and Ann Barnett. Dick is at the Institute of Policy Studies, and Ann is a pediatric neurologist. They have written a wonderful book. I can't remember the title. But there are many books that have come out.

Let me talk about the disparity. Listen to this 1990 study. Looking at the

hours of one-on-one picture book reading kids have experienced by the time they started first grade, low-income children average 25 hours. By the time they come to first grade they have altogether, with picture book reading, been read to 25 hours. Middle-class children average between 1,000 and 1,700 hours. It is unbelievable.

By the way, as a grandpa, I know that reading makes a difference. Now this gets tricky, because I can read my colleague's face here about the responsibility. Let's talk about this a little. I just said this. I now have to figure this out a little bit.

First of all, let me make the case that we could do so much better. I am for combining the commitment to child care. That is what we should be talking about today, and investing some resources in this, and getting community level volunteerism. I am for doing whatever can be done in the families, and I want parents to take the responsibility. I wish more would. I think sometimes it is brutal. People work different shifts, and two or three jobs working their heads off. And they hardly have the time to have a common occasion with their children; even to sit down and eat dinner together. All too many of our families are under siege.

It is not that people aren't working. It is that people are working entirely too many hours. But both have to work. But I wish that parents would read more to their children before they are in kindergarten. But I also think this is all about whether there is good child care. This is also true with volunteers. I would be, for all of us who no longer have children that are young, getting the books out of our homes, and older computers out of our homes, and do it through veterans halls, do it through union halls, do it through the religious community, and invite volunteers, get tutors and mentors. We could do a lot. But I will tell you something. It makes a real big difference in terms of whether these children are ready to learn. And they are needy.

The needy—50 percent of the mothers of children under the age of 3 now work in our country outside of the home; 50 percent. There are 12 million children under the age of 3, and one in four lives in poverty. One out of two of color live in poverty—half of the children of color today in our country—and under the age of 3 are needy, the richest country in the world.

Compared with most other industrialized countries, the United States has a higher infant mortality rate portion of low-birth weight babies and a smaller portion of babies immunized against childhood diseases.

This critically affects education. This critically affects the educational payment of children. Full day care for one child ranges from $4,000 to $10,000. That is comparable, as I said earlier, to college tuition, room and board at our public universities.

Half of the young families in our country with young children earn less than $35,000 a year. A family with both parents working full time at minimum wage earns only $21,400 a year.

I want to tell you something. More than just about any other issue when I am in cafes in Minnesota, people talk to me—working families. They say, ''We can't afford this. We both work. We both have to work. I am 30. My wife is 28. We have two small children. Isn't there any way we can get some help for child care?''

That is what is really critical, if we are going to be talking about education. Ed-Flex means nothing to these families.

Drawing on some reports, I am sorry to report these statistics. Six out of seven child care centers provide only poor to mediocre care. One out of eight centers provides care that could jeopardize a child's safety in development. One out of three home-based care situations could be harmful to a child's development—the Children Defense Fund study.

Although approximately 1,500 hours of training from an accredited school is required to qualify as a licensed hair cutter, masseur, or manicurist, 41 States do not require child care providers to have any training prior to serving children. The annual turnover rate among child care providers is about 40 percent. Do you want to know why? I love to take my grandchildren to the zoo. If you work at the zoo, you make twice the wage that women and men make with small children in this country.

One of the worst things we have done in the United States of America is to have abandoned too many poor children. This legislation takes us in that direction. And we have devalued the work of adults that work with these children. Most child care workers earn about $12,000 a year, slightly above the minimum wage. And they receive no benefits. That is unbelievable—unbelievable.

When I was teaching, I would have students come up to me, and they would say, ''Look. You know, do not be offended, but we want to go into education. But we don't want to teach at the college level. We think we could really make a difference if we work with 3 and 4-year-olds.'' Then the next thing they say is, ''But we don't know how we can afford it. We have a loan to pay off. How do you make a living?'' Why in the world do we pay such low wages? So the families can't afford the child care. The families can't afford the child care. And those adults that want to take care of children can't afford to provide the care.

What we have on the floor of the U.S. Senate instead is Ed-Flex. We could make a huge difference, but we don't, and we will not.

There was a woman, Fannie Lou Hammer—I have quoted her before—a civil rights activist. She was, Senator HUTCHINSON, I think, one of 14 children, the daughter of a sharecropper. Her immortal words, where she was once speaking, were, ''I am so sick and tired of being sick and tired.''

I am sick and tired of the way in which we are playing symbolic politics with children's lives. If we were serious about doing something on the floor of the U.S. Senate that would make a difference for children, we wouldn't have this Ed-Flex bill on the floor. We would be talking about the ways in which we are going to provide money, dollars, resources for local communities to provide the very best of elemental child care so that every child, by the time he or she is of kindergarten age, is ready to learn. That is the most important thing we could do. And we don't even make it a priority.

Now, Senator DEWINE and I passed an amendment that we are proud of; it is the law of the land, but we don't have the funding yet, which says that we will at least have loan forgiveness for those men and women who get their degree and go into early childhood development work. But that still doesn't do the job. We ought to pay decent wages. I don't understand this.

Senator HUTCHINSON is, I guess, what Governor Bush would call a compassionate conservative. He is certainly passionate; he is certainly conservative. I don't understand this. We have two groups of citizens that are the most vulnerable that deserve the most support and the adults that work with them make the least amount of pay with the worst working conditions.

Nursing homes, my mother and father both had Parkinson's disease, and we fought like heck to keep them at home, and we did. We kept them at home for a number of years. We kept them at home, between Sheila and I and our children spending the night, as long as we could until we could not any longer. And then toward the end of each of their lives, toward the end of their lives they were in a nursing home.

Well, I don't think I could do that work. It is pretty important. You have people who built this country on their backs. They have worked hard. They are elderly. They are infirm. They need the help, and we pay the lowest wages. We have a lot of people in these nursing homes who don't even have health care coverage.

Congratulations, Service Employees International Union, for your victory in California in LA organizing home health care workers. The other thing we ought to do is to try to enable people to stay at home as long as possible to live in dignity and provide help. But why do we pay people, why do we pay adults so little to do such important work?

And then the other group of citizens that is the most vulnerable, the most in need of help that we should provide the most support to is small children. We devalue the work of adults. I don't get it. If you are some advertising executive—I don't want to pick on them, but if you are some advertising executive who figures out some clever way

to sell some absolutely useless product or you have got all sorts of ads that the Senator from Arkansas and I both would not like, just think it is trash, it should not be on TV, exploitive in all kinds of ways—and I think the Senator from Arkansas knows what I mean—such a person probably gets paid hundreds of thousands of dollars, and then you have child workers who are working with children, and they get next to peanuts. Boy, I think our priorities are distorted.

Let me tell you, Ed-Flex doesn't do anything to deal with this problem of priorities.

Mr. President, I am going to just mention two other areas. I have really covered Head Start already. I was going to read from some Minnesota stories, but I am going to move on, some huge success stories just to simply mention the well-known Perry study on the benefits of Head Start. It is pretty interesting. They did a sort of a control of two different groups.

Head Start participants, they did a followup through age 27. This program was started in 1965. Criminal arrests: 7 percent Head Start, 25 percent control group—those kids that weren't in Head Start, controlling for income and family background and all the rest. Higher earnings, 29 percent of Head Start kids, 2,000 plus per month, only 7 percent control group; 71 percent Head Start kids graduated or received a GED, only 54 percent control group. And 59 percent received assistance, they did receive some assistance, still poor, but 80 percent of the control group. And fewer out-of-wedlock births across the board.

For kids who have really grown up under some really difficult conditions, the Head Start Program has helped them with a head start. And we have a budget that the President presents that will get us to 2 million children, I think, covered, but that is about half.

About 2 million children will be eligible. The President's budget gets us a million. Half. So our goal—talk about a downsized agenda, talk about politics of low expectations—is to provide funding for only half these children.

Now, this isn't even early Head Start because really what we have to do well is before the age of 3. I noticed when Governor Whitman was testifying before, she was talking about her program in New Jersey, which sounds to me as if it is a very important program that deals, I think, with 4 and 5-year-olds or 3 and 4-year-olds, and I said to her, what about preage 3? I know she nodded her head in agreement.

Why aren't we providing the resources? In all due respect, if we want to do something really positive, the most important thing we can do is invest in the health care and intellectual skills of our children. Ed-Flex doesn't do that, and we are not going to do it.

So I am not going to let my colleagues put this bill forward as if it is a great big, bold step forward for poor children in America. It is not. As a matter of fact, it will do damage to children unless we have the strengthened accountability language. And we will see whether or not we can get a vote for that.

Might I ask a question, Mr. President? I wonder how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 31 minutes remaining.

Mr. WELLSTONE. Mr. President, I have a few things I would like to lay out, but I want to ask my colleague from Vermont—he has had to sit here and listen to some of which I don't think he agrees and some of which he might agree. I wonder whether or not—I could take another 15 minutes and then reserve the remainder of my time if my colleague wants to speak, or does he want to wait, or how would he like to proceed?

Mr. JEFFORDS. Mr. President, I have no intention at this time to speak. I will obviously at a later time. I will do it when it is appropriate. But I desire to expedite our situation so that we can get to the bill as soon as possible.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I say to my colleague from Vermont, on my time, if he chooses to assent or disagree or remind me where I am wrong, please feel free to do so. I extend the invitation. I was a teacher. I can easily fill up the next hour without any trouble.

Mr. President, before I go to after-school care, I would like to just one more time focus on why I think this Ed-Flex bill shouldn't even be in the Chamber. I have talked about what I think the flaws are with the legislation, but I also want to talk about what I think we should be talking about. I would like to just draw, if I could, on two experiences that I have had traveling the country that I think apply to this debate.

One of them which I have talked about once or twice before—it is very positive. It is not a putdown of anybody—took place in the delta in Mississippi, in Tunica, MS. I had traveled there because I wanted to spend some time in low-income communities around the country—South, North, East, West, rural, urban. And when I visited Tunica several years ago now, there was a teacher, Mr. Robert Hall, who I will never forget. It was at a town meeting, and he stood up and said it is hard to give students hope, and he talked about how—I don't know—I think maybe about 50 percent of the students graduated.

By the way, this young African American woman that I quoted I think in East St. Louis, who was talking about her school being segregated, actually in Tunica the case is that the public school is all black or African American, the private school is all white.

Anyway, at the end of this he asked me whether I would come back to speak, would I come next year for the graduation? I said yes, and I said yes not realizing that I had made a prior commitment. What are you going to do, you know, when you make a commitment like that? So I called and I said could I come the day before graduation, to at least get a chance to meet with the seniors, because I wanted to live up to my commitment. And he said yes. So I flew from Minneapolis down to Memphis and then was met, I think by Mr. Erikson, who was driving me to Tunica. This is one of my favorite stories.

I said, ''Are we going to the high school?''

He said, ''No. You are going to be addressing the third and fourth graders.''

And I said, ''I am going to be giving a policy address to the third and fourth graders?''

And he said, ''Well, yes.''

And I said, ''Is this the last day of school?''

He said, ''Well, yes.''

I said, ''So I am going to be giving a policy address to third and fourth graders on the last day of school?''

He said, ''Well, yes.''

I said, ''I'm in trouble.''

So we go to the elementary school. There are, I don't know, a hundred kids, third and fourth graders, thereabouts, sitting in the chairs, waiting for me to give a policy address. And there is the PA system on the stage, which is high above where the students are, and the principal gives me a really nice introduction, and I am supposed to go up there and look down at these students and give them a policy address.

So I was trying to figure out what to do. I asked the principal, ''Can I get down in the auditorium where the kids are?''

He said, ''Sure.''

So I got down there, and this little girl, thank God, made my class for me. I said, ''Is this the last day of school?''

Everybody said, ''Yes.''

I said, ''Well, what have you liked about school?''

And this one little girl raised her hand and she said, ''Well, what I like about school is, if I do good in school, I can do really good things in my life.'' Something like that.

And I said, ''Well, what do you want to be?'' And I said to all the students, ''What do you want to be?''

There were, Senator HUTCHINSON, 40 hands up. It was great. They had all sorts of dreams. I mean, quite a few of them wanted to be Michael Jordan—not a surprise. I heard everything: Teacher, writer, psychiatrist, Michael Jordan, on and on and on. But the thing of it is, there was that spark. It was beautiful. I know, as a former teacher, that you can take that spark of learning in a child, regardless of background, and if you ignite that spark of learning, that child can go on to a lifetime of creativity and accomplishment. Or you can pour cold water on that spark of learning. We are not doing anything here in Washington, DC, to help ignite that spark of learning. We are not.

Now, I feel a little uncomfortable saying that. Maybe I should say ''precious little.'' We are doing precious little. I feel uncomfortable saying that, because Senator JEFFORDS is a Senator who is committed to education. I know that. I have a tremendous amount of respect for him. But I am talking, I say to my colleague, Senator JEFFORDS, in a more general way. I don't understand our priorities. I just don't understand our priorities. I am just sick and tired—to sort of again talk about Fanny Lou Hammer—of bills that are brought out here, people get the impression there is some big step forward, and when it comes to the investment of resources—some of which you fight for, this investment of resources—we do not do it. I just tell you, it is tragic.

For these kids and these schools all across the country, they are not saying: Give us Ed-Flex, give us Ed-Flex, give us Ed-Flex. They are saying: We want to have good teachers and smaller classes. We want to have good health care. We want to have an adequate diet. We want to go to schools that are inviting places. We want to have hope. We want to be able to afford college. That is what they are saying. They are not talking about Ed-Flex.

The second point, and last one of my stories—true. I am going to shout this from the mountaintop. I get this time on the floor of the Senate because I insist this is what we should be talking about, and I will do everything I can, with amendments and bills, to bring this out here and force debates and votes and all the rest.

I hear this in the law enforcement community. We should hold kids accountable when they commit brutal crimes. We should hold people accountable when they commit brutal crimes. But we will build a million new prisons on present course. That is the fastest growing industry in the country. And we will fill them all up and we will never stop this cycle of violence unless we invest in the health and skills and intellect and character of our children. And we are not doing that in the U.S. Senate or in the U.S. House of Representatives. Certainly not with Ed-Flex.

Where do these kids wind up? They come to school way behind, they fall further behind, they don't have anywhere near the same opportunities to learn, and then they wind up in prison. I talked about this before. I think this will be the last time I will talk about it, except when we debate a bill which I introduced, the mental health juvenile justice bill. I visited a ''correction facility'' called Tallula Correction Facility in Tallula, MI. But I say to my colleagues from Arkansas, Louisiana, south—this could be anywhere in the country, anywhere in the country. And the Justice Department has had a pretty hard report about conditions in Georgia and Kentucky and some other States.

I see there are some young people here today in the gallery. What did I find in Tallula? The Tallula facility is a corrections facility for kids ages 11 to 18. I went to Tallula because I had read in the Justice Department report that there were kids who were in solitary confinement up to 7 weeks at a time, 23 hours a day, and I wanted to know what they had done for this to happen to them.

One young man, Travis, he is now 16, he went to Tallula when he was 13 for stealing a bike. He wound up there for 18 months, and he was beaten up over and over again. Tallula has had some lawsuits filed against it.

I went to the Tallula facility, and the first thing I noticed about the 550 kids was about 80 to 85 percent of them were African American. And then, when I met with some of the officials, I wanted to go to the solitary confinement cells and they wanted to take me to where the students were eating lunch—students—kids—young people. So we first started out to where they were eating lunch and then we were going to go to these cells.

When I walked in, even with all these officials there, I asked some of these kids, ''How are you doing?''

I will never forget, this one young man says to me, ''Not well.''

I say, ''What do you mean?''

By this time, there were 30 officials looking at this kid. He said, ''This food, we never eat this food. It's because you are here.'' He said, ''These clothes? We never had clothes like this. They just gave us these shorts and T-shirts. We have been wearing the same smelly, dirty clothes day after day.''

He said, ''The tables are painted—smell the paint. It has just been painted.''

Then I went outside and this one young man made a break from the guards, jumped onto a roof, and ran across the roof. It was about 100 degrees heat. And I said, ''Why are you doing this? You are going to get in a lot of trouble.'' I looked up at him, walked up to the roof.

He said, ''I want to make a statement.''

I said, ''What's your statement?''

He said, ''This is a show, and when you leave here they are going to beat us up.''

Well, the State of Louisiana has taken some action. This was privatized. There are lawsuits. There have been editorials about anarchy at Tallula. I will just tell you this. I will tell you this: 95 percent of these kids at Tallula had not committed a violent crime. I met one kid who had stolen a bike. I met one kid who was in there for breaking and entering. I did meet one kid who cut a kid in a fight with a knife. I forget the fourth kid. Mr. President, 95 percent of nonviolent crimes—that is about the case in all of these juvenile detention facilities.

I will tell you, Senator, I would be pleased to meet almost any of those kids at 10 o'clock at night before they got to Tallula. I would not want to meet any of them when they get out.

So let's not kid ourselves. These State budgets and Federal budgets that go to prisons and jails are just going to continue to skyrocket, and that is where a lot of young people are going to end up unless, from the very beginning of their lives, we figure out—at a community level, not a Federal Government level—how we are going to make sure that we make the investment in these kids. And that is something we should be doing in the Senate. But this bill does not do that.

Before I return to the final case I want to make on this specific bill, let me just read some figures. Mr. President, I would like to read a little bit about some facts on what is going on with kids after school. Twenty-two million school-aged children have working parents; that is, 62 percent of these children have parents who are working. Children spend only 20 percent of their waking hours in school. The gap between the parents' work schedule and the students' school schedules can amount to 20 to 25 hours per week. That is from the Ann E. Casey Foundation.

Experts estimate that nearly 5 million school-aged children spend time without adult supervision during a typical week. An estimated 35 percent of 12-year-olds care for themselves regularly during afterschool hours when their parents are working.

What happens during out-of-school hours? Violent juvenile crime triples during the hours of 3 p.m. and 8 p.m. And 280 children are arrested for violent crimes every day. Children are most likely to be the victims of violent crime by a nonfamily member between 2 p.m. and 6 p.m.

Children without adult supervision are at a significantly greater risk of truancy from school, stress, receiving poor grades, risk-taking behavior, and substance abuse. Children who spend more hours on their own and begin self-care at younger ages are at increased risks. And I could footnote each and every one of these findings.

Children spend more of their discretionary time watching television than any other activity. Television viewing accounted for 25 percent of children's discretionary time in 1997, or 14 hours per week on average.

Facts about out-of-school programs: Almost 30 percent of public schools and 50 percent of private schools offered before- or afterschool care in 1993–1994. It is going up. But the General Accounting Office estimates that, for the year 2002, the current number of out-of-schooltime programs for school-aged children will meet as little as 25 percent of the demand in urban areas.

Mr. President, I could actually go on and on, but here is the point I want to make. The point I want to make is that if we want to pass legislation that makes a positive difference in the lives of children and helps parents raise their children decently—you know, what families are saying to us is: ''Do what you can do to help us do our best

by our kids.'' They are not talking about Ed-Flex.

What I am hearing from families in Minnesota—and I think it is the same for around the country—is: Look, we both have to work, or, I am a single parent, and I am working, and I am worried sick about where my child is after school. Can't you provide some funding?

Why doesn't the Ed-Flex bill talk about flexibility for schools and communities to have more resources for afterschool care? There is something positive we can do. I assume that maybe Senator BOXER or one of my colleagues will have an amendment and we will have a vote on this. Now, there is an educational initiative that will make a huge difference.

There is nothing more disheartening to a parent or parents than to know that both of you have to work but to also know that your second grader or your third grader or your 12-year-old or your 13-year-old is going home alone. Why don't we do something about that? We have all the evidence we need. We have all the evidence we need.

We know that this is the time when kids get into the most trouble. We know that in more and more of our working families both parents are working. We know this is one of the biggest concerns parents have, right alongside affordable child care. What we all ought to be doing by way of ed-flexibility is providing the resources for communities and for schools to make a difference.

By the way, Mr. President, I was mentioning television. For my colleagues who are worried about the violence that kids see on TV—and it is awful—you should just think about what they see in their homes. Every 15 seconds, a woman is battered. One of the things we ought to be doing, if we really want to do something that will make a difference for kids—and I have a piece of legislation I am introducing on this that I hope to get a lot of support on—is to provide some funding for partnerships between the schools and the other key actors in the community that will provide some help and assistance to kids who have seen this in their homes over and over and over again. That would make a big difference. That would make a big difference.

I said this last night. I think I need to say it again. I do not think I am being melodramatic when I say that we have two problems. We have a huge learning gap. That is what it is all about. And it is highly correlated with income and race and poverty and gender. But we also have—and I do not know what the right label is for this, but we have a lot of kids who, by the time they come to kindergarten or first grade, have seen so much in their lives, that children should not have to see and experience, that they are not going to be able to learn at all, even with small class sizes, even with really good teachers, even with really good facilities—none of which Ed-Flex deals with—unless there is some help for them. They need additional help. And you know what? They deserve it. They deserve it.

Mr. President, I am going to, I think, finish up where I started. Before I do that, I want to just read one other quote that is kind of interesting. This is from a woman Jonathan Kozol is talking to in his latest book he has written called ''Amazing Grace.'' And I say to my colleague, I am not sure I should quote this because of the current circumstances, but I think it should be read. This woman lives in the community, South Bronx, the Mott Haven community. And here is what she has to say. She is saying this to Jonathan Kozol, the author:

> Do you ever turn on C–SPAN? You can see these rather shallow but smart people—

This is just her perspective—

> most of them young and obviously privileged, going on and on with perky overconfidence about the values and failings of poor women, and you want to grab them in your hands and shake them.

It is like this young man I met at Center School, which is an alternative school in Minneapolis, in the Phillips neighborhood, about a month ago. This is kind of his last chance; he is a young African American man. I was having a discussion with 30 or 40 kids. There are a lot of Native American students there, as well. Actually, there are more Native American students. I was trying to be very honest with them. I said, I would like for you to answer one question for me. I am here because I really do care about you and I respect your judgment. A lot of these kids don't believe anybody values their opinions. They have very little self-confidence. I said to this one young African American man, a senior, ''A lot of people say that you don't really care. The problem isn't the poverty of your family, the problem isn't the violence in the neighborhoods, the problem isn't that you haven't had the funding or the opportunities. The problem is you don't care. And that if you really cared, you would be able to do this. How do you respond to that?'' He looked at me and he said, ''Tell them to walk in my shoes.''

I think that is what this woman was saying about her observations about what she sees on C-SPAN.

I conclude this way: I came to the floor of the U.S. Senate last night and I spent half an hour speaking. I have come to the floor of the U.S. Senate today and I have spent several hours speaking about the Ed-Flex bill. I have been strong and maybe harsh in my comments. I do not mean them to be personal at all. I have gone out of my way to say, because I think it is true—I wouldn't say it if I didn't think it was true.

It happens that the Senator from Vermont is out here managing the bill, and I consider him to be a Senator who cares a great deal about education and children. I know what he has done right here in Washington, DC.

What deeply troubles me about what is going on here in the U.S. Senate, which is why I have tried to the best of my ability—and I will have amendments, as well—to say, wait a minute, we have a piece of legislation, and I can see the spinning and I can see the hype. It has a great name: Ed-Flex. It has a great slogan: ''Get the bureaucrats out, let the States decide.'' But I can see this piece of legislation represented as a piece of legislation that is a major educational initiative for children in our country. I have tried to make it crystal clear that is quite to the contrary.

I say to my colleague from Arkansas that I will be finished in a minute or two. If he chooses to debate, I will be glad to do that. Is he standing to speak?

Mr. HUTCHINSON. You earlier said you might yield for a question.

Mr. WELLSTONE. If I could finish this thought, I am pleased to yield for a question. In fact, that might be a welcome relief from hearing myself speak. I am pleased to take a question or whatever criticism that the Senator might want to throw my way.

This piece of legislation isn't going to do anything that is going to make a significant difference in assuring educational opportunities for all of our children in our country. It won't. This particular piece of legislation is not going to meet the standard, which is the most important standard that I believe in more than anything else. I say to my colleague from Arkansas: I think every infant, every child, ought to have the same chance to reach his or her full potential.

This legislation doesn't make any real difference. This legislation doesn't point us in the direction of making a commitment to early childhood development, to making a commitment to communities so that kids can come to school, ready to learn. This piece of legislation doesn't fully fund Head Start. This piece of legislation doesn't provide the funding for nutrition programs for children, many of whom are hungry. Quite to the contrary. We put into effect a 20-percent cut in the Food Stamp Program by the year 2002. This piece of legislation doesn't do anything that will change the concerns and circumstances of these children's lives before they go to school and when they go home. This piece of legislation doesn't do anything to effect smaller class size, to repair or rebuild our crumbling schools, to help us recruit over the next 10 years 2 million teachers, who we will need, as the best and the most creative teachers. This piece of legislation does absolutely nothing that will in a positive way affect the conditions that have the most to do with whether or not each and every child in our country will truly have the same opportunity to be all he or she can be.

Moreover, to summarize, this piece of legislation turns the clock backwards. This piece of legislation takes the good

work of the 1994 reauthorization bill, which will assure that the allocation of funds first goes to those schools with a 75 percent low-income population or more, and tosses it overboard. This piece of legislation in its present form—and to me this may be the biggest issue of all about this piece of legislation. I think other bills should be on the floor that make a difference, but if we are going to pass this piece of legislation, at least let's make sure we have flexibility with accountability. That means that the basic core requirements of title I on well-qualified teachers, high standards testing, measuring results and knowing how we are doing are fenced in. In no way, shape or form, with all the flexibility in the world, will any State or school district be exempt from meeting those requirements.

I say to my colleague from Arkansas, I am pleased to yield for a question.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Arkansas.

Mr. HUTCHINSON. I did have a question for the Senator from Minnesota, but if the Senator is about to conclude, I know there will be plenty of debate and time to debate, so I don't want to further hold up proceeding on the bill. I thank the Senator for yielding.

Mr. WELLSTONE. I will yield the floor in just a moment. I appreciate my colleague's courtesy. The C-SPAN quote, just so it is in the RECORD, was from a Mrs. Elizabeth Washington of the Mott Haven community in the South Bronx.

Mr. JEFFORDS. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. JEFFORDS. The Senator from Oregon is desirous of speaking for 15 minutes.

Mr. WELLSTONE. How about if I reserve the remainder of my time? I will reserve the remainder of my time, and if the Senator from Oregon wants to speak, that would be fine with me. How much time do I have left?

The PRESIDING OFFICER. The Senator has 57 minutes.

Mr. JEFFORDS. Would the Senator mind yielding his time to the Senator?

Mr. WELLSTONE. Fifteen minutes of my time? I would be pleased to do that.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 15 minutes.

Mr. WYDEN. Thank you, Mr. President.

Mr. President, I am sure that many Americans who are watching this debate hear the words ''Ed-Flex'' and wonder what in the world is the U.S. Senate talking about? My guess is that we probably have some folks thinking that Ed-Flex is the new guy who has been hired to run the aerobics class at the local health club. But since my home State of Oregon was the first to receive an Ed-Flex waiver, I would like to take a few minutes to tell the U.S. Senate why Ed-Flex makes a real difference and especially why it has been a valuable tool to improve the lives of poor children.

To begin with, Ed-Flex represents a new approach in Federal-State relations. Right now, there are two schools of thought on the relationship of Washington, DC, to the States. One side says everything ought to be run at the Federal level, because folks locally can't be trusted to meet the needs of low-income people. The other side says the local folks ought to be able to do it all, because everything the Federal Government touches turns to toxic waste.

Ed-Flex represents a third-wave approach, and we have pioneered it in a variety of areas, including health, welfare and the environment, and now in education, in addition.

We told the Federal Government in each of these areas that we will meet the core requirements of Federal law. The Federal Government ought to hold us accountable, but, at the same time, the Federal Government ought to give us the flexibility to make sure that we can really meet the needs of our citizens—in this case, the poor children—rather than building up bureaucracy.

Ed-Flex has been good for students, but especially good for poor students. There are no examples of abuse, Mr. President—not one. We have asked the opponents of this legislation to give us even a scintilla of evidence of an abuse, and they cannot cite one example for a program that has been used in 12 States. But I will tell you there are plenty of examples where this program has worked for poor children.

In Maryland, one low-income school used Ed-Flex to reduce class size. Class size dropped under this Ed-Flex program from 25 students to 12. And the last time I looked, a fair number of Members of the U.S. Senate wanted to see class size drop.

In our home State, Ed-Flex helps low-income high school students take advanced computer courses at the community college. Before the waiver, Federal rules would only allow high school students to take computer courses offered at the high school. If a student wanted to take an advanced computer course, but the school didn't have the equipment or the people to teach advanced computing, those poor kids were out of luck. But we found a community college that was just a short distance away with an Ed-Flex waiver where we could take the dollars that would have been wasted because there were no facilities at the high school, and the poor kids learned at the community college. No muss, no fuss. But we did what the Federal Government ought to be trying to do, which is to help poor children.

In Massachusetts, a school with many low-income kids who are doing poorly in math and reading received title I funds in 1997; but they were denied title I funds the next year because of a technicality. This meant that low-income children who were getting special help with title I funds in 1997 could not get those funds in 1998 for one reason, and that was bureaucratic red tape. But when they got an Ed-Flex waiver, they could use the dollars to serve low-income children and make sure that they could use that help until they had addressed the mission of the program.

Ed-Flex doesn't serve fewer poor kids; it serves more of them, and it serves them better.

In the State of Texas, the State has used Ed-Flex, and the achievement scores confirm that Ed-Flex has improved academic performance. After only 2 years under the waiver, statewide results on the Texas assessment of academic skills shows that schools using Ed-Flex are outperforming the districts that aren't. These are poor school districts with low-income children, and reading and math scores are rising using Ed-Flex. At one high-poverty elementary school, student performance improved almost 23 percent over the 1996 math test scores; 82 percent of them passed. The statewide average was only 64 percent. Poor kids did better. Poor kids did better under Ed-Flex.

Now, this legislation protects the poor in other important ways. The civil rights laws, the labor laws, safety laws, all of the core Federal protections for the vulnerable, are not touched in any way. The Secretary of Education has complete authority to revoke a waiver if title I requirements are not met. Under current law, a State must have a plan to comply with title I. This legislation requires a plan as well.

Let me outline a number of specific protections that pertain to the poor in this legislation. First, under current law, title I funds can only be used in school districts that are for the low-income. Our legislation keeps this requirement. You cannot get an Ed-Flex waiver and move it out of a low-income school district to somewhere else. You have to use those dollars in a low-income school district. They can't be moved elsewhere.

Second, not only does the legislation keep the core requirements of title I, it strengthens them. For example, under current law, States are not required to evaluate whether they are meeting title I goals until 2001. Ed-Flex says to the States: Why should you wait for 2 years to show that you are serving the poor and disadvantaged? Develop high standards for serving the poor now, demonstrate that you meet the accountability requirements, and put more education dollars in the classroom to serve poor kids and their families now, rather than waiting until 2001.

Now, opponents of Ed-Flex have not been able to offer any examples—not even one—of how the flexibility waivers have been abused, and that is because the Secretary of Education has watch-dogged these Ed-Flex waivers; and we can cite examples of how it works, and they can't cite any examples of how it has been abused. That is why the Education and Labor Committee in the last Congress approved this legislation by a 17–1 bipartisan vote.

Senator KENNEDY, the ranking member of the committee, said,

Under Ed-Flex, the Secretary of Education allows Massachusetts and other States to waive Federal regulations and statutory requirements that impede State and local efforts to improve learning and teaching. With that flexibility comes stronger accountability to improve student achievement.

Since that time, since those eloquent words of Senator KENNEDY, in a 17–1 vote in the Labor Committee, after lengthy debate, the sponsors felt that it was important to work with those who have had reservations about this legislation, and we have made six additional changes in the legislation to strengthen a bill that had virtual unanimous bipartisan support. We have strengthened the requirements for public participation so that there is public notice. We put in place a requirement that States include specific, measurable goals, which include student performance, a requirement that the Secretary report to the Congress after 2 years on how Ed-Flex States are doing. The Secretary must include how the waiver is affecting student performance, what Federal and State laws are being waived, and how the waiver is affecting the overall State and local reform efforts.

There is a requirement that the Secretary review State content and performance standards twice, once when deciding if the State is eligible to participate and again when deciding whether or not to grant approval for a waiver. This is to make sure that there is no compromising title I. The Secretary of Education reviews twice whether or not to go forward with an Ed-Flex waiver.

We have always altered the legislation to ensure that local review cannot be waived under Ed-Flex; that is, any school or school district receiving title I funds is still subject to punishment and still has to answer to a local review board. Those provisions that protect the poor cannot be waived.

Mr. President, it is no accident that every Governor, every Democratic Governor, believes this will be a valuable tool to them to make existing programs work better.

I think the Senator from Minnesota has made an important point in talking about how additional dollars are needed for some of these key programs to serve the poor. But the best way to generate support for that approach is to show that you are using the dollars that you get today wisely. That is what Ed-Flex allows. It is a fresh, creative approach to Federal-State relations, one that has enormous potential for improving the delivery of services to the poor and all Americans.

So I say to the Senate that we have a chance to take a new, creative path with respect to Federal and State relations where one side says all the answers reside in Washington, DC, and the other side says, no, they all reside at the local level. The third path that is being taken by Ed-Flex, that is being taken by my State in health, in welfare, in the environment, says to the Federal Government: At the local level, we will meet the requirements of Federal law, Federal education law. We will be held accountable. But in return for holding us accountable, give us the flexibility so that we can ensure that we come up with solutions that work for Coos Bay, OR, and The Dalles, OR, and you don't take a ''one-size-fits-all'' cookie-cutter approach and say that what is done in the Bronx is what is going to work in rural Oregon.

Before I wrap up, I would like to pay a special tribute to our former colleague, Senator Hatfield. I served in the House when Senator Hatfield took the lead in 1994, working with Senator KENNEDY and others, to promote this approach. In my view, his record alone, standing for years and years for civil rights laws, for health laws and safety laws, would suggest that there is a commitment by the sponsors of this legislation to ensure that this helps the poor, not hurts the poor.

If there was one example, Mr. President, even one, of how an Ed-Flex waiver has harmed the poor, I know I would immediately move to address that and to ensure that our legislation didn't allow it. But we have no examples of how in any of those States the poor have been exploited or taken advantage of. We have plenty of examples of how Ed-Flex has worked in Texas where the scores have gone up, in Maryland where it has reduced class size, in Oregon where poor kids who couldn't get advanced computing under the status quo were able to use Ed-Flex dollars to get those skills that are so critical to a high-skill, high-wage job.

So I urge the Senate today to vote for the motion to proceed, vote for the bill, empower the communities across this country to earn the right to use Federal education dollars to serve the vulnerable in our society most effectively. This is not the sole answer to what is needed to improve education, public education, in our country, but it is an important step, because it shows the people of the country that we can use existing Federal funds more effectively, that we can be more innovative in serving poor kids. It seems to me that step does a tremendous amount to lay the foundation to garner public support for areas where we need additional funds.

We are going to need additional funds for a number of these key areas that the Senator from Minnesota is right to touch on. But let's show the taxpayer that we are using existing dollars effectively, as we have done in Oregon, as we have done in Texas, as we have done in Massachusetts, in line with objectives that, as far as I can tell, are widely supported on both sides of the aisle.

I see the Senator from Tennessee has joined as well, and the Senator from Minnesota was kind enough to give me time from his allocation. I would just wrap up by thanking the Senator from Minnesota and also say that I very much appreciated working with the Senator from Tennessee on this legislation. I think it is clear that the country wants to see the U.S. Senate work in a bipartisan way on this legislation.

This bill had exhaustive hearings in the Senate Budget Task Force on Education. It was debated at length in the Education and Labor Committee, where it won on a 17-to-1 vote in the last session of the Senate. Since that time, as I have outlined in my presentation, additional changes have been made to promote accountability.

I urge my colleagues to support the legislation.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take about 5 or 10 minutes, and then I will yield back the rest of my time. I have had several hours. I say to my colleague from Tennessee that I will yield back my time because I have to give a talk with law enforcement people in Minnesota via video.

There are some students from Minnesota who are here. Welcome. We are glad you are here, and teachers and parents.

Let me just make three points.

First of all, although we will have tougher debate later on, I say to my colleague from Oregon, we certainly didn't have any lengthy debate on Ed-Flex this Congress. We never had a hearing—not one hearing at all. When my colleague says they can't talk about any abuses, the fact of the matter is that both the Congressional Research Service and GAO—I am not prejudging one way or other, but it is difficult to talk about what is going on—both have said we don't have the data in yet. We don't have the data in. What is the rush? I might have a different judgment about this on the basis—I don't know whether I will generalize 12 States to 50 States, but I certainly might be less skeptical if in fact we had the data and if we had the reports in. We don't. But we are rushing ahead.

The second point I want to make is that my colleague talks about the ''core'' requirements. Certainly it is true that, with IDEA, the core requirements are kept intact. But as a matter of fact, we will see that the truth will be very clear with this amendment. I will have an amendment on the floor, and it will simply say that the core requirements are that title I students be taught by highly qualified professional staff, that States set high standards for all children, that States provide funding to the lowest income schools first, that States hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet high standards, and that the vocational programs provide broad education and work experiences rather than their own job training. I will have an amendment

that says those core requirements will be fenced off and no State or school district will be exempt.

Can my colleagues tell me that that is the case right now? If so, then that amendment will pass with overwhelming support. Right now, that is not in the bill. Do you have language in the bill that guarantees that all those requirements will be met?

Mr. WYDEN. Yes. I think your amendment is OK.

Mr. WELLSTONE. Do both my colleagues agree? Lord, we don't even have to have a debate on it.

Mr. FRIST. Mr. President, I would be happy to respond.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, clearly, we would like to get to the bill, and we can actually talk about what is in the bill. The bill has not been, as you know, introduced in the managers' package. And I hope that, although the morning hour has been reduced, we can get to the bill and discuss what is in it or not.

For a State to become a title I State, in both existing law as well as what we will have in our bill, you have to have the full complement of title I requirements, which will be spelled out.

You can't be an Ed-Flex State both today and in the future law. So is it in the bill? Because you can't be eligible unless they are actually in. For the very specific things, if we could introduce it, there is a whole list of accountability clauses I would like to get to after we introduce the bill formally, if we could do that, talk about the core principles and the protections and the accountability.

Mr. WELLSTONE. I say to my colleague, this amendment will say that States cannot waive the following core requirements. These have been the core requirements of title 1.

Would my colleague agree that States will not be able to waive these core requirements?

Mr. FRIST. I have not seen the core requirements. I didn't hear what the core requirements are specifically. But if you would allow us to proceed to the bill at some point, at the appropriate time—right now, as you know, we have given the Senator the last 3 hours so he can make these points. We are ready to go to the bill, introduce to America a great Ed-Flex bill, as soon as the Senator is finished.

Mr. WELLSTONE. Just to be clear, I get a different message from my two colleagues here. This is where the rubber meets the road. I spent a lot of time on what Ed-Flex doesn't do and what we should be doing. My point right now is that every single person I know who has worked on title I and knows what it is all about is absolutely committed and insistent that the core requirements be fenced in, remain intact, and no State can get a waiver, no school district can get a waiver. I am asking the Senator whether he agrees. If the Senator agrees, this certainly makes it a far better bill than it is right now.

And my second question is, What about the 75 percent rule? That is a core requirement right now. We worked that in in 1994. Would both of my colleagues agree that schools with 75 percent low-income students or more should be first priority in funding and that we keep that in as a requirement, so that we don't lessen the financial aid to the neediest schools? Would you agree? Could I get support for that right now?

Mr. FRIST. I would respond to my distinguished colleague from Minnesota, that if we could introduce the bill and discuss the bill before specific amendments—right now we have not had the opportunity because of these delaying tactics, which is what they are, so the Senator would have the opportunity to have 3 hours to lay everything out—if the Senator would just allow us to at least bring this bill to the floor at some time so we can discuss and formally debate and read the amendments—he is talking about an amendment which I have not seen. I haven't had the opportunity to see it. The Senator hasn't presented it. It is a little bit strange to be debating specific amendments and principles to amendments before the bill is introduced.

So let me just make a plea to the Senator to allow this bill to be formally introduced, debated, amendment by amendment, if the Senator would like, and I think that is appropriate, but we can't do it unless the Senator allows consideration of this bill. Right now it is important for the American people to understand that we, because of what is going on right now and what we are hearing, cannot proceed until the Senator from Minnesota allows us to proceed with the underlying bill.

So I will just ask, Is the Senator going to allow us to proceed to address the Ed-Flex bill?

Mr. WELLSTONE. Mr. President, my colleague, first of all, well knows that we are going to be allowed to proceed, because I asked for several hours and I have about used up my time. So we are going to proceed.

My colleague already knows that, so there is no reason to press, to make the case. With all due respect, we could have a discussion about these issues right now. We can have the discussion about them later on. I have spent a considerable amount of time pointing out right now that in the bill, as it reads, States can receive a waiver from these basic core requirements of title I. I want to make sure we have the strictest accountability measures to make sure that will not happen. I have pointed out that right now, as the bill currently stands, States can receive a waiver from the 75-percent requirement.

Mr. WYDEN. Will the Senator yield?

Mr. WELLSTONE. I want to make sure that doesn't happen.

I will be pleased to yield. In fact, I literally have to leave in a minute

Mr. WYDEN. This will be only 30 seconds.

On page 12, line 12 of the bill, it states, and I quote:

> The Secretary may not waive any statutory or regulatory requirement of the program.

Point blank. You cannot waive any of the core requirements. I thank the Senator for yielding.

Mr. WELLSTONE. Mr. President, I would say to my colleague from Oregon, that if we have the same interpretation—and we will see; I get a somewhat different reaction from my colleague from Tennessee—I will have an amendment with clear language that lists those core requirements and makes it crystal clear that they are fenced in and that no State or school district can receive any waiver on those requirements, in which case that will be some good accountability, in which case I would expect full support for it. My interpretation is a different one. If you are right that we already have the ironclad guarantees, then this amendment should pass with 100 votes.

Mr. President, let me simply thank my colleagues. We don't agree, but I think it was important to have the opportunity to speak about this bill and give it, I think, a wide context and to speak to what I think are the flaws. We are going to have a spirited debate with any number of amendments, and I hope ultimately this ends up being a very positive piece of legislation that will make a positive difference in the lives of children. In its present shape and form, it does not do that. And we will have a major debate.

I will yield back the remainder of my time, and I say to my colleagues, I will not be asking for the yeas and nays. We can just have a voice vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, I would like to very briefly respond to a couple of points that have been made over the course of this morning.

The distinguished Senator from Minnesota has made a number of points in outlining his view of what needs to be done with education in this country as we go forward. His time was delegated to him so that he would have that opportunity, although a lot of us are anxiously waiting to get to the bill itself, the Ed-Flex bill, which is the subject of our debate over the course of today, tonight and tomorrow, and probably the next several days.

First of all, he has outlined many of the challenges that we do have in education today. The great thing about this whole debate is that whether it is his intentions or my intentions or the intentions of the Senator from Oregon,

it really is to address the fundamental issues of education, of really making sure that our children today, and in future generations, are best prepared. And they are not today. We all have come to that conclusion. Parents recognize that and principals understand that, and teachers and school boards and Governors, and all the various groups that we will hear about.

That is the great thing, that as the No. 1 agenda item coming out of this Congress and the Senate, we are addressing education. Let me say that the approach is going to be different. There won't be a lot of heated debate. What needs to be protected, which programs to address, how to address them, how much control does the Federal Government have, how much control do the local communities have or do parents have or do Governors have, that will be the subject of much of the debate that we will hear.

A second big issue is flexibility. People on both sides of the aisle are so well intentioned, and we all have our favorite education program and we think that that program might be the silver bullet, but we all know that there is no single silver bullet as we address this whole issue of educating our young people, preparing them for that next century.

Let me say that right coming out of the box, before we even introduce this bill formally, which I think will be done early this afternoon: This bill is no silver bullet either. It does address the basic principles. It is not a series of programs that are well intended that may cost money, that may be very good in and of themselves, but it sets that principle that does allow more flexibility, more creativity, more innovation in accomplishing the goals that most of us agree to. This bill does not change the resources going in, nor does it change the goals, but it does reorder our thinking of how to get from those resources to those goals. And what it does, it drops the barriers with strong accountability.

When we talk about flexibility and we talk about accountability, that is what this bill does. Not the resources, not yet; we are going to have that argument over the course of the year with what is called—we will all become very familiar with it—the ESEA, the Elementary and Secondary Education Act. There is an ongoing discussion right now in Senator JEFFORDS' committee, the Health, Education, Labor, and Pensions Committee. That is ongoing and hearings will be held and that is where we will be looking at all these multiple well-intended programs. We will be looking at all the resources going into education. Is it too little? Is it too much? Should we divert certain of those resources to certain programs?

That is not what we are doing today or tomorrow in the Ed-Flex, the Frist-Wyden Ed-Flex. That is not what we are doing. We are looking at how to streamline the system, make more efficient use of those resources, trust our local schools and local teachers and local principals who can identify specific needs in order to improve education, and make sure those resources are used in the appropriate way to meet the goals that we all lay out. That is an important concept, because a lot of these amendments that are being proposed, principally on the other side of the aisle and maybe solely on the other side of the aisle, will be to make some good, strong points that this program is great. You will hear me and others say let's consider all of those issues, but we need to consider them in the context of what we are doing with education totally and that is not what this bill is all about. This is about the Education Flexibility Partnership Act, the Ed-Flex Act.

I want to begin with that because it does set the overall environment in which this debate can most intelligently be carried out. Without that, we are going to drop into these whirls of rhetoric: Although this program will really turn things around—and we all should recognize right up front we cannot look just at rhetoric.

I heard three points over the last 3 hours that my colleague from Minnesota mentioned. No. 1, we are rushing through this thing and we are trying to jam it through the U.S. Senate and thrust it upon the American people. You hear these words ''rushing it through, rushing it through.'' The second point he seemed to make this morning was that in some way Ed-Flex hurts poor children. And then he said there is no data, there is no evidence, there is no information; let's wait until we generate some information before we go forward. In some way it hurts poor children, that was almost the theme. So I think we need to respond to that and move on and look at the great things this bill does.

The third point he made is that our bill does not address a lot of specific programs that he would like to address, and it is nutrition needs and it is Head Start and a lot of afterschool programs and a lot of programs which are very important to education and need to be discussed. We need to go back and evaluate. But that is not what Ed-Flex is intended to do. That is not what the Ed-Flex bill is all about.

What we have is a bill that was generated by myself and Senator WYDEN, who just spoke on the floor, that is a bipartisan bill that represents strong support with all 50 Governors—every State Governor is supporting this piece of legislation. It is bipartisan, symbolically, because it is RON WYDEN and BILL FRIST out there who have been working on this bill for the past year.

We will talk, after the bill is introduced, about the broad support that it has. But we all know the President said last week: Let's pass Ed-Flex this week. The Department of Education has been very supportive of this bill throughout. Unfortunately, I think what we heard this morning may be a prelude to what we can expect, and that is going to be a series of programs which have billion-dollar price tags, million-dollar price tags, that will be billed as the best program out there. And some of those programs are really going to appeal to our colleagues and to people listening to this debate. They will say: Yes, things like more teachers and construction and all would be good, and they are very concrete and real. Again, we are going to look at those later.

Real quickly, as we go through, are we rushing this through? Let's make very clear that we are not rushing this through. We addressed this in the committee, the appropriate committee of Health, Education, Labor, and Pension, which is the former Labor Committee. Senator JEFFORDS will be managing this bill with me. He has been very thoughtful, and over the period of time through a number of different discussions, we have debated the bill, we marked this bill up—again, that is terminology inside this room—but that means we have discussed this bill, we have debated these amendments, many of them, both last year when it sailed through the committee we debated each of these issues and then again this year.

It is important for the American people to understand that, yes, this particular bill passed last year 17 to 1; that one person, that colleague we have heard from this morning and I am sure we will hear from again and again. But recognize it passed 17 to 1. We ran out of time at the end of the last Congress. It came back through the committee and was marked up just several weeks ago and, again, was passed out and sent to the floor.

The General Accounting Office study which has been cited, which will be referred to—again, I will have to turn to my colleague, Senator WYDEN, and say thank you. He is the one who initially requested that, the initial request to GAO which came back with the report, and out of the report we have been able to see great benefits and also some of the areas in which we need to strengthen our legislation, which we have done so we can go ahead and move ahead with that flexibility and accountability.

Then ''rushing this through,'' when you think about most of the education we address here, we have not had an experience of 5 years. Remember, this is a demonstration project today. There are 12 States that have Ed-Flex—passed in 1994 with six States; another six States added on to that. So we have a 5-year experience in 12 different States with this program already. So, yes, we know that it works. So, are we rushing it through? You can just move that argument right to the side.

No. 2, it hurts poor children? This is remarkable because it was really the theme of this morning: In some way, Ed-Flex hurts poor children. Let me just look to some outside groups who have looked at this.

If you refer back to the chart behind me, it is the report of the Citizens'

Commission on Civil Rights, a wonderful report that may be referred to several times in the course of the next several days, issued in the fall of this past year, and they hit right at the heart. Really, I think we can just move on, almost:

In the Citizens' Commission's judgment, these waivers did not seriously undermine the statute's intent to target aid to poor children.

Then, if we look for hard data, again we have heard all this rhetoric about, ''Oh, we have a potential for hurting poor children; we have the potential for this.'' Clearly, you can create hypotheticals in any piece of legislation, in any statute, any regulation, and politicians are pretty good at it. We can create hypotheticals and say if this were to happen it would destroy education and so forth. My approach is a little bit more the scientist.

Before coming to the Senate, I spent time looking at data and that scientific, analytical mind may interfere with some things, but it does cause me to ask the question: What data do we have? What is the hard data and what is the evidence? And let me just look at some of the areas that were mentioned.

Texas, which has a very successful Ed-Flex program, has accumulated some representative data which looks at three different areas. It is going to be hard to read, but at the top it looks at African American students; beneath that it looks at Hispanic students; and beneath that it looks at economically disadvantaged students.

The far left column shows 1996, the next column over shows 1997. The column I want to concentrate on is, ''Actual change.'' Remember, this is hard data, looking at a State that compared Ed-Flex to non-Ed-Flex.

If you look at that middle column—let me just drop right down to the bottom where it says ''Economically Disadvantaged Students.''

In 1996—this is for mathematics. This is a statewide comparison of selected campuses in title I, part A. Title I is the disadvantaged students element which we heard so much about this morning. We see in those States, like Westlawn Elementary, La Marque ISD, with the title I schoolwide waiver, in that column we see an improvement of 16.8 percent. These are just with the disadvantaged students. The statewide average was an improvement of 8 percent.

Thus, for those disadvantaged students, if you compare the Ed-Flex program, we see that students improved twice as much in the very population that we hear this rhetorical concern about. Again, this is hard data, representative data.

We look at African American students compared to the statewide average. In the Ed-Flex, African American students at Westlawn Elementary, we see they improved by 22 percent; statewide average, 9 percent—again, more than a doubling of improvement in the Ed-Flex schoolwide waiver program.

Halfway down you see Hispanic students. Again, if you take the entity of Westlawn, you see an improvement of 16 percent versus 7.9 percent—again, that Ed-Flex school doing twice as well under a schoolwide waiver as they would otherwise do. And this is representative data. Again, once we get to the bill, you will see.

So we see that the Commission on Civil Rights—we see hard data. There are other examples from Massachusetts we will hear about.

And then I guess really the fundamental thing I will come back to later is, our bill can't hurt poor children, because the dollars have to be used. Going back to my earlier comments, we do not change the dollars and we did not change the ultimate goals in the targeted population. Our bill does not do that. So by law, if you are targeted for this population, the money and the programs have to go there. How you get there is where the flexibility comes in.

One last point I referred to, which was his last point, was that we are not addressing nutrition and other well-meaning programs, again, that we will hear paraded out. Let me just say that is not the intent of this bill. We can discuss them. We can introduce them. Those sorts of issues will be discussed in the chairman's committee appropriately, where they can be debated, where we can consider all of the resources, all of the programs, recognizing there is not one single silver bullet to cure education, the challenges of education. The Elementary and Secondary Education Act is the appropriate forum that this body has to consider these issues.

With that, I thank you for this opportunity to speak and thank the chairman for yielding time.

Mr. JEFFORDS. Mr. President, I understand the Senator from Oregon desires some time.

Mr. WYDEN. I thank the Senator from Vermont. I could wrap up very briefly, even in, say, 5 minutes.

Mr. JEFFORDS. I yield to the Senator 5 minutes.

Mr. WYDEN. I thank the chairman.

Senator FRIST has said it very well. Mr. President, and colleagues, all we want to do under Ed-Flex is to make sure that these dollars get into the classroom to help poor kids and not get chewed up by bureaucratic redtape.

Ed-Flex is not a block grant program. It is not a voucher kind of scheme. The people who are advocating Ed-Flex in my home State of Oregon do not want a Federal education program to go away. Quite the contrary, they want those programs. They know that we need those dollars to serve low-income students. What we want is, we want some freedom from some of the Federal water torture and bureaucratic redtape that so often keeps us from using those dollars to better serve the poor.

I would just hope, Mr. President, and colleagues, that during the course of the afternoon colleagues look at the requirements that protect the poor families and the poor children that cannot be waived under the Ed-Flex statute. Specifically, it is not possible to get a waiver if you are trying to waive the underlying programs of each of the critical services that is made possible under title I. You cannot do it. And as I stated earlier, you can only use those dollars in a low-income school district; you cannot move those dollars out of a low-income school district and take them somewhere else.

So there is a reason for the Governors and all of the Democratic Governors supporting this legislation. I happen to have some sympathy for the Senator from Minnesota about the need for additional dollars for a variety of human services. But the best way to win support for that additional funding is to show that you are using existing dollars well and effectively. That is what Ed-Flex does.

I am very pleased to have had a chance to team up with Senator FRIST of Tennessee who has worked very hard to bring both parties together. And I thank the Senator from Vermont for the time.

I yield the floor, Mr. President.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I yield back all our remaining committee time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion to proceed.

The motion was agreed to.

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT OF 1999

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 280) to provide for education flexibility partnerships.

The Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment on page 11, line 22, to strike ''Part A'', and insert in lieu thereof ''Part B.''

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending committee amendment be agreed to and be considered as original text for the purpose of further amendment.

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

The committee amendment was agreed to.

AMENDMENT NO. 31

(Purpose: To improve the bill)

Mr. JEFFORDS. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 31.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JEFFORDS. Today, Mr. President, we are taking up what I would call ''unfinished business'' from last Congress. Our bipartisan efforts in the last Congress resulted in nearly 30 public laws, about a third of them in the area of education. However, there was one bill that was reported from the Health and Education Committee with broad bipartisan support, the Ed-Flex bill, that was not enacted into law.

A year ago, the President told the Nation's Governors that passage of this legislation—and I quote him—''would dramatically reduce the regulatory burden of the federal government on the states in the area of education.''

Six months ago, Secretary Riley wrote me to reiterate the administration's support for the Ed-Flex bill and urged its passage. The Senate Health and Education Committee heeded his advice and passed it with only one dissenting vote.

The National Governors' Association, under the chairmanship of Governor Carper from Delaware, has strongly urged the Congress to pass Ed-Flex this year.

Last November, the General Accounting Office looked at this program in detail, both at the dozen States that now participate in the Ed-Flex program and the 38 that potentially could participate under this legislation. It found that views among the current States varied, but it was seen as modestly helpful.

It would be a gross overstatement to suggest that this bill will revolutionize education. It will be a sensible step in making our limited resources go further toward the goal of improving our education delivery system.

The Department of Education, under the leadership of Secretary Riley, has stated that Ed-Flex authority will help States in ''removing potential regulatory barriers to the successful implementation of comprehensive school reform'' initiatives.

I would like to take a moment to briefly review the history of Ed-Flex. The original Ed-Flex legislation was first conceived by former Senator Mark Hatfield, as many of us know, an individual deeply committed to improving education. His proposal had its roots in his home State of Oregon which has long been a role model in education.

Under Ed-Flex, the Department of Education gives a State some authority to grant waivers within a State, giving each State the ability to make decisions about whether some school districts may be granted waivers pertaining to certain Federal requirements.

It is very important to note that States cannot waive any Federal regulatory or statutory requirements relating to health and safety, civil rights, maintenance of effort, comparability of services, equitable participation of students and professional staff in private schools, parental participation and involvement, and distribution of funds to State or local education agencies. They have no authority to waive any of those.

The 1994 legislation authorized six Ed Flex states, three designations were to be awarded to states with populations of 3.5 million or greater and 3 were to be granted to states with populations less than 3.5 million.

These states were not chosen randomly nor quickly—the selection process was 2 and one-half years in duration. The Department of Education sent out a notice and a state interested in participating in Ed Flex submitted an application.

In the application, each interested state was required to describe how it would use its waiver authority, including how it would evaluate waiver applications from local school districts and how it would ensure accountability.

The original six are: Kansas, Massachusetts, Ohio, Oregon, Texas, and my home state of Vermont. Another six states came on board between May 1996 and July 1997. Those additional states are: Colorado, Illinois, Iowa, Maryland, Michigan, and New Mexico.

Vermont has used its Ed Flex authority to improve Title One services, particularly improving services for those students in smaller rural areas. In addition, my home state has also used Ed Flex authority to provide greater access to professional development, which is a very critical area and perhaps has the greatest impact on enhancing student performance.

The Department of Education has stated that the 12 current Ed Flex states have ''used their waiver authority carefully and judiciously.''

In last November's GAO report on Ed Flex, several state officials from the established Ed Flex states, said that ''Ed Flex promotes a climate that encourages state and local educators to explore new approaches . . .''

The bill before us today, S. 280, under the sponsorship of Senator BILL FRIST and Senator RON WYDEN, has significantly improved the accountability aspects of the 1994 Ed Flex law.

S. 280 is very specific regarding a state's eligibility under Ed Flex authority. The bill makes it clear that a state must have state content standards, challenging student performance standards, and aligned assessments as described in Title 1 or the state must have made substantial progress, as determined by the Secretary, in implementing its Title 1 state standards.

This legislation also emphasizes the importance of school and student performance. Each local education agency applying for a waiver must describe its ''specific, measurable, educational goals'' regarding progress toward increased school and student performance.

As I indicated earlier, this legislation is not meant to serve as the sole solution to improving school and student performance.

However, it does serve as a mechanism that will give states the ability to enhance services to students through flexibility with real accountability.

I urge my colleagues to support S. 280 and to withhold extraneous amendments that will delay and complicate its enactment.

I take this opportunity to thank Senator BILL FRIST and RON WYDEN and their staff for their hard work on this legislation.

They have done an outstanding job and I commend them for their efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I am happy to rise in support of the Ed-Flex legislation. I want to commend Chairman JEFFORDS and Senator FRIST for their outstanding work, as well as Senator WYDEN for his bipartisan efforts on behalf of this legislation which I think takes a tremendous step—a bold step—toward improving education in our Nation's schools.

I listened closely to some of those who spoke earlier today and yesterday in opposition to this legislation. Time and time again, I heard the advocacy of greater spending, as if spending were the sole gauge for our commitment to better education in this country.

I heard time and time again that Ed-Flex was nothing or that it did nothing. The fact is that providing greater flexibility for our State departments of education, providing greater flexibility for local school districts, is the single best thing that we can do to untie their hands, to take the straitjackets off local educators and ensure that they, in fact, have the ability to make the decisions that are going to be in the best interests of the students in this country.

I remember well when I came to the House of Representatives, the U.S. Congress, in 1993, and the great debate was on what we should do about welfare reform. We had established across this country a process by which States could apply for waivers from the burdensome welfare regulations mandated on the Federal level. While not all of the analogy between welfare reform and education reform today fit—there are many differences—there are also a number of similarities.

The first step toward what became comprehensive welfare reform was the ability for States to apply for waivers and escape the heavy-handed mandates coming out of Washington, DC. That first step on waivers led us to the much broader step of block grants and comprehensive welfare reform, which has worked, and which has taken thousands and thousands of people who were living lives of dependency on welfare to now lives of independence, lives of hope and greater prosperity.

It has worked in spite of the dire predictions about giving the States the

flexibility to enact what they believed would work in their States in welfare reform; it has, in fact, accomplished the stated goals.

I believe that while this, as has often been said, is not an end-all, it is not a cure-all for educational woes in this country, providing the States an ability to escape Washington mandates so long as they are accomplishing intended purposes with proper accountability is an important first step to take. I hope we will go further. I hope we go to dollars to the classroom that will consolidate a number of Federal education programs. But this is bold and this is important. I commend the bipartisan efforts to bring us to this point.

I think what we are addressing in this legislation is the tragedy of bureaucratic waste. We have heard repeatedly the statistics that have been cited, and I think accurately cited, that we have 760 Federal education programs; that those 760 Federal education programs spend approximately 6 or 7 cents on the dollar in funding for our local schools, while mandating 50 percent of the paperwork required for our educational programs.

When PETE HOEKSTRA in the House of Representatives began his Crossroads Project, looking at education in America, one of the first things he did was to try to catalog the number of Federal education programs. I have the transcript of Secretary Riley before Congressman HOEKSTRA's committee.

Chairman HOEKSTRA: How many education programs do you estimate that we have throughout the Federal Government? [A rather straightforward question to ask of the Secretary of Education.]

Secretary RILEY: We have—what is the page? It's around 200. I've got it here. One thing that I do think is misleading is to talk about 760—

Chairman HOEKSTRA: Well, how many do you think there are?

Secretary RILEY: We have—I've got a page here with it.

Chairman HOEKSTRA: Just the Department of Education alone or is this including all other agencies?

Secretary RILEY: It is just a couple less than 200.

Chairman HOEKSTRA: Is this just the Department of Education?

Secretary RILEY: Just the Department of Education.

Chairman HOEKSTRA: Well, how about including other agencies and those kinds of things.

Secretary RILEY: Well, that is where I was going to get into the 760.

It goes on. Congressman HOEKSTRA explains the process they had to go through to actually come up with the figure 760 Federal education programs, and, in fact, it is quite well verified. So 760 programs that had never even been cataloged, when you asked the Department, they didn't even know how many there actually were. What we are suggesting is that those 760 education programs place an enormous paperwork burden on classroom teachers, local educators, and on a State's department of education. It is in that area that we can address the enormous bureaucratic waste.

Now, it was said repeatedly that this bill is nothing. I want to quote a man I admire greatly, and he is quoted in the Fordham Foundation report entitled ''New Directions.'' That individual is the Rev. Floyd Flake. Many of you will recognize that name because Floyd Flake was a Congressman from New York State for many, many years, representing his constituents very well, but who was willing to step outside of the box and, in fact, he was so committed to education reform and improving the lives of the children of his constituents in New York, he left the U.S. Congress—a safe seat for sure—and went back to his home district to run a school and pastor a church. This is what Rev. Floyd Flake said, an African American pastor who served in the U.S. House as a Democrat:

While over $100 billion in title I funds have been expended on behalf of these children—

that is, children at risk—

these funds have not made much difference. Study after study has shown that this important Federal program has failed to narrow the achievement gap. The result for America's neediest girls and boys is nothing short of tragedy. Real education reform will transform the future prospects of America's minority and low-income children, but this cannot come primarily from Washington. What the Federal Government can do is get out of the way of States and communities that are serious about pursuing real education reform of their own devising.

I believe Reverend Flake, Congressman Flake, has hit the nail on the head. We have heard much very strong, emotional and passionate talk about the needs of disadvantaged children. I don't believe anybody can question Pastor Flake's commitment to disadvantaged children. He said the best thing we can do is get Washington out of the way. So I believe we can address the tragedy of bureaucratic waste by passing Ed-Flex.

Secondly, we address the logic that one size fits all; that wisdom flows only from Washington, DC; that the U.S. Congress has the wisdom and ability to micromanage our schools. So we hear much about accountability and that somehow by providing States broad, new flexibility we are going to water down or minimize accountability.

Well, I believe it is a very high form of arrogance to say that we don't trust local elected officials, we don't trust local school superintendents who are hired by that local school board, that we don't trust the Governors of our States, that, in fact, only we can make those decisions about what accountability should be. ''One size fits all'' rarely works in a country as diverse as the United States of America. To believe that we can micromanage local schools from Washington, whether they are in inner-city New York City or Desha County, AR, or whether it be in Detroit or in Miami, the differences in our cultures, our social backgrounds, and our needs across this country are so great, we are so diverse, that to believe that we can properly diagnose and then treat educational problems from Washington, I think, is foolish, indeed.

In fact, as you look over the history of the last 30 years of education in this country, we have seen, by every objective measurement, a deterioration in academic success. I suggest to those who oppose this bill that they are attempting to defend a status quo that is demonstrably flawed. We can address the tragedy of ''Washington knows best'' and that we don't trust those local officials. What brings us to the floor today—what brings this legislation to the floor today is the crisis that exists in American education.

I listened to the distinguished Senator from Minnesota. He used many of the same statistics that I quote. He quoted many of the same reports that I have before me, which emphasize and underscore the crisis we face in American education. But it seems to me that the opponents are saying it is a terrible crisis and therefore we need to keep the status quo, we need to fund current programs at higher levels, when what we have been doing has clearly failed.

So what this bipartisan bill does is to say, let's try a new approach, and that innovation, creativity, and new ideas are coming from the States and local schools. Let's give them the flexibility to enact those reforms, and I believe we will see education truly improve.

The federally funded National Assessment of Educational Progress, the NAEP report, reports that 38 percent of 4th grade students do not even attain ''basic'' achievement levels in reading. In math, 38 percent of 8th graders score below basic level, as do 43 percent of 12th graders in science.

I point out that there is an obvious trend there. In the lower grades, we do better; in the higher grades, we do worse. That reality was further emphasized in the TIMSS test report, which is the best measurement of an international comparison of student achievement. The TIMSS report shows that while we do quite well in math and science in grade 4, compared to students in other countries, by the time those students reach the 12th grade, they are almost at the bottom, internationally. So something has clearly gone awry between grade 4 and grade 12.

I believe that is a strong incentive for us to change the direction of education in this country. The Fordham Foundation report is well named: New Directions. It is high time that we find new directions in education, and that is what Ed-Flex does. It is a first step, but it is an important step, freeing us from bureaucratic waste and inefficiency. As President Ronald Reagan used to say, ''The only thing that saves us from bureaucracy is its inefficiency.'' The tragedy is when you look at the inefficiency in the education bureaucracy, those whom it is hurting are those who are most vulnerable—our children, our students.

Lisa Graham Keegan, Arizona State Superintendent of Public Instruction, recognizes this. She has stated that it

is ''the lure of Federal dollars tied to programs with hazily defined goals,'' and compliance with those Federal programs is a big cause of the problems we face in education today. Keegan specifically indicates that 165 employees in the Arizona Department of Education are responsible for one thing, and one thing only, and that is managing Federal programs—165 employees just to manage the Federal programs, which account for 6 percent of Arizona's total spending on education.

Now, those 165 employees work out to be 45 percent of her total staff. She has 45 percent of her educational staff in the educational department in Arizona doing nothing more than complying with Federal programs that account for only 6 percent of the funding for Arizona schools.

Something is badly out of kilter when that happens. And it happens not only in Arizona, but you can echo those same sentiments by directors of education across this country.

This is an opportunity for us to move in a new direction.

President Clinton has made it very clear that he decided the problem with education is class size; that smaller class size is a good thing, and that even if the Federal Government has to step in and do it, that is what we should do. No research indicates what the impact of class size is going to have on a child's ability to learn. Despite this there is a $1.2 billion proposal to spend tax dollars to reduce class size. That will be a debate for another time. But I think once again it reflects the traditional thinking that we can only solve education problems with Washington solutions.

In 1996, then-Governor VOINOVICH of the State of Ohio who is now our colleague in the U.S. Senate noted that local schools in his State had to submit as many as 170 Federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school in Ohio is a result of Federal programs; this despite the fact that the Federal Government accounts for only 6 percent of Ohio's educational spending. One-hundred and seventy Federal reports, Governor VOINOVICH said, 700 pages in length, and 50 percent of the paperwork, and once again only 6 percent of the educational spending in Ohio.

Then I think the experience in Boston illustrates this need for Ed-Flex as well. I quote again from this very important report. It states:

> Unfortunately, even this estimate is likely to underestimate the true paperwork burden to local schools and universities across the country.

According to the President of Boston University, John Wesley, Boston University spent 14 weeks and 2,700 employee hours completing the paperwork required to qualify for Federal title IV funding. They were slowed by repeated corrections and clarifications requested by the Department of Education. And, in the end, the university spent the equivalent of 1½ personnel years compiling what turned out to be a 9-pound application.

I wish that were unusual. It may be unusual. But they actually compute it where it can be quantified. But I am afraid that reflects the experience of the education establishment all across this country.

I know that there are many others who want to speak on this bill. I, once again, applaud so much of the efforts of Senator FRIST, Senator WYDEN and Chairman JEFFORDS.

My sister is a public schoolteacher in Rogers, AR. She, right now, I suppose is teaching her third-grade class in Reagan Elementary School in Rogers, AR.

I was thinking last evening about my experience in elementary school in a little town with a population of less than 1,000. And I can to this day name every elementary teacher I had. The first grade, Ms. Jones; the second grade, Ms. Harris; the third grade, Ms. Miller; the fourth grade, Ms. Shinpaugh; the fifth grade, Mrs. Allen; the sixth grade, Mrs. Comstock. I can't do that with junior high school or college.

But the impact that an elementary teacher makes upon those students is beyond exaggeration, I think. Most of us, I suspect, can look back at those elementary teachers who had an incredible impact upon our lives. There is a kind of magic that takes place in a classroom. Chairman JEFFORDS sees it every time he goes over and reads to those disadvantaged children. All of us who have taught, whether it was in junior high teaching civics, as I did, or whether it is teaching third grade in the public schools just like my sister does, have experienced that magic where the light comes on, where those students connect with their teacher, the thrill of learning and where the experience of education catches on in a classroom.

I suggest to those who want to talk about the need for greater control in Washington and who want to oppose providing flexibility to local schools that they remember that the magic happens in the classroom.

I want my sister, Geri, spending her day teaching those students, creating the magic, inspiring those kids to learn and to appreciate the value of education rather than spending her day filling out forms for the 6 percent of funding that comes from Washington, DC. I don't want her having to spend her prep hour filling out more forms for bureaucrats in Little Rock and Washington.

Mr. President, I believe this is a bold step. I hope it is not the last one that we take. But it is an important step. I applaud, once again, and am glad to be a part of supporting this effort today.

I thank the Chair. I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER (Mr. BOND). The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor of both S. 271 and S. 280, the Ed-Flexibility Partnership Act of 1999.

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

Mr. FRIST. Mr. President, I want to take a few moments to speak on Ed-Flex and give just a little bit of background of what the bill is, the importance of the bill, and where we are going.

Earlier this morning I had the opportunity to comment on the nature of the bill—that it is not a bill that is intended to solve all of the problems in education today, but it is a focused bill, a bill which will be of significant benefit to hundreds of thousands of schoolchildren. And, if we act on this bill sometime in the next several days, and if the House does likewise with its corresponding bill, it could be sent to the President very shortly, and hundreds of thousands of schoolchildren can benefit in the next several months. That is why we are moving ahead with this particular bill.

It has strong bipartisan support. It is supported by the Nation's Governors, and by Democrats and by Republicans.

I thank my colleague from Arkansas who I think did a wonderful job setting the big picture and the fundamentals of why a bill that stresses flexibility and accountability really unties the hands and unshackles the schools which right now have huge amounts of paperwork and regulations coming down from well-intentioned laws and statutes passed here in Washington, DC, but really makes it very difficult, in fact impedes their ability to efficiently do what they want to do, and that is teach students and educate our children.

I thank Senator HUTCHINSON for that wonderful background and presentation. He mentioned the Third International Math and Science Study (TIMSS), and although we are not going to be talking a lot about that today, it is interesting because this study, which is an objective, very good study, recognized nationally and internationally, is a good measurement of where we are today. It reflects the common interests that we have as American people on both sides of the aisle to present a better future to our children by preparing them.

Behind me are the results of the Third International Math and Science Study. It is a little bit confusing when you see the chart. But after digesting lots of different studies, the more time one looks at this chart the more comfortable it is. And this chart has a lot of information which hits right at the heart of why we have the problems we have today.

This particular chart highlights science. I have other charts that I won't show today that also highlight similar statistics for mathematics. But the statistics are very similar, whether it is reading, science or math that is being evaluated.

Let's look at science.

In the first column, it is grade 4. As the Senator from Arkansas said, the TIMSS study looks at grade 4, looks at grade 8, and looks at grade 12—all of those green lines going down in the print. There are different countries that are involved. So you will have a relative standing of how well the United States does in grade 4, 8 and 12 versus other countries.

Again, the studies are very good, very carefully controlled from a scientific standpoint, and right on target. For example, grade 4, at the top of the list is South Korea. In the fourth grade in terms of average score, in terms of science, the second one down is Japan; third one, is Austria; the fourth is the United States. The red line, both in grades 4, 8, and 12, is the United States.

So right off you see in the fourth grade we do pretty well relative to other countries. In the eighth grade, just as the Senator from Arkansas said, we didn't do nearly as well. And in the 12th grade, we fall way down.

You will also see on the chart a black line. The black line indicates the average for all countries.

So not only do we know where we stand relatively in terms of other countries, but we also know where we stand with the average of other countries.

Again, the observation is in the fourth grade, we are fourth when we compare ourselves to other countries, which is above average. In the eighth grade for science, we fall way down, yet we are still above the average. But look what happens by the time we get to the 12th grade. By the time we get to the 12th grade, Sweden is ahead of us, Netherlands is ahead of us, Iceland is ahead of us, Norway, Canada, New Zealand, Australia, Switzerland, Austria, and Slovenia, are ahead of us. Denmark is ahead of us, and so are Germany, the Czech Republic, and France. The Russian Federation is also ahead of us in the 12th grade in terms of science.

As we look to the future and we look at fields like reading and science and mathematics and we see this trend over time, that is really the call for us, as a nation, to focus on education, to do it in a bipartisan way, a way that really does focus on our children today, and recognize how are we going to be able to compete in the next millennium with this sort of trend over time. As the charts have indicated the United States is below the average of all these other countries, and the trend is getting worse the longer one stays in school in the United States of America.

Let me refer once again to what a pleasure it has been for me to participate in the education issue on this particular bill with Senator WYDEN of Oregon. He and I have been working on Ed-Flex expansion through a number of committees and task forces—the Senate Budget Task Force on Education, working with the chairman of the Health, Education, Labor, and Pensions Committee, which is the new name for that particular committee. We began to address this issue over a year ago when first explored it through the Senate Budget Task Force on Education.

The more we looked into it, the more we felt this bill could make a huge difference, and it is something that Government can and should do. The Federal Government needs to take the leadership role to untie the hands of our States, our schools, and our school districts so that they can carry out the sort of objectives that we all generally agree to, the sort of goals that we set in this body.

Again, what we are doing today, is to expand a demonstration project that began in 1994. As the Senator from Vermont outlined in his brief history of the program—it began in 1994 as a demonstration project with 6 States. It was extended later to another 6 States, so now 12 States have the opportunity to be Ed-Flex States. And what we are going to do in this legislation, which will pass, I am very hopeful, not too long from now, is extend that demonstration project from 12 States to all 50 States.

Behind me on the map, again, for the edification of my colleagues who may not be familiar with this program, you can see that Massachusetts is an Ed-Flex State, and we have, I think, good demonstrated results there. Texas has also had positive results with using its Ed-Flex waiver authority. Earlier this morning I had an opportunity to present some of the outcome data from that particular State. The color yellow on the chart indicates the States where Ed-Flex is currently available. But Tennessee, the State I represent, says, Why don't we have that same opportunity of increased flexibility for greater accountability? Let us have that same flexibility to get rid of the excessive regulations. Let us get rid of the unnecessary paperwork. Let us get rid of the Washington redtape.

Now, what they are saying is, Allow us to look at our local situation, which in Nashville is different than Jackson, which is different than Johnson City, which is different than Humboldt, which is different than Soddy-Daisy. Give us that opportunity.

And, again, you can see how it happens. All of us in this body have good intentions when we pass these statutes and we pass these laws and then they go through this regulatory machine. Everybody has good intentions. But the regulations get more and more complicated, which seems to be a common theme whenever one look at a variety of fields here in Government.

Now, one of the issues that we are going to be talking about is waivers. So what is the Ed-Flex program? There are currently 12 States participating. The Ed-Flex program, very simply, is a State waiver program which allows schools and school districts the opportunity to obtain temporary waivers to accomplish specific education goals but free of that Washington redtape, free of those unnecessary Federal regulations. And that in one sentence is a description of Ed-Flex.

Because the Ed-Flex program is currently a demonstration program, we have a lot of data available about it. Again, over the course of the debate, we will come back to some of the outcomes of Ed-Flex and give some examples of how it is being used. The key thing is that Ed-Flex gives flexibility to find some of the solutions to specific problems that vary from school to school, school district to school district, and community to community. It allows that element of responsiveness to specific needs. In addition, it allows a degree of creativity, and innovation. These things are critical especially when we see the trends that I just showed on TIMSS which clearly indicate that we can't just do more of the same; we can't just throw more money at existing programs; we can't accept the status quo; we can't do a lot of the things that at first blush we might think work, because we have tried it in the past and it hasn't worked.

Over the past 30 years, we have been flat in terms of our student performance in this country. Now, some people will stand up and say, yes that is true, but look at some results released last week or look at some from 5 years ago where there is a little bit of improvement. I will tell you—and I can bring those charts—if you plot it out year by year performance for students has been stagnant in the 4th, 8th and 10th grades. The problem is that the other countries that have allowed creativity and innovation are all improving and we are being left behind.

So I don't want to underestimate the power of that innovation, the power of that creativity. We like to think it all begins in this room here with the Congress; in truth, it begins in those classrooms with hard-working teachers, with hard-working school attendants, with those Governors who recognize that they really have made progress and need some flexibility.

We will hear a number of examples of how flexibility and accountability have worked. In Maryland, we have seen that the Ed-Flex program has allowed a school to reduce the teacher pupil ratios from 25 pupils to 1 down to 12 to 1. They felt that was important and they received a waiver that allowed them to accomplish this based on their particular needs.

In Kansas, waivers have been used to provide all-day kindergarten, because this was a priority for them. It was a dimension where they had a specific need.

They were also able to have a preschool program for 4-year-old children. They also saw they weren't doing very well in reading, so they were able to implement, through the waiver program, new reading strategies for all students.

Now, the waiver issue will come up, and whenever you hear ''waiver,'' people have to think, and they should

think, ''accountability,'' We are saying, accomplish certain goals, but do it in a way that meets your specific needs with programs that you believe will work at the local community level. It is critical that we build in strong, accountability measures.

If we look at the history, again referring to Senator WYDEN's initial request to have the General Accounting Office look at some of the Ed-Flex programs, we can see in GAO's report in November of 1998, that the ''Department of Education officials told us they believe that the 12 current Ed-Flex States have used their waiver authority carefully and judiciously.'' This is an important statement because we are going to hear some rhetoric, and we heard a little bit this morning, that if you give this freedom, people are going to abuse it. People say there is no evidence. Based on what the Department of Education has concluded and reported to us through the General Accounting Office, the waiver system has worked well.

Ed-Flex is a bipartisan plan. It is a common sense plan that will give States and localities and school districts the flexibility, which I have already been stressing. Now I want to stress the accountability provisions. Accountability is critical to the overall success of the program. It has to be built in. The two words I want my colleagues to remember are ''flexibility'' and strong ''accountability.'' Those are two important principles behind this bipartisan bill.

Now, the accountability measures in the current Ed-Flex programs—we have 12 programs with this 5-year history—are very good. I want my colleagues to understand that accountability has been strengthened. We have given even more teeth to ensure accountability in the bill and in the managers' package that has been put forward. Under current law there is less accountability than what we are proposing. Under current law, a State need only have what is called a comprehensive reform plan to participate in Ed-Flex. Even though the current 12 state program has less accountability than what we are offering, have been told by the GAO, that the Department of Education says there has been a judicious and careful use of this waiver authority.

Behind me is a chart which, again, is going to be difficult to read from far away. It is a pyramid and it is tiered, because we have accountability measures built in at the Federal level, which is at the top; we have accountability measures built in at the State level, which is the middle; and at the bottom of that, we have strong accountability measures built in at the base, at the local level.

At the local level, there is a requirement to demonstrate why the waiver is needed. You have to spell that out very specifically. The applicant has to say how that specific waiver will be used to meet the purpose of the underlying program. Again, we are not changing the purpose of the program. You have to specifically say how that waiver will be used, and then you have to have specific measurable goals written out in that waiver application. You will be held accountable for all of that. There are additional accountability measures in the bill, but I have summarized accountability at the local level.

At the State level, again we include strong accountability measures because we address things that are called ''content standards'' and ''performance standards'' and ''assessments.'' In addition to those content standards and performance standards, States are required to monitor the performance of local education agencies in schools which have received a specific waiver. That includes the performance of students who are directly affected by those waivers. Then, for those low-performing schools or school districts that are identified, the State must engage—and these are the key words—in ''technical assistance and corrective action.'' And then the last, in terms of the State level, the State can terminate a waiver at any time; the ultimate power. If the State says things are not going right, it may terminate the waiver.

At the Federal level, indicated on the chart at the top of the pyramid, we have an additional backup, an important element, I think, to demonstrate the pyramid effect of this. That is, the Secretary is required to monitor both the performance of the States and also to have the ability to, as you can at the State level, terminate that waiver at any time.

I think this three-tiered level of accountability is something that is very, very important when we give that flexibility to achieve the specific goals which are outlined. That, I believe, is a real recipe for success as we work towards educating our children and improving those scores that have been referred to already this morning.

I will just spend a couple of more minutes, I think, so we can move on with other people's comments. But as I pointed out, we have experience with this. This is not a program that we pulled out of the sky and said, let's try it out, some experimental program, rushing this through the legislative process. I think we need to recognize right up front that we have a 5-year history with it. It has been a demonstration project, it has been endorsed by the Department of Education, it has been endorsed by the President of the United States, it has been endorsed by Democrats and Republicans, and something which I think is critically important is the fact that all 50 Governors have said this program is right; it is what is needed to best educate that child who is in the school system in his or her State.

The Governors are in a position, I believe, both to judge but also to lead, as we go forward. I have behind me a resolution that passed just last week from the National Governors' Association. The headline or title is, ''Expansion of Ed-Flex Demonstration Program To All Qualified States and Territories.'' It was a resolution. NGA doesn't do a whole lot of resolutions, but this is a major priority for our Governors who understand, like we do, addressing as a nation, that we must put education at the very top of our priorities. Let me just read the first sentence:

> The governors strongly affirm that states are responsible for creating an education system that enables all students to achieve high standards and believe that the federal government should support state efforts by providing regulatory relief and greater flexibility.

Skip on down just a little bit to the second paragraph so we can look back to the past from the Governors' perspective. Again, this is Democrats and Republicans, bipartisan, which is the nature and the real power of this bill. They say:

> Ed-Flex has helped states focus on improving student performance, by more closely aligning state and federal education improvement programs and by supporting state efforts to design and implement standards-based reform.

And then just their last sentence:

> Ed-Flex will provide states and territories with increased incentives to strengthen state efforts to adopt meaningful standards and assessments with greater accountability.

As I mentioned earlier, we ran out of time to pass Ed-Flex last year. It is coming back to the floor now. It has been passed in the Labor and Human Resources Committee and the now Health, Education, Labor, and Pensions Committee, where we had the opportunity to discuss many of these amendments. We have an opportunity to pass this legislation very, very early in this Congress so it will be to the benefit of hundreds of thousands of children in the very near future. That is why we really should not put this off. Some people have said, Why don't you consider this in the Elementary and Secondary Education Act? That is unnecessarily pushing a bill off that we know will benefit children today, putting it off for a year or a year and a half unnecessarily, given the tremendous consensus that has been reached around this particular bill.

In closing, let me just say I think the time really has come that we lend our efforts to give States and give localities and give schools and give school districts the flexibility they need, and the tools that they need, to accomplish the jobs that we, as a society, have entrusted them to do.

Ed-Flex is not the cure-all. It is not going to be the answer to all of our education challenges. But what it is, is a modest first step at moving toward that common goal that we all share.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I think all of us in the Senate are looking forward to these next few days during which we will have an opportunity to address the fundamental issue which

is on the minds of most families in this country—certainly the working families in this Nation—and that is whether we, as a Federal Government, are going to be partners with state and local governments as we try to address the critical issues facing our public schools—whether our children are going to be able to make academic progress and have the opportunity to achieve their full potential.

Public education is basically a partnership, and one in which the Federal Government has had a very limited role, historically. The principal responsibility has been local governments, and the States have had some interest. The Federal Government has really had a limited interest. As has been pointed out, approximately 7 cents out of every dollar that is spent locally that can be traced back to the Federal Government. Two cents of that is actually in nutrition and the support of breakfast and lunch programs. It comes down to about 4 cents out of every dollar that is actually appropriated by the Federal Government.

So all of us are interested in how we can use scarce resources. What we are talking about here today is not expanding that in any way. We are talking about whether, of that 4 cents, maybe 2 cents will be able to have greater flexibility at the local level.

The question is what are the priorities for us at the Federal level? It has been generally agreed that the priority for us at the Federal level is going to be targeting the neediest and the most disadvantaged children in the country. We, as a society, feel that we have some responsibility, some extra responsibility—that it is not just a local responsibility to try to deal with those needy children, but that we have a national responsibility. That was the basis for the title I programs.

Over a long period of time, we have debated about how that money can most effectively be used to enhance academic achievement and accomplishment. As has been pointed out today, and as was pointed out in the President's excellent statement earlier today over in the Library of Congress, we know what needs to be done. It is a question now of whether we, as a country and a society and a people, are willing to do it.

During the next few days, we will have an opportunity to look at a number of different features of the education priority. We are dealing now with the Frist-Wyden legislation, and I want to speak to that for a few moments and make some observations and also address, later in the afternoon, what I think could be useful changes in the legislation.

I commend Senator FRIST and Senator WYDEN for their initiative, and I have voted for this legislation to come out of our committee both last year and this year—and, as a matter of fact, I was the author, with Senator Hatfield, in 1994 that initially set up the Ed-Flex—and I have followed it very closely. I am glad to have a chance to reflect on some of the observations that I have made over the years in watching that. But we will also have an opportunity to debate whether we, as a Senate, are going to go on record as supporting smaller classrooms from the early grades.

We will have a chance to hear an excellent amendment from the Senator from Washington, Senator MURRAY, on that particular issue. We made a commitment to the school districts across the country last year that we were going to start this process. It was going to go in effect for some 6 years. We made the commitment for the first year, but the school districts across the country are wondering whether this is going to be a continuum. Certainly it is extraordinarily timely that we provide that kind of authorization for smaller classrooms, so that the school districts all across the country will have some certainty as to what the education policy at the congressional level will be on that issue.

The President has included the resources to fund that initiative, in excess of $11 billion, in his budgets over the next 5 years. That is very important, and we will have an opportunity to address that issue.

Senator BOXER wants to address afterschool programs. I think we have seen, with a modest program in the last year, the beginning of the recognition of the afterschool problem. Every day, there are some 5 to 9 million children between the ages of 9 and 14, who too often find themselves not attending to their homework, but rather find themselves involved in behavior which is inappropriate.

What we have seen is that where these programs have been developed—where children are able to work in the afterschool situation, being tutored perhaps in their subject matter or encouraged to participate in literacy programs—those children are doing much better academically and socially as well. And when they have the opportunity to spend time with their parents in the evening time, it is quality time, rather than parents telling children as soon as they get home, ''Run upstairs and do your homework.'' This has been very, very important, and Senator BOXER has an important proposal to authorize and to enhance the commitment in those areas.

There will be modest amendments in other areas. I know Senator HARKIN has a proposal with regard to school construction. I know Senator BINGAMAN has an amendment about school dropouts. Some of these are programs that we have debated in the past and have been actually accepted by the Senate. There are other programs as well, issues involving technology and other matters that will eventually be addressed and brought up. We are not interested in undue delay, but we also believe that there is no issue which is of greater importance to American families, and we ought to be willing to address these issues.

We just passed an increase in military pay. There were 26 amendments on that particular proposal. I do not expect that we will have as many on this, but nonetheless it is important that we do have a chance through today and through the remainder of the week and through the early part of next week to address some of these issues. We welcome this chance to focus on the issues of education and also on what our policies are going to be.

Just to review very briefly, Mr. President, this chart demonstrates quite clearly a rather fundamental commitment. That is, for every dollar that is spent by the States, they spend 62 cents in addition to that for the needy children in their State. The corresponding Federal dollar amount is $4.73. This is a really clear indication of what we are talking about, primarily with Title I, which is the principal issue here—the resources that are being provided are going to the neediest children in this country.

And, interestingly, in the reauthorization bill of 1994, we changed the direction of Title I to very high poverty areas—very high poverty areas—not just poverty areas but very high poverty areas. And when we have a chance, as I will in just a few moments, to go through and see what the distinction has been in targeting more precisely the resources, there has been a very important indication of progress among the children in getting a much more targeted direction in terms of resources. This is part of the reason why some of us believe that, in addition to being able to get some kinds of waivers from the Federal programs in the area of Title I, we ought to insist that we are going to require that there be academic achievement and student improvement if we are going to move ahead. We are finding now, under the most recent report of Title I, that for the first time we are making noticeable and important gains on Title I. That has escaped us over the almost 30 years, but now we are making some real progress in the area of Title I. I will have a chance to review that, but this is basically an indication to show the targeting of Title I.

Secondly, Mr. President, while we are looking at the issue of flexibility at the present time, I just want to point out what we have done in terms of Ed-Flex. In 1994, we passed what was called the Hatfield-Kennedy amendment on the elementary and secondary education bill. That amendment provided that six States at that time would have Ed-Flex. The Governors then, once they were given that kind of approval, would be able to waive particular requirements if any community within the State wanted to do so. When we came to the Goals 2000, we added another six States and we permitted the Secretary of Education to provide Ed-Flex to any school district in the country.

So what we have seen is, with all of the various applications that have been

made in the period since then, some 54 percent have been approved; 31 percent, when they brought those measures up to the Department of Education, were shown to be unnecessary and therefore withdrawn; and only 8 percent were disapproved. This is a pretty good indication that any school district that wanted to seek a waiver of any of these rules and regulations has been permitted to do so. In the State of California, there have been more than 1,000 applications that have been approved. That is the current situation in which we find ourselves.

On the issue of accountability, the real question is, ''In the waiver of these regulations, are we going to be able to give the assurance that we are going to have student achievement?'' What we are basically saying is, if we are going to give you 5 years of waiving the regulations, which take scarce resources, and target it on needy children, are we going to insist that the children are going to have student achievement? That is what we are asking.

And I mentioned, at least to my colleague and friend, Senator WYDEN, that we could add those words in three different places in the legislation along with the language that is in here and resolve at least one of the concerns that I have, and that I think a number of others have as well.

We have seen since it has passed out of our Committee, as I am sure has been explained by the authors of the legislation, that they provide changes to try to reflect greater accountability. And we very much appreciate that. That is in the managers' package, and it is a good start. I believe the authors have gone through that in some detail. If not, I will take some time to do that briefly later in my discussion. But this is where we are, Mr. President.

What we are interested in is student achievement. What we are going to insist on is to make sure that if we are going to give over to the States the resources targeted for these particular areas, that they are going to be able to come back over the period of the following 2, 3, 4, 5 years and demonstrate the student achievement. That is what we are interested in and what we want to address here later this afternoon.

Mr. President, education is a top priority in this Congress, and few other issues are more important to the Nation than ensuring that every child has the opportunity to attend a good, safe, and modern public school. The Ed-Flex Partnership Act can be a useful step toward improving public schools, but to be effective, it must go hand in hand with strong accountability.

Current law already contains substantial flexibility. As I mentioned, the 1994 amendments to the Elementary/Secondary Act reduced paperwork and increased flexibility. Since then, two-thirds of the Act's regulations—two-thirds—have been eliminated. States now have an option to submit a single consolidated State application instead of separate applications, and all but one State has adopted this approach. Schools and school districts already have great flexibility today and paperwork is not their top issue.

According to the General Accounting Office report that was quoted earlier today, ''information, funding, and management,'' not paperwork, are the primary concerns of school districts. Provisions for increased flexibility, such as waivers, ''do not increase federal assistance to school districts, nor do they relieve districts of any of their major financial obligations.'' That is the finding of the General Accounting Office.

It is interesting to me, Mr. President. I would have thought there would be much more authority and much greater credibility if those who were talking about this would be able to demonstrate that the States themselves were willing to waive their statutes and regulations. That has not been the case. In some instances States have, but in many they have not. As the General Accounting Office report shows, even if you granted it, it would not make a great deal of difference, because there are so many State regulations and statutes that are in existence, that are related to this program, that it would not really have the kind of beneficial result many of us would like.

I am always glad to hear our good friends the Governors talk about reducing the regulations, when we have seen a reduction in the regulations by two-thirds since the authorization of 1994, and yet we have not really heard from them, nor have we heard here on the floor of the Senate, how the States themselves have changed their statutes and rules and regulations in order to be more flexible during this period of time.

In fact, in many cases it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. Ten States cannot waive their own regulations and statutes because State law does not permit it in order to match this.

It is good, as we start off on this, to have some idea about the scope of this whole debate. I think it is going to be useful if we get through this part of it in the next day or so. The real guts of the whole debate is going to be next week when we come to the questions of classrooms and afterschool programs.

But I do want to make some additional points. In fact, in many cases, as I mentioned, it is the State's redtape, not the Federal bureaucracy, that will keep schools from taking full advantage of the flexibility that the law provides. That is why, if tied to strong accountability, expanding Ed-Flex makes sense, so all States can ease the burden on local school districts as they obtain increased Federal flexibility.

One requirement to be eligible for Ed-Flex is that a State must be able to waive that State's statutory or regulatory requirements which impede State or local efforts to improve learning and teaching. That step will ensure that the real paperwork burdens on local school districts are diminished. As I mentioned, we have 10 States that do not have that capacity or willingness to do so.

Families across the Nation want Uncle Sam to be a partner, a helping hand in these efforts. Parents want results. They want their communities, States, and the Federal Government to work together to improve public schools. In doing our Federal part, we should ensure that when we provide more flexibility, it is matched with strong accountability for results, so that every parent knows their children are getting the education they deserve.

I support the Frist bill because it provides flexibility and takes some steps towards holding States accountable. But it isn't enough. Congress has the responsibility to ensure that Federal tax dollars are used effectively to help all children learn. Just giving States more flexibility will not do the job. A blank check approach to school reform is the wrong approach. Our primary concern in this legislation is to guarantee that accountability goes hand in hand with flexibility. Strong accountability measures are essential to ensure that parents and communities across the country have confidence in the waiver process.

Another fundamental requirement is that States and districts must provide parents, educators, and other interested members of the community with the opportunity to comment on proposed waivers and make those comments available for public review. These public comments should be submitted with State or local waiver applications. What we are talking about is parental involvement. And we will have an opportunity to address that.

I am sure we will hear the response back, ''Why are we going to do that?'' That is going to require more action at the State level. We are going to have hearings in order to hear parents' views about it. But the fact of the matter is, unless you get the parents involved, you are not going to do the job. The parental involvement is essential. We will have a chance to go through that in the most recent title I report.

And you can't show me where in the Frist-Wyden proposal they are going to guarantee that the parents are going to have a voice in the final decision that is going to be made here. It just is not there. You show me a community where you have intense parental involvement, and you are going to see a school system that is moving in the right direction. You show me a community where parental involvement is distant or remote, and you are going to see a school that is in decline. Those are not my conclusions—those are the conclusions of the educational community. We want to make sure that parents are going to be involved when waivers are being proposed to get their kind of input. And there will be the transmission of their views to the Secretary.

Mr. President, it is essential that States and districts provide parents, educators, and other members of the community with the opportunity to comment on proposed waivers and make their comments available for public review. These public comments should be submitted with State or local waiver applications.

That is what we are talking about. Just make that change. Public comments should be submitted with State or local waiver applications. That would move us in a very, very important, very positive way—we get the student accountability and we get the parental involvement. Those are the measures we are looking at, Mr. President.

We must also ensure that all students, particularly the neediest students, have the opportunity to meet the high State standards of achievement. Fundamental standards should not be waived. Parents need to know how their children are doing in every school, and in the poorest performing schools, parents also need help in achieving change.

Under Title I, disadvantaged students have the opportunity to achieve the same high standards as all children. School districts must provide realistic assistance to improve low-performing schools. Flexibility makes sense, but not if it means losing these essential tools for parents and communities to achieve reform and improve their schools.

There were four very important changes in the 1994 authorization: first was a significant reduction in paperwork; second, the targeting of the highest incidence of poverty; third, the heavy involvement of parents in terms of the participation; and fourth, and perhaps most importantly, high standards.

We move away from dumbing down. We establish high standards for poor children as well as children that were coming from other communities. Those factors have had an important positive impact. We are finally getting there.

We must ensure that increased flexibility leads to improved student achievement. Accountability in this context means that States must evaluate how waivers actually improve student achievement—open-ended waivers make no sense. Results are what counts. Student achievement is what counts.

The Secretary of Education should be able to terminate a State's waiver authority if the student achievement is not improving after 5 years. States must be able to terminate any waivers granted to a school district or participating schools if student achievement is not improving. If waivers do not lead to satisfactory progress, it makes no sense to continue.

What I have been mentioning here is being practiced in one of the Ed-Flex States, and is showing remarkable improvement in terms of education. That state is Texas, where they have real student achievement, real accountability, parental involvement, and specific student achievement goals. That is true accountability.

If you review the different State annual reports, there is a dramatic contrast between what has been implemented by the State of Texas in using the greater flexibility to enhance student achievement and what has happened in many of the other States. True accountability is what we want to achieve if we are going to have the Federal funds.

Each of these requirements is sensible. No one wants a heavy-handed Federal regulation of State and local education. That is not the issue. The real issue is accountability. These important requirements are well designed to achieve it. We should do nothing to undermine these principles, especially when we have new evidence that they work, particularly for the neediest students.

''The National Assessment of Title I,'' released earlier this week, shows that student achievement is increasing and that the Federal Government is an effective partner in that success. The glass on the table is half full, not half empty as critics of public schools would have you believe. This is good news for schools, good news for parents, good news for students, and it should be convincing evidence to Congress that many of the reforms we put in place in recent years are working.

Since the reauthorization of Title I in 1994, a nonpartisan Independent Review Panel, made up of 22 experts from across the country, has overseen the program. Title I is the largest Federal investment in improving elementary and secondary schools. Title I helps to improve education for 11 million children in 45,000 schools with high concentrations of poverty. It helps schools provide professional development for teachers, improve curriculums, and extend learning time so students meet high State standards of achievement.

Under the 1994 amendments to Title I, States were no longer allowed to set lower standards for children in the poorest communities than they set for students in more affluent communities. The results are clear: even the hardest-to-reach students will do well when expectations are set high and they are given the support they need.

Student achievement in reading and math has increased, particularly in the achievement of the poorest students. Since 1992, reading achievement for 9-year-olds in the highest poverty schools has increased nationwide by a whole grade level. Between 1990 and 1996, math scores of the poorest students rose by a grade level.

Students are meeting high State standards, too. Students in the highest poverty elementary schools improved in five of six States reporting 3-year data in reading, and in four out of five States in math. Students in Connecticut, Maryland, North Carolina, and Texas made progress in both subjects.

Many urban school districts report that achievement also improved in their highest poverty schools. In 10 out of the 13 large urban districts that report 3-year trend data, there were increases in the number of elementary students in the highest poverty schools who met the district or State standards of proficiency in writing or math. Six districts, including Houston, Dade County, New York, Philadelphia, San Antonio, and San Francisco made progress in both subjects.

Federal funds are increasingly targeted to the poorest schools. The 1994 amendments to Title I shifted funds, as I mentioned, away from low-poverty schools into high-poverty schools. Today, 95 percent of the high-poverty schools receive Title I funding, up from 80 percent in 1993.

The percent of schools with parent compacts—agreements between teachers and parents about how they will work together to help the children do better—rose from 20 percent in 1994 to 75 percent in 1998. A substantial majority of the schools find their compacts are important in promoting parents' involvement, especially in higher poverty schools. Parent involvement is a key element in terms of academic achievement, and that is why we believe their voice regarding waiving the requirements should be heard and at least considered.

Title I funds help improve teaching and learning in the classroom. Ninety-nine percent of Title I funds go to the local level; 93 percent of those Federal dollars are spent directly on instruction, compared to only 62 percent of all State and local education dollars that are spent on instruction.

We are going to hear a lot as we debate education about where the Federal money that is appropriated goes, in terms of Federal bureaucracy and administration, State bureaucracy and how much of the money goes to the local level. This is the most recent report that has been done by independents. It shows that local school districts get 95.5; State administration is 4 percent, Federal administration is one-half of 1 percent. State administration of their own programs are considerably higher, as the chart indicates.

All of these steps are working together to improve student achievement. The best illustrations of these successes are in local schools. In Baltimore County, MD, all but one of the 19 Title I schools increased student performance between 1993 and 1998. The success has come from Title I support for extended year programs, implementation of effective programs in reading, and intensive professional development for teachers.

At Roosevelt High School in Dallas, 80 percent of the students are poor. Title I funds were used to increase parent involvement, train teachers to work with parents, and make other changes to bring high standards to every classroom. Reading scores have nearly doubled, from the 40th percentile in 1992 to the 77th percentile in 1996.

During the same period, math scores soared from the 16th percentile to the 73rd percentile, and writing scores rose from the 58th to the 84th percentile. That is remarkable.

What happened in this area? We got the parents involved and we enhanced the training of teachers to work more effectively with the parents to bring the high standards into every classroom.

The Baldwin Elementary School in Boston, where 80 percent of the students are poor, performance on the Stanford 9 test rose substantially from 1996 to 1998 because of the increases in teacher professional development and implementation of a reform to raise standards and achievement for all children.

In 1996, 66 percent of third grade students scored in the lowest levels in math. By 1998, 100 percent scored in the highest level. In 1997, 75 percent of fourth graders scored in the lowest levels in reading. By 1998, no fourth graders were at the lowest level, and 56 percent were at the highest level.

We have seen that the National Assessment of Title I shows that high standards and parental involvement get better results for children, particularly the neediest children. That is what we would like to see come through this legislation—where you get the flexibility, but you are also going to be able to demonstrate enhanced student achievement and parental involvement. Those are the two key requirements.

The improvements so far are gratifying, but there is no cause for complacency. Clearly, more needs to be done. We must build on these successes to ensure that all children have the best possible education. Increasing flexibility without accountability will stop progress in its tracks. But just increasing flexibility with accountability won't do the job either.

We must provide more support for programs like Title I to make these opportunities available to all children. We must do a better job of supporting the States and local communities in their efforts to hire and train teachers. The National Assessment of Title I found that too many students in too many Title I schools—particularly those with high concentrations of low-income children—are being taught by unqualified teachers.

The teacher shortage forced many school districts to hire uncertified teachers, and asked certified teachers to teach outside their areas of expertise. Each year, more than 50,000 underprepared teachers enter the classroom. One in four new teachers does not fully meet State certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner city schools have only a 50 percent chance of being taught by a qualified science or math teacher. In Massachusetts, 30 percent of teachers in high-poverty schools do not even have a minor degree in their field.

In addition, many schools are seriously understaffed. During the next decade, rising student enrollments and massive teacher retirement mean that the Nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

We must fulfill last year's commitment to help communities hire 100,000 new teachers, as part of our national pledge to reduce class size. Research has documented what parents and teachers have already known—that smaller classes enhance student achievement.

It is equally important to help communities recruit promising teacher candidates, provide new teachers with trained mentors who will then help them succeed in the classroom, and give current teachers the ongoing training they need to help keep up with modern technology and new research.

Another major need is in the area of afterschool activities. According to the National Assessment on Title I, opportunities for children to participate afterschool and summer school programs have grown from 10 percent of Title I schools to 41 percent in 1998. That has made an important contribution to the enhancement of these children's achievement. But more needs to be done. We must increase support for afterschool programs.

In addition, children who have fallen behind in their school work need opportunities to catch up, to meet legitimate requirements for graduation, to master basic skills, and to meet high standards of achievement. A high school diploma should mean something—it must be more than a certificate of attendance. It should be a certificate of achievement. High-quality afterschool and summer school academic improvement activities should be available to every child in every community in America.

Finally, we must do more to see that every child in every community is learning in safe and modern facilities. Across the country, 14 million children in one-third of the Nation's schools are learning in substandard buildings. Half of the schools have at least one unsatisfactory environmental condition. It will take an estimated $100 billion to repair the existing facilities.

Too many children are struggling to learn in overcrowded schools. This year, K through 12 enrollment reached an all-time high and will continue to grow over the next 7 years. Communities will need to build new public schools.

The agenda is broad, but the need is great. We are on the right track. There is no need to make a u-turn on education. We are making progress. We need to build on these successes and do what we can to meet the pressing needs of schools across the Nation, so that we can meet the high standards of achievement. When it comes to education, the Nation's children deserve the best that we can give them.

Mr. DODD. Will my colleague yield for 30 seconds?

Mr. KENNEDY. Yes.

Mr. DODD. I want to commend the distinguished Senator from Massachusetts who, for years, along with our colleague from Vermont, has been such a leader in these issues. I particularly thank him for raising the issue of the after-school program. Several of us have been talking about this. As my colleague from Massachusetts knows, I offered an amendment last year when we considered the Ed-Flex bill in committee to increase federal support for after-school programs. My colleague from California is interested in the subject, as well. We would like to bring this issue up. It is a very important one which we will talk about later. I thank him for including that in his remarks as he gave an overview of where we are on education issues.

Mr. KENNEDY. I thank the Senator from Connecticut. We are all mindful that our good friend and colleague is a leader in this body in many areas, but when it comes to children's interests, he is truly our leader. And on the issue of afterschool programs, Senator BOXER has been in the forefront of that effort. We look forward to having a good debate on that issue as we move ahead as well. I thank the Senator very much for his involvement. Hopefully we will have an opportunity to consider that in the next day or so. That is certainly our hope because it is a matter of enormous importance.

Mr. DODD. I thank the Senator.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. First, Mr. President, I want to thank the Senator from Massachusetts. We have been working with him on the questions of accountability. I am hopeful that we will reach agreement on an amendment, which he may propose, so that we will not have issues in that regard. I point out that the substitute amendment which I offered today includes many improvements with respect to accountability over the bill that we passed last year out of committee 17–1.

I will run through, very briefly, the areas where we have already improved the accountability and are still attempting to reach agreement with the minority.

First, the substitute amendment I offered strengthens the accountability features already included in S. 280. It adds State application requirements relating to the coordination of the Education Flexibility plan with the State comprehensive reform plan, or with the challenging standards and assessment provisions of title I of the ESEA.

This Managers Package adds emphasis that student performance is an objective of Ed-Flex. It adds provisions regarding annual performance reviews, by the State, of local educational agencies and schools which have received

waivers, and reemphasizes the authority of the State to determine waivers if LEAs or schools are not meeting their goals. It also adds provisions of public notice and comment, and provisions requiring additional reporting by the secretary regarding his rationale for approving waiver authority and the use of that authority. We will continue to work and, hopefully, we can reach agreement so that we will not lengthen the time necessary for passing this important legislation.

Mr. President, I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the distinguished Senator from Massachusetts has given, in my view, a very important address to the U.S. Senate. I want to take a few minutes and try to respond to a number of points. The Senator has made a number of points that I certainly agree with as a Democratic sponsor of this legislation, along with the Republican sponsor, Senator FRIST. But there are a number of areas where I think the record indicates that we ought to take another look.

For example, the distinguished Senator from Massachusetts has said that, in some way, the States are being free riders here, that they are asking the Federal Government to waive various regulations, but the States are somehow not willing to do that. As our colleagues will see on page 6, line 7, it is specifically required that the States are willing to do some heavy lifting and also be part of this effort to show that they are going to try to ratchet out of their systems some of the foolish bureaucracy. This ought to be a two-way street and I think the distinguished Senator from Massachusetts is absolutely right in insisting on that. What is thus required today, the legislation spells out on page 6, line 7, that the States are not going to be able to be free riders. They are going to have to waive some of these mindless regulations as well. I think that is an important point for the U.S. Senate to consider as we go forward.

Now, another area that has been raised is this question of smaller class size. I think the Senator from Massachusetts again is absolutely right in saying that we do need additional funds to reduce class size in America. I have, on several occasions, voted for just those kinds of measures to provide additional funds to reduce class size. But I think it is important to note that Ed-Flex, now in 12 States, is helping us to reduce class size using existing law. The Senator from Massachusetts is correct; we do need additional funds to reduce class size, but let us not pass up the opportunity to use existing law, existing Ed-Flex opportunities to reduce class size. For our colleagues who would like to have a good example of how Ed-Flex helps to reduce class size, we can turn to the Phelps Luck elementary school in Howard County, MD. There they put a special priority on reducing class size with their Ed-Flex waiver. They were able to lower the student-teacher ratio from 25-to-1 to 12-to-1.

As we go forward with efforts to try to get additional funding that we need to reduce class size in America, which we know is so critical in improving student performance, let us not pass up the opportunities to use the Ed-Flex program to make it possible with existing dollars to reduce class size in America.

Third, Mr. President and colleagues, there have been questions raised about whether the dollars are going to get to the neediest children, and particularly with respect to title I, which is one of the seven programs that are eligible for Ed-Flex but certainly is an especially important program to all of us.

What we have done—and we have outlined it here—is we have kept in place every single one of the core requirements with respect to title I protecting our neediest kids. It is off the table, folks, in terms of waiving any of those core requirements. You can't do it; it is off the table. And although it is hard for Members of the U.S. Senate to see these charts, we specifically outline the requirements that cannot be waived.

In addition, with respect to title I—I think there is some confusion perhaps at this point with respect to how the Ed-Flex funds can be used—under current law, you can only put those dollars into low-income school districts. That is the only place they can go. We keep that requirement. So today, and under this Ed-Flex legislation that is before the U.S. Senate, it is not possible to flex any dollars away from a program to help low-income youngsters and send them packing to another district that will not need them as much.

I would like to spend a little bit more time on this question of accountability, because this is an area where the sponsors of the legislation have been very open to trying to address the concerns of those who have begun to look at this program and may not have been familiar with it in the past.

But I want to say that we have made six changes in the legislation since it came out of the Senate Labor Committee last year by a 17 to 1 margin. In addition to the public notice and opportunities for citizen comments that the distinguished chairman of the committee, Senator JEFFORDS, touched on, there are requirements for specific measurable goals, which include student performance, which Senator KENNEDY is right to focus on. There are reports that would be required for the Congress every 2 years on how the Ed-Flex States are doing.

And then I am especially pleased that we have required now that a State review a State content and performance standard twice: First when it is decided that the State is eligible to participate, and again when deciding whether or not to grant approval for the waiver. This makes it clear that a State must be in compliance with title I. If it is not in compliance with title I, it isn't going to get a waiver. If at any point it has been given a waiver and it is not in compliance with title I, the Secretary has the authority to come forward and revoke it.

So the accountability provisions have been especially important to the sponsors of this legislation. And this idea that somehow Ed-Flex has relaxed the standard is simply not true on the basis of the clear language of the bill. These requirements are kept in place. We have added six requirements for accountability since the legislation came out of committee.

I would like to wrap up by giving the U.S. Senate an example of how I got into this issue, because I think it is important to get beyond some of the rhetorical arguments about this legislation and talk about real people, real people who benefit, especially the low-income kids of our country.

We have a high school about an hour from my hometown in Portland. They wanted poor kids to get help with advanced computing. The problem was that the school didn't have the instructors who could teach advanced computing and they didn't have the equipment. So under current law, those youngsters, low-income youngsters, wouldn't have had the opportunity to pick up those skills to put them on the path to high-skill, high-wage jobs.

But in this rural district an hour from my home town is a community college just a short distance away that would make it possible, with instructors and equipment, for those poor kids to get help with advanced computing. So instead of students who couldn't get what they needed without additional funds, without additional redtape and bureaucracy, what this town did in rural Oregon was simply say we are going to use the dollars that we aren't equipped for at the local high school to make sure that the kids get advanced computing at a community college just a short distance away.

That is what Ed-Flex is all about—taking this regulatory straitjacket off some of the thousands and thousands of school districts across the country. They can't use the money for pork barrel projects. They can't use it to waive standards. They have to comply with accountability. But they can teach advanced computing to poor kids. That is why it is going to make a difference when we extend this to 50 States.

I am looking forward to working with our friend and distinguished colleague, Senator KENNEDY, who knows so much about this issue, on his amendment with respect to the achievement standards. My understanding is we are getting fairly close on that. I want to make sure, in particular, that we can incorporate what the schools call the student performance standards, so it includes some of the things like dropout rates and issues like that in addition to the tougher test scores. But I think Senator JEFFORDS spoke for all of us a minute or so

ago where I think we are getting close, and I want Senator KENNEDY to know that we are going to go forward in good faith and try to work that amendment out.

Finally, the last point I want to make deals with the parental involvement issue. We keep in place all requirements for parental involvement—all of it. But it seems to me, Mr. President, and colleagues, that if we are talking about the best way to get folks involved in a convenient, accessible kind of way, it is to have these Ed-Flex programs that empower local communities to set up opportunities for folks to participate.

I know that people in rural areas who are 3,000 miles away from Washington, DC, find it a lot harder to come to one of the useful hearings and forums that are held by the distinguished Senator from Massachusetts. I can get to them. I find them very, very useful. But I can tell you that folks in rural Oregon would much rather be empowered to participate at the local level than to try to say we are going to in some way skew more of the parental involvement back to Washington, DC.

At the end of the day, what Ed-Flex is all about is a third path with respect to Federal-State relations. We now have two camps on this issue. There is one camp that says only the Federal Government has the answer, that those folks at the local level can't chew gum and walk at the same time, do not trust them, and run these programs at the Federal level. Then there are a group of people 180 degrees the other way. They say that everything the Federal Government touches turns into toxic waste, just give us all the money at the local level, and we can't possibly do any worse with those dollars than the Federal Government does.

What Ed-Flex is all about—and in Oregon, particularly with Senator Hatfield's leadership, we have done it in health, in welfare, with the environment—what we have said is that Ed-Flex is a third path. And we have told the Federal Government, in areas where we have received waivers, that we will meet all the requirements of the Federal laws, all of them, and the Federal Government can hold us accountable; but in return for that commitment to comply with all of the Federal laws, give us in Oregon the chance to tailor the approaches that we are using to meet the individual needs of our community.

I feel very strongly that poor kids need the funds that are available under title I. I will fight as hard as any Member of the Senate to make sure that there is no compromise there. But I do think that in coming up with approaches to best meet the needs of kids at the local level with respect to title I, what works in rural Oregon is going to be different than what works in the Bronx, and the opportunity to get away from that one-size-fits-all approach while holding communities accountable is what Ed-Flex is all about.

So I think this is an important debate. I said earlier most Americans have no idea what Ed-Flex is all about. I bet a lot of people at this point think Ed-Flex is a guy who is teaching aerobics at the local health club. We are going to have to spend some time talking about this issue to show why it is actually beneficial in the real world in terms of serving poor kids and meeting the needs of the communities. I think we can do that.

Mr. President, I yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Chair. It is, indeed, invigorating and encouraging to be in the Chamber today to talk about education, talking about an innovative proposal to try to reform education and also being able to have a principled debate about increasing the accountability that should be inherent in this proposal because the issue of flexibility alone without accountability could lead simply to sending funds to States without proper controls. And so I believe we will have to emphasize in this debate and ultimately in this legislation accountability as well as flexibility.

I have been working on these issues since my time in the other body on the Education and Labor Committee and here on the Labor and Human Resources Committee, and I have always tried to stress the notion of accountability because, sadly, there are too many children in this country today who are not receiving quality education, particularly in rural areas and in central cities. And if we simply transfer funds without some meaningful accountability, I think we will continue to promulgate that disadvantage and continue to do disservice to those children.

I would prefer, frankly, to look at all these issues in the context of the reauthorization of the Elementary and Secondary Education Act, because however innovative this approach is today with Ed-Flex, it is in my view a nod toward reform, a genuflection toward reform, but it is not the comprehensive reform, frankly, that we should be encouraging because that comprehensive reform requires improvement in teacher quality, the repair and modernization of schools, reduction in class size, strengthening parental involvement, equipping our libraries with the modern technology and the modern media, which is so necessary. And those are the hallmarks of real reform, and those we will encounter in a comprehensive and systematic way in the reauthorization of the Elementary and Secondary Act. But if we are to deal with and move forward on the issue of flexibility, we have to do it right, and we have to do it with respect to accountability.

I want to emphasize one other point in terms of this comprehensive approach to education reform. I hope that in this year's reauthorization we would take special strides to try to develop ways to involve parents in the process. This might be one of the most difficult issues we face, one of the most challenging issues we face, but, ultimately, if we get it right, could be the lever that moves significant reform and in a way which we all can afford, because I don't think there is any person in this body who would say that we can do less than improve the involvement of parents in the education of their children.

The Ed-Flex bill provides flexibility to States. But, as I have stressed before, flexibility must be a carrot for and matched up with accountability.

One aspect of this—and the debate is ongoing now in discussions—and I again commend the sponsors for their willingness to talk and to discuss and negotiate these amendments, these proposed amendments—I think we have to be very clear what we are trying to use the flexibility to achieve.

In my view, we are trying to improve student performance. Our focal point should be improved student performance, and this legislation should reflect that overriding focal point. It is one thing to provide relief from forms of regulation to make the life of a principal a little easier, the life of school committee people a little easier, and maybe free up a few extra dollars along the way, but if that does not result in improved student achievement, then we have missed the boat, we have missed the point. That should be our overarching goal, and I believe the amendment Senator KENNEDY and I are proposing is a key to that, and I hope we are making progress to come to a principled reconciliation.

Mr. KENNEDY. Will the Senator yield?

Mr. REED. I am happy to yield.

Mr. KENNEDY. I want to say how much I agree with the Senator from Rhode Island. Student achievement is measured by the individual State's program. I think it is important that we underline that student achievement is measured by what is happening in the States, not by some Federal standard. That is all we are asking. The State establishes its criteria, and all we are saying is if you are going to get the additional flexibility and you are going to get the resources, that at some place someone ought to know whether the students are achieving and making progress.

Mr. REED. I think that is precisely correct. We are not talking about a national standard, a national level of achievement. We are talking about letting the States propose their levels of achievement and then measuring how well this flexibility leads to the accomplishment of their goals.

Mr. KENNEDY. This is really all we are saying. We are taking Federal resources—resources that will go into the States and to the local communities—and communities are going to use these resources in ways that are going to be consistent with the overall purpose, which is targeting the needy children, and, over 5 years at least, there will be

some progress in student achievement according to what the State has established.

Would the Senator agree with me that an example which incorporates what we are intending to do is in the State of Texas, which has set numerical criteria that are closely tied to both schools and districts, and the specific students affected by the waiver? Texas expects all districts that receive waivers under Title I to make annual gains on test scores so that in 5 years 90 percent of all the students will pass State assessment tests in reading and mathematics. Texas districts must make annual gains so at the end of the same 5 years, 90 percent of African American students, 90 percent of Hispanic students, 90 percent of white students, 90 percent of economically disadvantaged students will pass these tests. Now, there is something specific. The State establishes the criteria. They say we want the flexibility to be able to do it, and we say fine. What we have found out is that they have made great academic achievement and progress for those students.

We have another State of the 12 that says on their waiver, ''We want a commitment to the identification and implementation of programs that will create an environment in which all students achieve academic potential.'' They got the waiver, they got the resources, and it will be a bold Secretary of Education that is going to terminate or take that away.

What we are trying to say is, as Texas has done right from the very beginning, it has got to be very specific. The State establishes their criteria and they have proposed measurable ways of evaluating whether those students are going to achieve. And they have met all their goals so far. Why do we have to spend so much time in this Chamber saying that makes a good deal of sense? We know it is something that is working. Why don't we try to accept it? That is all we are looking for—for the words ''student achievement'' to be included in the criteria.

I thank the Chair.

Mr. REED. I thank the Senator for his excellent comments.

I believe Texas is a great example of what we can do if we give flexibility and demand accountability. As the Senator from Massachusetts emphasized, this accountability is with respect to their own standards, but it is measurable, it is objective, and it has resulted in great success in the State of Texas. In fact, I suggest most of the proponents of this legislation point to Texas as the example of what Ed-Flex can be and should be. As the Senator from Massachusetts pointed out, part and parcel of that is not just the flexibility, it is rigorous accountability. I hope we can incorporate that notion in this legislation.

I think it is also important to recognize, too, that as we debate this Ed-Flex bill, we have yet to have the definitive results from many of the demonstration States confirming that what they have done with Ed-Flex has led to improvement in student performance or just overall improvement in the educational process. The GAO has looked at this issue. Their report certainly raises as many questions as it answers with respect to this issue as to whether Ed-Flex is working in those 12 States that already have the flexibility to do what we are proposing to do legislatively here.

The other thing I suggest, too, is it is a concern—and it is a concern that was expressed by my colleague from Oregon—about whether this may endanger funding for the neediest students. I don't think there is anyone in this body, again, who would encourage such a development. We recognize, particularly through title I, that these scarce Federal dollars are going into communities that need them desperately and, in many cases over the decades of this program, have provided a significant makeup for local funds that are not adequate to the purpose.

But what we are concerned about—and it is a concern that, again, I hope is worked out through the process of this debate and amendments—is that unwittingly we might undo some of that emphasis and effort. Again, I would not argue it is the purpose of anyone who has proposed this legislation, but we must be careful because, again, we are looking at the most vulnerable population in this country in terms of education. We are looking at a population that desperately needs the support and assistance of every level of government.

There is another aspect I would like to conclude with, and that is the participation of parents in this process. I mentioned initially, I believe one of the great challenges we have this year in our reauthorization of the Elementary and Secondary Education Act is finding ways to encourage more substantive, meaningful parental involvement. In the context of this legislation, along with my colleagues, I will propose an amendment that would allow for greater parental involvement, allow for parental input that would be available for public review and would be included in state or local waiver applications.

We are not trying to hamstring local authorities. Last year I had an amendment similar to this that had a 30-day public notice and comment requirement. That is not in this amendment. We are just suggesting, though, if we mean that we want to have parents involved, this is not only a symbolic but a very real and meaningful way to get that involvement—to encourage them to submit comments, to have those comments publicly available, and then have those comments submitted with the application.

Again, I am extremely encouraged that we are talking about educational reform. We are working together to come up with innovative ways to do what we all want to do, which is to give every child in this country access to an excellent education. Indeed, we hope to guarantee every child in this country access to an excellent education.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to be an original cosponsor of the Education Flexibility Partnership Act. This legislation will help States and local schools to pursue innovative efforts to improve K–12 education. I commend my colleagues, Senator FRIST and Senator WYDEN, for bringing forth this legislation. Senator WYDEN has very effectively demolished the myths about this legislation. The fact is, the goal of this legislation is to improve—to improve the education that we are providing to kids all over this country. It is that simple. The legislation would accomplish that goal by extending educational flexibility to all 50 States.

The public schools in this country have made an immeasurable contribution to the success of our society and our Nation. We need to assure that future generations of Americans receive the same excellent public education that many of us were so fortunate to receive while we were growing up. Unfortunately, as the Federal Government has imposed an alarming number of well-intended regulations on our public schools, we have seen a decline in the overall achievements of our students in our public school systems.

I am very proud of the progress that Maine schools have made in improving the performance of our students through a challenging curriculum. For example, Maine students rank highly in the National Assessment of Education Progress tests. This achievement reflects the efforts of the Maine Department of Education, our teachers, our principals, our school boards, our State's elementary and secondary schools, and the University of Maine, to design and use challenging statewide learning results.

The NAEP test results show that the efforts in Maine are in fact succeeding. They show that our K–12 education system can produce high-achieving students when the standards, curriculum, and expectations are supported and designed by those closest to our schools.

The process that the State of Maine used was a burdensome one. It required seeking individual waivers from the Federal Department of Education. It was a lengthy process. It was one that involved a great deal of bureaucratic delay. It is that kind of process that would be changed by this legislation.

The fact is, Maine and the rest of our Nation still have a long way to go to improve the education of our students. America holds dear the tradition of State and local control of education. The basic responsibility for improving student achievement lies with the States, not the Federal Government. Indeed, perhaps a better name for this legislation would be ''The Return to Local Control Education Act.''

I believe that all of us, in all of our States, are trying to meet the challenge of greater student achievement. But our State administrators need help from the Federal Government. They do not need more dictates. They do not need more regulation. The Ed-Flex bill provides some of that help by reducing Federal intrusion into the local control of schools.

How will this legislation help? Let's look at the role of the Federal Government. Over the last 30 years, the Federal Government has layered new programs on top of old ones that themselves are not meeting their goals. This has been done with a blind commitment to the belief that yet another program devised in Washington will somehow reverse the decline in educational achievement.

We spend over $10 billion a year to support elementary and secondary education. This Federal money is spent through so many different programs that we can't even get an accurate count of how many there are. The General Accounting Office and the Congressional Research Service estimates range from 550 to 750 separate Federal education programs. Each of these programs comes with its own objectives, statutory requirements, and administrative regulations. Collectively, they create a huge administrative burden on local schools. Indeed, while the Federal Government funds only 7 percent of our public education system, it is responsible for 50 percent of the schools' paperwork.

By passing the Education Flexibility Act, we will allow States and local school districts the flexibility they need to pursue creative and innovative approaches in using Federal funds. And the Federal dollars that they do receive will become a genuine force for education improvement. Even more important, the bill will afford States and communities the flexibility that they need to craft local solutions. Instead of struggling to make programs designed in Washington fit local needs, States and localities will have the freedom to make the changes that they know are needed in each individual school.

Because, as the Senator from Oregon put it very well, the schools in an urban environment may be very different in their needs from a school in a rural community.

The Ed-Flex Act addresses the need for change within our public schools. It will provide a way for State and local education agencies to be freed from the multitude of Federal statutes and regulations that prevent them from breaking out of the Federal education mold and creating their own exciting programs. Expanding the opportunity for Ed-Flex to every State gives our school boards, teachers, parents, and State officials the opportunity to experiment and innovate, to chart a new path for better schools, and to provide Congress with the information it needs to help promote rather than hinder educational improvement.

In closing, I urge my colleagues to vote in favor of this legislation. I would also like to clarify that I don't think Senator KENNEDY deliberately gave me his cold from the hearing yesterday so I would be less effective in debating him today, despite the rumor to the contrary.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the manager of the bill want to say something?

Mr. KENNEDY. I just wanted to give the assurance to—if you will yield 15 seconds—to the Senator from Maine, as far as I am concerned, she is always effective, whether it is that clear voice that comes out from the northeast part of the country, we always listen and take great care what she says.

Ms. COLLINS. I thank the Senator.

Mr. JEFFORDS. Mr. President, I ask, with the concurrence of the Senator from Connecticut, that the Senator from Wyoming be recognized for a period of not more than 5 minutes in morning business.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. KERREY. Mr. President, I yield to the Senator from Vermont for his request.

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

Mr. JEFFORDS. Mr. President, I ask that the Senator from Wyoming be allowed to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Wyoming.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 516 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I thank the chairman once again for the time, and I yield the floor.

Mr. KERREY. Mr. President, I rise in support of the Ed-Flex bill introduced by Senators FRIST and WYDEN. I believe it is a responsible way to help our nation's educators meet the challenges that we face in preparing our nation's young people for the 21st century.

Ed-Flex gives states the authority to grant waivers of certain Federal requirements to local school districts if such a waiver will help that school district better meet the needs of its students. But in exchange for this flexibility, the local school district must show results. If the district does not show results, the waiver is revoked. Ed-Flex gives school districts flexibility, but it also demands accountability—and we should discuss how to make the accountability measures even stronger.

In addition, under Ed-Flex states are limited in the kinds of requirements they are authorized to waive. They cannot waive health and safety requirements or civil rights requirements. And they cannot deny districts the funds they would ordinarily receive under these Federal programs. Furthermore, districts must prove that the waiver they receive truly helps them accomplish the goal it is designed to meet: helping more students learn better.

In Nebraska we have 604 public school districts. They range in size from the small rural districts such as Tryon—which has just over 100 students, kindergarten through 12th grade—and Omaha, which has approximately 45,000 students.

A couple of weeks ago I was visited by Bob Ridenour, principal of North Ward and West Ward Elementary Schools in McCook, Nebraska. In response to the question, What do you need to do a better job of educating your kids?'' his answer was simple: More money and the flexibility to help the kids at the lowest end of the economic scale in the best way possible.

But Ed-Flex is not just about flexibility. It's also about better coordination. It allows for better coordination between the variety of local, state, and Federal education programs available to schools.

All of the principals in Nebraska would agree that the Federal education dollars they receive are vital to well-being and success of the school children within that district. But different districts have different needs. And in some instances, different districts may need to take slightly different paths to reach the common goal that all districts share: Making sure that all students have the reading, math, and social skills to succeed once they leave the schoolhouse door.

Right now, 12 States have Ed-Flex. And the feedback we have shows that they are using it responsibly and that it is showing good results. Texas has implemented Ed-Flex more extensively than any other state in the nation. Achievement scores in Texas reveal that districts with waivers outperformed districts without waivers in both reading and math. And the gains for African American students were even greater.

And Ed-Flex has allowed States like Massachusetts to assure continuity of service to schools that were eligible for title I funding one year, ineligible the next year, but expect to be eligible in the following year. In the grand scheme of things, this is a minor waiver. But to a child in that school, the assistance provided through title I dollars makes a major difference.

Now let me be clear. Ed-Flex is a sound way to give local districts the flexibility they need to do a good job of educating students. But it's only one part of a complex puzzle.

Schools also need resources. They need to have the funds to hire and train qualified teachers. They need to have the ability to reduce class sizes in the lower grades. They need to be able to provide students with real classrooms in well-equipped buildings.

And schools need to be able to provide challenging afterschool programs

so that students can work on their math, science, reading, and technology skills between the hours of 3:00 and 6:00 in the afternoon.

Last summer we helped US West form a partnership with Project Banneker, a program that is helping raise the math and science achievement levels in Omaha Public Schools. Not only did students and teachers benefit from the hands-on technology skills training, but US West benefited because they played a role in training prospective employees. We are looking forward to another productive summer with US West as we work to expand the partnership.

The Federal government can't do it all—and the Federal government should not do it all. But we should be a helpful partner in the effort to improve our nation's schools. The Federal contribution to K–12 education is relatively small—less than 10 percent. That is why it's important that we make sure our investments in education are wise ones, that they complement efforts at the state and local levels, and that the investments yield results.

We need to make sure that the most disadvantaged students have the assistance and resources that they need to succeed in school. We need to continue to invest in title I, and also figure out how to make it stronger. Nebraska received $31 million year in title I funds last year. School districts use those funds in a variety of ways. We need to give districts the flexibility to educate those students using the best methods available, but we also must demand accountability.

I believe that the most important way in which the Federal Government can be a helpful partner is by making sure that when a young person finishes twelfth grade he or she has the skills to get a decent job. It may take a couple of years at a community college to fine-tune those skills, but the point is that only 60% of high school graduates nationwide go on to college, and by the time they are 25 years old, only about 25% have a college degree.

Now we need to do more to make higher education more affordable, and we just passed a Higher Education Act that makes significant steps toward that goal. But we also have to make sure that those who do not pursue a postsecondary degree have the skills to make a good living.

That's why I believe strongly in the value of vocational education. Two weeks ago I visited the vocational education program at Grand Island High School, in Grand Island, Nebraska. In the vocational education program at Grand Island High, students are receiving hands-on education that will translate into real jobs. Grand Island has formed a partnership with area manufacturers, and the manufacturers know that it's a good deal for them. They have said to Grand Island, You train the students, and there will be a job waiting for them when they get out of school.''

In one particular class students work together all year long to build an actual house. Every part of the house, with the exception of the foundation, is built by the students. Then, at the end of the year, they actually sell the house, taking pride in the fact that they have created a product that has tangible value to their community.

Mr. President, I believe we need to increase opportunities for these students. I support the Ed-Flex bill because I believe that if it is used wisely it can help schools accomplish important goals in educating students. But I want to make clear that it's just the tip of the iceberg. We also need to increase our investment in these students so that all students have a shot at the American Dream.

Mr. President, just briefly, I thank both the Senator from Vermont and the Senator from Massachusetts for their leadership on this as well. I want to try to briefly declare why I like this bill and what I think needs to be done in addition to it.

I had a recent conversation with one of the 604 school superintendents in Nebraska. Those schools are as small as 100 students, ranging all the way up to 46,000 students, with a lot of variation in between. I talked to a superintendent in one of the rural school districts—in my State there is more poverty in the rural areas than is in the urban areas among children—and asked what he wanted. He said, immediately, ''I need, in some cases, more flexibility to implement programs. I do not want any waivers from civil rights requirements, no waivers from health or safety. But sometimes with a Federal program, the State won't allow me to do what would reasonably accomplish the objective of what the Feds want.'' This bill allows it. He said, ''In fact, I would like to be held to even higher standards of accountability. I want you all to hold me accountable to make certain that we are getting the job done.'' This bill does that. It provides both flexibility and measures for increased accountability, which is precisely what we need.

I want to point out as well, Mr. President, that he went on to say that the greatest challenge is not only flexibility, but increased resources for those children of lower income working families in both rural and urban environments. He said, ''If you are insistent upon making certain that we have trade policies that are open, and if you want to keep the restrictions on business to a minimum so entrepreneurs can grow, what we are going to have to do is aggressively increase the skills of people that leave high school and go right into the workforce.'' The only way to get that done is to start very early. And I hope that in this bill, Mr. President, that we will have an opportunity to put some amendments on it that will give us some increased funding for lowering class size, that will allow us to do some afterschool programs.

I know the Senator from Connecticut has a bill dealing with child care. To me, child care and education are almost interchangeable. It is difficult to tell one from the other. A full third of my high school students in Nebraska go immediately from high school into the workforce, and there is an increasing amount of concern at the rural level and at the community level for the skills of these young people. If you do not start it early, it is impossible for us to close that skills gap. In my judgment, with the pace of our economy and the speed with which things are changing, there is a real urgency to get out there with flexibility, which this bill does. I hope we will have the opportunity to provide some additional resources so we can make sure that, with confidence, we are saying we are doing all we can to make sure that our young people, when they graduate from high school, are prepared and have the skills that they are going to need in a very competitive world economy.

Mr. President, I thank the manager of the bill, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I won't take a great deal of time. Senator KENNEDY, Senator JEFFORDS, Senator FRIST, Senator WYDEN and others have talked about many of the specifics of the bill before us—the Education Flexibility Partnership Act. I just want to take a few minutes to thank my colleagues for all their work on this bill.

I am very pleased that one of the first legislative matters we are taking up this year is education. This is about as significant an issue in the minds of most Americans as any. There are a lot of other questions which are very important, but none that I think dominates the concerns of Americans regardless of geography or economic circumstance as education, particularly elementary and secondary education.

Later this year, we will take up the Elementary and Secondary Education Act reauthorization, which contains the major federal programs to assist our schools. This bill requires reauthorization every 5 years. And this year is the year that we must reauthorize that basic fundamental piece of legislation that deals with the elementary and secondary education needs of America. So we will have a chance, I suspect, even then to review some of the issues that concern people. I had hoped that we could consider this initiative on Ed Flex as part of that larger bill given its relationship to those programs; however, I am still hopeful that we can include the review of this program in our work on the Health, Education, Labor and Pensions Committee.

Today, as we gather here, in many parts of the country students are still in school. Fifty-three million students, more or less, went off to elementary or secondary schools this morning, from Hawaii to Maine. Of the 53 million, 48 million are in public schools and about

5 million are in private or parochial schools across the country. The vast majority, of course, attend our public schools. And most attending our schools today are doing well and their schools are good.

I think too often we focus our attention on the things that do not work. Partly it is because that is our job. And there are a lot of gaping holes in the education reaching students across this country in the ability to learn and the opportunity to learn. But in many, many communities across this great country we find schools that are filled with learning and blessed with qualified, motivated teachers, and enriched with excellent resources from libraries to computers.

In recent years, more and more schools have joined these elite ranks. More schools are enjoying the benefits of these wonderful technologies; more schools have adopted strong and challenging standards-based reform strategies; and more fine, well-educated people are entering the teaching ranks.

But our job, as I said a moment ago, Mr. President, is not just to point out the things that are working well. If we are to improve our schools, we must also focus on the problems and how to encourage real solutions to these problems. And that brings us to this bill. It will bring us to the Elementary and Secondary Education Act as well.

Let me just share some statistics with my colleagues, briefly here, on the state of education in America.

The GAO estimates that one-third of all of the schools in the United States are in need of basic repairs and renovations. Two-thirds are in good shape. That is the good news. But still fully a third of them are in poor shape and in need of repairs and renovations.

Just to give you one example, in my home State of Connecticut, Mr. President, there was a study done on school conditions in the city of Waterbury, CT. I live in a very affluent State, but there are pockets of real poverty in Connecticut. It is a dichotomy of affluence and poverty living in a relatively small piece of geography. Waterbury, CT, has some very fine and affluent neighborhoods. But like many of our cities, there are parts of it that are not doing as well economically. Last year, in Waterbury, they found that 500 fire code violations occurred in our schools over the last five years—500 fire code violations.

Another statistic, nationwide, 53 percent of 3- and 4-year-olds participated in preschool programs.

Eight percent of second graders were detained in kindergarten or the first grade. Second Graders—it is hard to imagine why someone would be held back at that level. One could maybe see it later in the elementary grades, but by the second grade almost 10 percent are being held back.

Nearly 15 percent of middle and high school teachers in the United States do not minor or major in the area of their main teaching assignment. Again, we have 85 percent who do. But there is a growing number, about 15 percent, who are being asked to teach at the secondary school level in a curriculum that they have not received a significant formal education.

We see, as well, that 86 percent of 18- through 24-year-olds have a high school diploma. That number, again, is getting better. But is still too high. And is way too high when one looks at some of the sub-populations of students; over a third of Hispanic Americans are dropping out. This is the fastest growing ethnic group in the United States and one-third of them are dropping out of school.

At the end of the 20th century, Mr. President, we are going to have to do better in all these indicators if we are going to compete effectively.

So I am pleased we are turning our attention to education today. But let's not delude ourselves. The bill that we are talking about here is not the answer. I respect immensely the authors of this legislation. I have a high regard for them and the motivations which caused them to propose this legislation, particularly my good friend from Oregon, who had a long and distinguished career in the other body, and who cares about young people and their educational needs, and our colleague from Tennessee, and others who are a part of this legislation. But I want to raise some of the concerns that some of us have about this bill and am hopeful that we can work through some of these issues in the coming days.

Six years ago, in 1993, we enacted the Ed-Flex Demonstration program in the hopes that it would spur school reform in our states. It was a very tightly written program with just 6 states participating. We quickly expanded that to 12, recognizing 6 States probably was not a good enough laboratory to get some decent results back to determine whether or not this new waiver authority would prove to be worthwhile.

Ed-Flex was a major departure in education policy. We were allowing, for the first time, officials to waive Federal regulatory and statutory requirements. That is not a minor thing. I mean, we are responsible to see to it that the dollars, the Federal dollars that go to education, are going to be spent well and wisely.

Now, I don't question that we can get heavyhanded, and too bureaucratic. We are all painfully aware that can happen. But to allow state officials to waive statutory and regulatory requirements is a significant departure. It is one thing to modify, to amend, to drop certain regulations, but to allow a complete waiver of statutory and regulatory requirements was a dramatic departure from our education policy.

We included protections in the law at the time. The Secretary would have to approve applications for this waiver authority. Only States with strong standards-based reforms in place were eligible, and waivers could not override the intents and purposes of the laws or civil rights and other certain basic protections. But the idea was for flexibility in return for results. So we passed overwhelmingly this demonstration program.

But it was for a demonstration program—a test. Well, the results are not in. That is one of the difficulties here. It is not that anyone has studied this and said they are bad, they are just not in. We do not really know. It may be very good, or it may not—but raising the legitimate concerns about it is not inappropriate.

Texas is the only State, the only one, by the way, out of all 12 States, that has actually been giving us some details on how they are performing. Most others cannot produce, unfortunately, any results about student achievement results they have achieved through school reform and the Ed-Flex demonstration program.

The General Accounting Office, the GAO, has reviewed Ed-Flex and found little in the way to suggest that Ed-Flex is making a difference. Now, it may. Again, I find myself in a situation of hoping it does. I supported the demonstration program not because I anticipated it to fail, but I did it because I anticipated it to work. But I feel I have a sense of responsibility to the people of my State—that it is their dollars, in a sense, that are going to this—that I can look them in the eye and say why we are now going to pass legislation permanently establishing this. But if you ask me the question, ''Do I have the empirical evidence which draws the final conclusion that in fact this can work?'' I have to say, no, not yet.

Now, maybe it will come in, but it is not here yet. And so I hope my colleagues understand that those of us who are raising these questions are doing so with a deep sense of optimism that this will work, but also a deep sense of concern that we do not have the information yet to make these final conclusions.

While we don t know much about results, we do know a little about how this authority is being used. Seven of the participating 12 states have granted 10 or fewer waivers. The vast majority of waivers requested are about loosening title I requirements for targetting the neediest students. But generally, the finding suggests there is little being done with Ed-Flex that is not being done directly with the Secretary with his own waiver authority.

We hear anecdotes from Governors about how it is promoting creativity and spurring reform—but the evidence we have on how it has been used really do not back this up in the most states. But I have never had a Governor or mayor yet that wouldn't like to get all statutory and regulatory requirements of the Federal Government eliminated; that doesn't come as a great shock. They would like us to write a check, give it to them, and get out of the way. That is how Governors and mayors

think. I find it interesting that in States, when State legislatures or mayors ask Governors for similar waiver authority, I usually find the Governors are far more resistant to waiver authority at the local level than they are in asking us for it. It is where you are in the food chain in terms of your willingness to support waivers from regulation.

At any rate, we hear a lot of anecdotes from Governors and State education leaders about Ed-Flex changing the mentality of their systems and motivating school improvement efforts. I am for this. I hope it works. But I think we need to ensure that students are served by these changes. That is why we have the accountability amendments.

Senators KENNEDY, REED, and I will offer two simple amendments that I believe get to the core of improving accountability. These build on the changes that we were pleased to see the managers include the substitute bill they offered earlier today. Our staffs have been working together for weeks to beef up the accountability in this bill. I believe we have made good progress, but must do more.

The first amendment offered by Senators KENNEDY, REED and me will ensure that accountability is resulting in student achievement. Improving the performance of students is what this is all about. I am rather surprised we have been forced to offer what we think is a very common sense amendment, rather than having it just agreed to and accepted. I understand we continue to work on this and am hopeful that we will be able to resolve this without a vote.

The second amendment ensures involvement of one of the key players in school reforms, parents and the larger public. The Reed amendment ensures that parents and other local leaders can comment on applications for waivers and that these comments are given consideration.

Again, I would hope that parental involvement is one of the things all of us can agree on. In Head Start, we require that parents be involved from volunteering in classrooms to parent planning boards, then make key decisions about their community programs. We get about 80 percent parental involvement with Head Start programs. What has been terribly disappointing to me is that by the first grade parental involvement drops to about 20 percent. It immediately drops, which is terribly disturbing because there is no better way to increase a child's performance in education than to have a parent involved—visiting teachers, talking to them, going to the schools, learning what the child is supposed to be learning, involved in school governance and reform.

The requirement we would add would ensure that interested parents could be engaged in this process. I hope our colleagues would be supportive of that since it fits in with the growing concern among all Democrats and Republicans that parental involvement needs to be expanded rather than contracted. The Reed amendment does not give parents or others veto power. That is not the point. It gives them the power to comment knowing their comments will be considered, which is not too much to ask. It says their comments should be available and included in the application for waiver authority.

These are simple changes that broadly improve the accountability of this bill.

We will also have the opportunity to consider several other important education initiatives—not to belittle the importance some have placed on this Ed-Flex bill, but I have never had one parent or teacher or student raise it with me.

I have heard from many concerned about class size, districts looking for reassurance that the full promise of 100,000 teachers will reach them. Class size is a critical issue to families all across the country, whether in a rural school in Idaho, or urban school in Connecticut. Parents know that class size matters—how many teachers teach how many students, how well educated they are, and are these buildings that these kids are supposed to be learning in, in good shape. We also hear a great deal about the readiness of children to learn when they enter school. We hear about aftershool.

My colleague from California, Senator BOXER, has an interest in this. My colleagues from Vermont and Massachusetts will recall last July when this specific bill was in committee, I offered an afterschool amendment to this proposal—which I hope to be offering in this debate. My colleague from California has an interest in this subject matter, as well.

Eighteen years ago our former colleague from New Jersey, Senator Bradley, and I did the initial legislation on afterschool programs in the dropout legislation. Over the years I have been deeply involved in trying to reduce this afterschool problem, of the difficulties that occur with the lack of afterschool programs. This is an issue that many people in this country would like to see us do more about.

I think most of my colleagues are aware of this, but this chart points out when juveniles are most likely to commit violent crimes. The spike is around 2:30 or 3 o'clock. That is the peek time of violent crimes among young people. The hours between 2:30 and 6:00 is when we see the largest percentage of violent juvenile crime.

It is not uncommon for communities to have curfews. Invariably the curfew suggests some time after 9 or 10 o'clock at night. In fact, 9 o'clock or 10 o'clock at night is a relatively calm period of time. It is 2:30, 3 o'clock, 3:30, 4 o'clock—when kids are home from school, but parents are not—which is the critical time period. We are told by chiefs of police and others that violent crime among young people is on the increase. Afterschool programs, putting efforts into this, is something that we think would make a great deal of difference.

I hope to offer an amendment on my own or with Senator BOXER or others to deal with this issue.

Mr. President, Ed-Flex may make a difference in some States. Frankly, in my view the jury is still out for the reasons; I hope the jury comes back with good results and good reports on this. We think the accountability amendments will help here.

But this legislation on its own is no substitute for what our schools need and what parents and students across this country are demanding. I am hopeful that during these next several days we can have a real discussion on education and improve this bill with the addition of some critical timely initiatives.

I am happy to work with the chairman of the committee and the ranking member and move through these issues in an orderly way. I thank both Senators for their leadership. I commend my colleague from Tennessee and my colleague from Oregon for their fine work on this amendment.

I appreciate, again, the motivations that have given rise to this legislation. I think we can make it a better bill and add to it some of the elements that we think will strengthen the educational needs of all Americans by some of the suggestions I have made here and that others have made this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I'll use a few moments to take a look at last year. What we are talking about right now is where we ended last year as far as passing bills on education.

Let us take a look at what we did accomplish during that period of time. This chart lists all of the bills which we passed out of our committee, almost all of them by unanimous or close to unanimous votes. They all became law. They were very important.

First of all, we had the Individuals with Disabilities Education Act, for which we had tremendous bipartisan agreement, and we took time to do it. It came out and passed practically unanimously by both the House and Senate. That is what happens when we have good, bipartisan working together.

The next one was the Emergency Student Loan Consolidation Act of 1997. We had some important problems that came up with respect to student loans, but were able to take care of them. This Act passed with a very substantial vote.

Next, was the National Science Foundation Authorization Act, which had not been reauthorized for many years. An important component of the National Science Foundation is education; we sometimes forget that. But a tremendous amount of funding for the important areas of education, in

the areas of science, comes through this bill, and that was accomplished.

Then we had a real step forward with the Work Force Investment Act of 1998, including the Rehabilitation Act Amendments. That bill has turned this country around in its attitude and ability to prepare people for the workforce. Not only that, but it recognized that workforce training is nonstop at high schools and colleges. Training goes on and on and on. We now have the nontraditional students of the past who are actually outnumbering the so-called traditional students on the recommendation that a person's job is going to change many times during a lifetime. We had close to unanimous agreement on the Workforce Investment Act of 1998.

And for the first time in 5 years, we did a thorough review of the Higher Education Act, taking into consideration the needs of the Nation. Again, with very hard work and long, long hours, we were able to complete the Higher Education Amendments. Also included were the Education of the Deaf Act Amendments of 1998. The Higher Education Amendments took a close look at not only higher education, but what higher education was doing with respect to the teacher colleges. We found we had serious problems with the teacher colleges and things had to be changed. We also recognized that we had a huge problem trying to get our teachers in schools the kind of retraining that is necessary in order to bring them up to speed on the needs not only in the next century but this century. This Act passed close to unanimously.

The work being done now in professional development—we eliminated all the bills on professional development in there. They were useless. We have now created a very firm foundation for professional development in higher education institutions to assist us in our K-through-12 education.

The Reading Excellence Act was unanimous here. In close cooperation with the President, we came out with that act, and it is in law and already having an impact upon the serious problems we have with a number of young people graduating from high school who are presently functionally illiterate and do not have the basic skills necessary to warrant a diploma. We have had what is called social promotion, and the President emphasized that we have to do away with social promotion. The way that can be done is to try to make sure every kid can read, and the Reading Excellence Act will be an important part of that.

In addition, we had the Charter School Expansion Act. As we go forward, it is necessary to experiment in the kinds of institutions we can create to have the flexibility and dedication to be able to change the relatively low results we have been getting out of our K-through-12 educational system. Some of the charter schools are working well. We have learned a lot. Those will be models for what we can do in the public school system. It is an important step forward.

In addition, we had the Human Services Reauthorization Act of 1998. That is Head Start and other programs for the very young, as well as for those in special low-income areas. It was the first reauthorization of Head Start in many years. We came out with an excellent bill, all working together, Republicans and Democrats, and with the White House.

Finally—and this is an important act—is the Carl D. Perkins Vocational-Technical Education Act Amendments. We had not been able to get that amended in many years. We did a thorough review of its application. We upgraded it and brought it into the modern day situation.

I am pleased to say that we almost reached our goal on all the bills that we had. However, one bill didn't make it, and it was this Ed-Flex bill. The reason it didn't make it is not because the Members did not agree with what we had in the bill, but it was seen to be a vehicle on which perhaps many other ideas and thoughts about how to change education could be amended to it.

I hope that doesn't occur this time. I hope we don't find ourselves in the position of not taking a bill which everybody agrees is important. The President has said that he favors it. He gave strong words of support for it. The Governors have unanimously agreed that they want it. I hope we will be able to get this out in the next few days in order to be sure that we can give the flexibility to the States that they need.

My State has had it. It has worked very well. It is not a huge success in the sense that it is going to change that much that goes on, but it makes it easier for States to coordinate things. You have situations—at least in our State—where school districts are very close to the 50 percent or the 125 percent thresholds for poverty. If you don't quite make it, it fouls everything up. With the flexibility we have had in Vermont as one of those six States that have been able to use the flexibility, we have found that it has reduced the time and effort which go into trying to work with title I. That is all we are trying to do today.

I think we are hearing now an agreement on accountability. If we have learned anything over the past year, it has been the tremendous lack of accountability in this country in our educational system. If there is any area that we need to improve upon—and I serve on the Goals 2000 panel—it is accountability. One of the most disturbing things I have found is that we really don't know what is going on in this country. We still can't measure performance, still can't determine—in fact, in the report we have no evidence that there was any improvement from the date that we got the ''Nation at Risk'' report in 1983. Fifteen years and there is no measurable improvement in our schools. But then we found that the data we were using to determine whether or not there was any improvement was 1994 data, and here it was 1998.

So we have other improvements to make, and one of those is accountability and to be able to measure what is going on in our school system. The flexibility will help the States to be able to really ascertain and work better with their school systems to determine exactly what is going on, how to measure success. That is one of the reasons. So I am hopeful that that one bill we were unable to get passed last year in the area of education, which we knew was appropriate and necessary—I hope we can get it done quickly this week.

I yield the floor.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I will just take a few moments to expand upon a couple of issues that have been raised over the course of the morning and early afternoon. One has to do with accountability and the other, parental involvement. Both of these are very important issues as we proceed ahead in addressing both the underlying bill and the potential amendments that are coming forward.

The Ed-Flex bill itself, again, is a bill that expands a demonstration project, which has been very successful, from 12 States to 50 States. What it does is simple. It allows schools and school districts the opportunity to obtain a waiver, and that waiver would allow them to accomplish very specific goals as set out in programs but free of the redtape and excessive, burdensome regulations, and it also allows them to say we are going to meet those goals and objectives and be held accountable for those in very strict ways that identify our particular needs. Schools have different needs; a particular school might need access to computers and another might need to have a pre-kindergarten program. Another school might need to have an afterschool tutoring program. I think the point is that we don't want to tie the hands of our local communities and our schools if they say this is what it takes for us to increase student performance, this is how we have identified, based on our own needs to achieve, these very specific objectives. Again, we are not talking about a block grant. We are not talking about changing the goals that we set out. We are saying that given the resources that we are putting in a particular area, and given the specific goals, we are going to give the local communities the opportunity to have more flexibility and at the same time demanding accountability to meet those goals.

That, very simply, is what the bill does. We have this experience with it that historically we can look to; we can learn from it. We can expand upon it. And that is where we are today.

That is what I think real leadership in education is all about. I think it is an appropriate Federal role to give that flexibility and demand that accountability. ''Accountability'' is tied with ''flexibility.''

That accountability needs to be carried out at the local level, for which I have the next chart, which was spelled out earlier. We need to have the accountability built in at the local level. We need to have the accountability built in at the State level and at the Federal level, all reinforcing each other in an appropriate hierarchical way just to make sure we are holding those schools or school districts accountable for the waiver that they have spelled out.

I have gone through the specifics earlier, but as I keep this chart up, just so people can understand how it builds one on the other, let me also make it clear that the type of waivers that we are allowing are really two kinds. One is an administrative type of waiver. That is a waiver where you unshackle the paperwork on local communities, local schools, and school districts which say that they are bombarded with paperwork and time requiring activities which keep them away from accomplishing that goal. Those sorts of administrative waivers are very important. And that is one element of the waiver system.

Another element of the waiver system about which we have talked a great deal about today is where the schoolwide waivers take place, again accomplishing the specific goals consistent with the intent of the Federal law.

We have to keep in mind that not all waivers are about student performance per se, that some waivers are about—I will describe them first—lowering that paperwork burden on both schools and school districts and at the State level.

I say that because we have to be careful, if we start modifying this bill at all, so that we don't try to connect every single waiver with an increase in student performance and use that as the judge. There are certain areas that we cannot basically come back and link that particular waiver that produces paperwork to the performance of individual students in a school.

On the issue of student performance, I think it is important to point out that Ed-Flex, as is spelled out in the underlying bill, has more accountability that we have injected into it than the Elementary and Secondary Education Act which is in existence today. That particular act authorizes over $13 billion. We have injected in our bill, Ed-Flex, more accountability than is in that Elementary and Secondary Education Act.

I mention that again so people will know how hard we have worked in this peer approach to make sure that accountability is included.

Under current law, education programs that provide direct services to students are not specifically required to improve student performance. Ed-Flex has more accountability built into it than the largest single Federal education law in the land.

That is point No. 1.

No. 2, it is important to understand that the accountability provisions in our bill as written—I encourage my colleagues to read that bill as written—inject more accountability than the existing 12–State demonstration-project. It is important, because I want people to go back and read the bill and not just look at what is in the current Ed-Flex program and the 12–State demonstration project.

First, before a State may issue waivers, they must first provide public notice and comment. I am going to come back to that shortly because that will give me the opportunity to talk a little bit more about parental involvement. But it is very clear that by having that requirement that the community at large, including the parents, will be very much involved as they can express their concerns if they have such concerns about the waiver.

Second, before receiving any waiver in the State, local school and local school districts must establish specific measurable education goals, which may include student performance. But they have to have very specific goals spelled out.

That is important, again, so we can demand that accountability as to whether or not they meet those goals. As I pointed out before, those goals, as spelled out in the bill, may very well include student performance.

Third, every year States must monitor—this is at the State level—and review the performance of schools and school districts that have received those waivers. So we go from local up to the State level that the State must monitor. In addition, the States are required to make sure that the school and school districts that have received waivers are, indeed, making progress toward those goals; again, including school performance. Whatever those goals are they establish, consistent with the Federal intent, we need to show not only that the goals have been spelled out, but that progress on a regular basis is being met. If a school district or a school fails to meet that progress toward meeting the goals, the State at any time can revoke that waiver.

In addition, we have built in and spelled out here that the States have to offer technical assistance, if progress is not being made, and also take corrective action.

Fifth, every year the States must send a report on how Ed-Flex is working to the Department of Education; again, an accountability measure.

Sixth, again looking at the top of the chart at the Federal level, the Secretary of Education has the final say. He or she can terminate a waiver at any time.

Seventh, the Secretary must issue a report to Congress every 2 years on the performance of students affected by the waivers.

Eighth, State waiver authority to issue waivers is thoroughly reviewed every 5 years, and is contingent upon school performance.

Earlier today, the Senator from Oregon presented the accountability checks in the bill. These accountability checks are critical.

The second issue that I wanted to refer to, again because it has been talked about, is regarding the requirements that can or cannot be waived. Again, I encourage my colleagues to go back and see what is in the legislation, because it has been written very carefully with a huge amount of input from a broad number of people. The requirements that cannot be waived in Ed-Flex—again, spelled out in the bill—include such things as: The civil rights requirements, the underlying purposes of each program or act for which a waiver is granted.

The third one that I want to stress right now—I will not go through the rest of these—as requirements that cannot be waived under Ed-Flex, is parental participation and involvement. We have heard a lot about the parents, how important it is to have the parents involved. I agree. There is nobody that cares more about their children, about the future of their children, than those parents.

One important thing is the whole notion of public notice. We talked a little bit about public notice. This is one area that has been greatly improved, I think compared to a year ago—public notice of those waivers.

First of all, let's see what is currently being done in terms of public notice of the waivers. Let's look at Texas. In Texas, at the local level requests for waivers must be reviewed by campus and/or site-based decision making committees composed of parents, teachers, and other community representatives.

The same thing in Maryland. I won't go through the details. But, if you look at these examples, you will see that through public notice, comments and concerns by the parents are made known. The parents are involved.

To take another example of public notice in current Ed-Flex States, in Michigan, it has a waiver-referent group composed of representatives from a number of people: Michigan Department of Education, local and intermediate school districts, private schools—and importantly—parent organizations.

Furthermore, if you look at the public notice, among the criteria that the Secretary uses to evaluate a State's Ed-Flex application is,

> Did the State conduct effective public hearings or provide other means for broad-based public involvement in the development of the Ed-Flex plan? How has the State involved districts, schools and [very specifically] parents, community groups and advocacy and civil rights groups in the development of the plan?

These are the criteria that are used, which will be used as well under extension under our bill.

I can just go on. The other criterion that they have to use is,

How would the State provide districts, parent organizations, advocacy and civil rights groups and other interested parties with notice and an opportunity to comment on proposed waivers of Federal requirements?

Again, as you can see, parents are an integral part of this waiver process. And there is a good reason. As has been pointed out by both sides, we want parents involved. Nobody cares more about the education of the children of this country than those parents.

The National Education Association, (NEA), on February 25, 1999 made an important statement. I d like to look at how a group that is involved in education, that is objective, that is not on one side of the aisle here, that is not just a policymaker but is a group of people who are in the field, who have a vested interest in education and education policy—how do they view the direction we are going, in terms of that overall balance? I think we can go through this first statement on the chart. It says:

. . . the NEA believes the Ed-Flex legislation introduced by Senators Ron Wyden of Oregon and Bill Frist of Tennessee is a step in the right direction.

Remember, we are not trying to cure all of the problems in education today. That is not our purpose in this particular bill. That is a process underway in the Health, Education, Labor, and Pensions Committee right now as we are reauthorizing the ESEA, the Elementary and Secondary Education Act. That is the appropriate forum for that. This is a very targeted bill that can be passed to the benefit of hundreds of thousands of children if we do it right over the next several days.

But going back to the NEA, because again I want to stay on this issue of parents, how do they view what we are doing from the outside with their vested interest in education, the education establishment, and, most important, the education of our children? I will turn to the second quotation from their letter. They say:

The bill has been much improved through the addition of increased accountability and coordination measures and a public comment period that permits parents and members of the community to participate actively in education reforms.

I think this again is critically important, because it demonstrates objectively that we, as a body, on a bipartisan bill, have made absolutely sure to address the accountability issue and to address the issue of including parents.

I have to say, ''The bill has been improved. . . .'' Those are the words of the NEA, which shows we have taken a bill that really went through committee and passed, and have been willing to work again with all interested parties to make sure that accountability, through the eight steps I outlined, through the tiered approach of the pyramid, guarantees—guarantees—that accountability.

Just so people will know, because it is always hard for people to go back and read the bill, on the public notice and comment issue, which I think is very important—just so people will know specifically what is in the bill on public notice and comment, let me just read directly from the bill, page 13. The bill has been distributed.

Public notice and comment.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

I repeat, ''shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.''

There are a number of other issues. I wanted, again, to come back to the accountability issue and parental involvement, both issues that have been addressed. People who read the bill will find the accountability and parental involvement issues very, very strongly enumerated, supported, and substantiated in the bill, again with the input of the Department of Education, from whom we solicited direct input on how to assure that accountability, and many, many other interested parties.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the afternoon is moving along, but we are making some progress. Even as we are trying to find some areas of common ground, let me just respond specifically to the Senator from Tennessee on his provisions in this and on his statement that the criteria in this results in greater performance standards than in Title I. It is difficult to see that, because, under the provisions under Title I, the State has developed and implemented the challenging State content standard, challenging student performance standards and aligned assessments described in the Elementary/Secondary Act, and therefore it has content standards and performance standards included, while, in this legislation, Ed-Flex, it says, ''made substantial progress as determined towards development.'' So, I think we are headed in the right direction, but I don't want anyone to think we have tougher standards in this particular proposal than we do in the underlying Title I.

Specifically in the managers' package, on page 3, you have findings:

To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

I agree. Amen. That is exactly what we want to try to use as a measurable fact. But it is only a finding, it is not part of the operative language. This is a good idea, and that is exactly what we are trying to do, to make sure that we are going to have the students' achievement and performance, as we have outlined in the earlier debate. Managers' amendment, page 6, says an ''Eligible State'' is a State that:

. . . waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

We want to see the whole State, not just the local communities. We are able to take what the Senator has put as a finding—and we agree and put that into language—and to make sure that the State is going to have compliance, that particular provision says that a State will hold local districts accountable for results. It does nothing to say that the State will evaluate whether they have done so. It does nothing more to ensure that the State's overall waiver plans to achieve student achievement. If we have that, we have solved at least the major problem.

Look at page 9 in the managers' package, ''Local Application'' shall:

. . . describe for each school year, specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver. . . .

We could solve at least one part of this by instead of saying ''may include'' saying ''shall include.'' ''Shall include.'' All we are trying to do is to make sure that—while giving the States and local communities flexibility—the fundamental purpose of Title I is going to be achieved for the reasons that have been illustrated in the very impressive report that has come out in the last 2 days about the successes of Title I. We want to make sure when we are providing this, that the principal criterion is going to be student achievement, and that is what we are going to do. The words are used but we do not find it applicable, in terms of the statewide program.

As I say here on page 9:

Local application shall describe for each school year specific measurable educational goals which may include progress toward increased school and student performance. . . .

Isn't this all about the performance of the children? Isn't that what we are attempting to achieve? That is why we are spending the resources, to enhance the students' performance. That is what we are doing. As we are prepared to see greater flexibility, we are simply saying: Okay, you get the flexibility, all we are asking for is student performance and achievement. That is what the basic debate on this is.

In the managers' package, on page 11 on State waiver approval, it says:

A State educational agency shall not approve an application for a waiver under this paragraph unless . . . the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals

with respect to school and student performance.

This, again, applies to the LEA rather than the States.

Just to sum up, Mr. President, for those who support our particular amendment, all we are saying is, yes, we will have the flexibility, but in giving the flexibility, there is some assurance that there will be an improvement in student performance and student achievement, as measured by the State plan, not by the Federal plan, but by what Alabama wants to do or what Massachusetts wants to do or what Vermont wants to do. They are setting their plans. All we are saying is, according to your own State plan, that we are going to have measurable results in terms of the performance. That is what this amendment is really about.

We have the example which we have gone over in terms of Texas where they have spelled out exactly what they are going to do. It has been enormously impressive, and the students have made very significant and important gains. And that example is being replicated by other communities. The parents understand it. The parents know what is happening in their particular schools, and they are able to make some judgments about it. Mr. President, this is what we are all working towards.

I wanted to get back into reviewing, very briefly, the absolutely splendid independent evaluation that has just been released this past week on title I and their conclusions. Those will be valuable for our Education Committee as we are looking over ESEA. They have made some very, very important recommendations, and we ought to be responsive to those.

One of their very key elements is to do the evaluation in terms of student performance. We have that. I will go back into it at another time, Mr. President, but I see my good friend and colleague, the Senator from Minnesota, on the floor, and I yield the floor.

AMENDMENT NO. 32 TO AMENDMENT NO. 31

(Purpose: To preserve accountability for funds under title I of the Elementary and Secondary Education Act of 1965)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. KENNEDY, proposes an amendment numbered 32 to amendment No. 31.

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

Mr. JEFFORDS. I object. I prefer to have it read.

The PRESIDING OFFICER. Objection is heard. The clerk will read the amendment.

The legislative clerk read as follows:

On page 8, line 4, after ''determines'' insert ''that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and''.

On page 12, line 22, after ''hearing,'' insert ''that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or''

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the Elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. I ask unanimous consent that the Senator from Pennsylvania have 5 minutes as in morning business.

Mr. WELLSTONE. Mr. President, parliamentary inquiry for a moment. Certainly that is fine with me. The pending business is the amendment that I have on the floor; is that correct?

Mr. JEFFORDS. That is correct.

Mr. WELLSTONE. That remains the pending amendment?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the request? If not, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair and thank my distinguished colleague from Vermont.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 528 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senator from Louisiana be allowed to speak in debate only for 10 minutes.

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

Ms. LANDRIEU. I thank my colleague from Vermont.

Mr. President, I rise today in support of S. 280, the Education Flexibility Partnership Act, which we have spent most of the afternoon speaking about today, for several reasons.

First, this Ed-Flex bill, as we have come to call it, represents a very solid bipartisan effort to provide greater flexibility in our public schools and, hopefully, improvement. Passage now at this early stage in this Congress sends a very positive message, I think, to the American people that we want to put first things first; we want education to be a priority. We are willing now, with the ordeal of the trial behind us, to work together across party lines for the things that are important to people back home.

Second, expanding the Ed-Flex program gives every State and school a chance to temporarily waive sometimes very restrictive specific Federal regulations to help them better meet their new standards and to help them to better utilize the tax dollars that we send to them and that they generate on their own.

Thirdly, for its timeliness, I am happy to join this debate because, next Monday, it will be my honor to host Secretary Riley in Louisiana for the first yearly conference on educational excellence in our State, as we reach out to develop stronger Federal-State partnership for reforms in education. As you know, Mr. President, it takes more than just the Federal Government's actions, but it takes our actions, with the States and local governments, to make real these kinds of reforms for the children in our schools. The conference this week in Louisiana and this bill will move us closer to that goal.

I also support Ed-Flex because it has proven to be effective over the last 4 years. As my colleague from Oregon has so eloquently pointed out, these pilot programs have worked, and that is why the bill is before us today. We know it works. States and local school districts under Ed-Flex have received waivers for several Federal education programs. These waivers will free States and school districts from unnecessary regulations that stifle innovation in education, while still ensuring the core principles that have been outlined so clearly; specifically, the civil rights principles will be honored with this bill.

At the same time, Ed-Flex is voluntary. No State, no school, no district has to apply for these waivers, but they will be available should a school or a district choose to apply. And for accountability's sake, waivers can be revoked under the current draft of the bill, if the Secretary of the Department of Education determines that these waivers granted have not improved significantly the performance of the students in that school or that district.

We know that the data resulting from certain demonstration States is very encouraging. For instance, in Texas, where this has seen its greatest use, students with Ed-Flex waivers outperform those in districts without the waivers in the Texas Assessment of Academic Skills in reading and math. In Maryland, the Ed-Flex waiver provided the opportunity for that State to provide for one-on-one tutoring in early grades in reading and math, in grades 1 through 5, and in lowering the student-teacher ratio from 25 to 1, to 21 to 1. Mr. President, with a 6-year-old who is in first grade now, let me tell you that those student-teacher ratios at that level are crucial as our young boys and girls, sons and daughters, learn the skills necessary in reading.

That is something I will speak about in a moment. But that is a flexibility that this waiver will provide.

Oregon has used the waiver authority to simplify its planning and application structure to allow districts to develop one consolidated plan that meets all State and Federal requirements.

Let me thank the distinguished authors of this bill for including language also that is already presented in the bill as drafted that will increase the accountability. Some people are worried that if you grant more freedom, we know that then comes more responsibility, and as more responsibility comes, obviously there is more accountability. We want this bill to hold us all accountable, and through the language that we were able to submit earlier, I think with an additional amendment that may be acceptable to both sides, that accountability piece will be made clear.

Let me be quick to say, as I conclude my remarks, that while Ed-Flex is a move in the right direction, much more must be done to improve education. We need to be very clear about this bill. It is a good step in the right direction. It tries to reduce bureaucracy, reduce regulation, give greater flexibility; but it is only one step. We need to do other things.

I urge this Congress, my colleagues on both sides, to support initiatives to decrease class size, particularly in the early grades. Let me share with you an alarming statistic from Louisiana that my acting superintendent and staff shared with me earlier. In the recent test of third graders in Orleans Parish in the basic reading test, 72 percent of the students failed their basic proficiency in reading at that level. In a parish outside of Orleans, a more suburban parish that is still struggling and growing, it was 14 percent. I think 14 percent is too high; I think 72 percent is tragic. We need to do everything we can to reduce class size in those early years—kindergarten, first, second and third grade—so we can prevent scores like this from being a reality.

So I urge that we pass additional amendments to decrease class size and modernize our school buildings so that our children believe what we say when we say they are important. We want them in an atmosphere to learn and not in buildings that are falling down around them, with roofs that are leaking and situations that are unsafe. I think the Federal Government has an obligation to help spend some of our dollars in that regard, in cost-effective ways.

We, as a Nation, face hundreds of issues that affect millions of lives every day, but no single issue is as important to our Nation's future as education and the challenges that our children face in the next century.

I was, as you were, Mr. President, a proud author of our pay raise increase for the military. We have a real problem, as the Senator knows, with our readiness in the military forces because the economy is so good. It is hard for us to maintain this voluntary, well-qualified active force. Why? Because the private sector competes.

Let me say, in Louisiana a beginning teacher makes $14,000, and in some of our parishes up to $24,000. That is bad enough, but even after teaching 15 or 20 years, with a good record, the salaries are not that much higher, unfortunately. Our State is doing what it can in that regard, but if we can come together and pass $10 billion additionally for the military, in terms of getting our troops ready for the new threats of the future, we most certainly can put our money where our mouth is and pass Ed-Flex and look forward to school construction and class size reduction, so that we can prepare our children for the threats that face them if they are not technologically literate, if they don't read well and communicate well. Our whole Nation will be at risk.

I am proud to join my colleagues in support of this important piece of legislation. I urge my colleagues to consider that this is a step in the right direction, but we need to do so much more. I hope we can make good progress in this Congress on these important issues. Thank you, Mr. President.

I yield the remainder of my time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I ask that I might speak about the amendment.

Mr. JEFFORDS. Mr. President, reserving the right to object. This is for debate only.

Mr. WELLSTONE. Yes, the Senator is correct.

Mr. JEFFORDS. Then the Senator would be recognized for debate only.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I don't know whether we are going to reach agreement on this amendment or not. If we do, that is great. If we don't, then I will come back to these points again and debate it. I would like colleagues to know what is at issue here because I think this amendment goes to the very essence of accountability.

Mr. President, I have a couple of letters and talking points from the leadership conference on civil rights that I want to briefly mention to colleagues. Let me just start out and read a little bit here.

The Leadership Conference on Civil Rights has made the continuation of the standards-based reform adopted in title I of the Elementary and Secondary Education Act a top priority in the 106th Congress. In order to protect these reforms, we urge you to support amendments offered by Senators Kennedy, Reed, Dodd and Wellstone to the Ed-Flexibility Partnership Act that are urgently needed to protect the opportunities of economically disadvantaged children, children of color, children with disabilities, and other children who need the law's protection.

Next paragraph:

While the stated purposes of S. 280 are to advance the efforts to achieve comprehensive school reform, the bill as reported by committee does not assure that States will qualify for waivers only if they can demonstrate that they have complied with a strong record of reform in the 5 years since Congress with strong bipartisan majorities adopted standards-based reform as national policy in title I of the ESEA, nor does S. 280 assure that States once having achieved Ex-Flex status will not excuse local school authorities from fundamental requirements of title I, such as maintaining high quality teaching staffs and offering afterschool and summer programs for children who need them.

That is it. That is what this amendment says. This amendment is really simple, and my colleagues have stated in spirit that they support it. This amendment simply says that we take the core requirements, and we make sure that the core requirements, the fundamental requirements of title I, such as maintaining high quality teaching staffs, or offering afterschool and summer programs for children who need them, that no local school authority can be excused from meeting these standards.

Let me again just mention what we are talking about. The requirement that title I students be taught by highly qualified professional staff—who can be opposed to that? The requirement that LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income and limited-English-proficient students, to meet the high standards. Who can be opposed to that? The requirement that schools provide timely and effective individual assistance for students who are farthest behind; and, finally—this is it—the requirement that funded vocational programs provide broad educational and work experience rather than narrow job training. That also applies.

All this amendment says is that we will make it crystal clear by making sure that we will have flexibility with accountability, that no State will provide a waiver to a school district from the core requirements of title I.

My colleague, Senator WYDEN, has said to me that he agrees with that. I am hoping that my colleague, Senator JEFFORDS, will agree.

That is the reason for this letter by the Leadership Conference on Civil Rights. The reason that I have been out here on the floor for hours is twofold. One, I think we ought to be focusing on what we can really do for children that will make a real difference. This piece of legislation won't. But the second is

I don't want to turn the clock backwards. I don't want to go back to pre-title I, 35 years of good history. I don't want us to essentially say that we as a Federal Government, we as a national community are going to abandon poor children, that we are going to now say for the first time that we are going to allow a State to allow a school district to exempt itself from the core requirements of good teachers, high standards, and measurement of results.

My colleagues want to argue that there is already language in the bill that says this. I don't think so. The people who I think have been involved with this, the Leadership Conference on Civil Rights for years, have put a lot of sweat and tears into making sure that there are educational opportunities for disadvantaged children, low-income children, children of color. They are very worried about the lack of accountability. This amendment is specific. It says let's make sure that we keep this accountability.

Mr. President, I am hopeful that the amendment will be accepted. I guess that we will wait and see. I will have other supporting evidence, if we go into a debate. I guess we are now negotiating on this amendment. But it is really, I mean, simple. There are a couple of things. The States have to be in compliance with title I. Who could argue that we would be interested in giving States flexibility, exemptions and all the rest, if they are not in compliance with title I?

The second thing the amendment says is no State should be able to provide a waiver to a local school authority from these basic core values, the core mission of title I. And what are these requirements? That these students be taught by highly qualified professional staff, that schools be held accountable to making annual progress toward helping students, including students with limited English proficiency, that the schools provide timely assistance to those kids who need it the most. How can anybody oppose this?

If you do not want to have accountability, and you basically want to gut part of what title I has been all about for all of these years, a program that, as Senator KENNEDY has said, worked very well, go ahead and do it. Otherwise, this amendment should be accepted.

I will wait, for we will continue to talk, and I hope that there will be support for this.

Mr. President, I have had a chance to speak a long time today. So I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. JEFFORDS. I ask unanimous consent that there be 15 minutes in order prior to the motion to table the pending amendment, No. 32, with 5 minutes under the control of Senator JEFFORDS, myself, and 10 minutes under the control of Senator WELLSTONE, and that no amendments be in order prior to the motion to table.

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

Mr. JEFFORDS. I further ask that following that vote, if the amendment is tabled, the only remaining amendments in order this evening be an amendment by Senator WELLSTONE regarding 75 percent and an amendment by Senator KENNEDY regarding accountability.

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

Under the previous agreement, the Senator from Minnesota now has up to 10 minutes for debate, the Senator from Vermont has 5 minutes for debate under his control.

Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, might I ask my colleague, I assume he would want me to take my time and then finish up; is that correct? Is that the way he would like to do it?

Mr. JEFFORDS. I would just as soon speak now.

Mr. WELLSTONE. That is fine.

Mr. JEFFORDS. Mr. President, I will take my 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, this is an amendment by Senator WELLSTONE. I will give you a little history. This bill was voted out of committee earlier this year. It was basically the same amendment which was passed out of the committee unanimously last year—I am sorry, with one objection last year. It is generally agreed to. However, there are some areas that some Members wanted to address. I rise in opposition and I will move to table the pending Wellstone amendment.

This issue was addressed in the managers' amendment package by including the eligibility of the State as a condition for approval and consideration. Also, under the eligibility requirement, States must have the very standards and assessments as laid out in title I. SEAs are prohibited from waiving statewide requirements for local school districts. And, finally, the States are required to implement corrective action pursuant to title I.

Therefore, we believe it is redundant and unnecessary. At the appropriate time I will move to table.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has yielded back all the remainder of his time. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all let me say I very much hope that there will be strong support for this amendment I have introduced along with Senator KENNEDY. If I could just make this request of my colleagues—and I will return to the letter from the Leadership Conference on Civil Rights in a moment—I don't know why in the world we don't just get away from the paper and the words, and why we do not accept an amendment that basically says we will do what we say we will do. What in the world can be the basis of the opposition to this amendment?

This is an amendment that is strongly supported by the Leadership Conference on Civil Rights. This is an amendment that speaks to, really, their central fear about this legislation in its present form. This is an amendment that makes it crystal clear, once again, that the mission of title I, an important mission, which is the improvement of educational opportunities for poor children, will not be weakened.

This is an amendment which says that when it comes to the core requirements of title I, when it comes to the essence of what this program is about, when it comes to the essence of accountability, no State will be allowed to exempt any school district from these core requirements.

We want to make sure that, in every school district in this country, title I students will be taught by highly qualified professional staff. We want to make sure that schools are accountable for making substantial annual progress. We want to make sure that students, low-income students and students with limited English proficiency, meet these standards. We want to make sure that schools provide timely and effective individual instruction for students who are farthest behind. We want to make sure there is specific language. This is the request of the Leadership Conference on Civil Rights. This is the request of people who have given their lives to title I in this legislation, that we have specific language that makes it clear that no State will allow any school district to be exempt from these core requirements, the core components of title I.

You say you want to do this but you don't want to support an amendment that makes it clear that we will do this. My question is, Why not? In all due respect, I may be the only vote against this legislation. I know I won't be the only vote for this amendment. I think there will be a strong vote for this amendment. But in all due respect, if you are not willing to support this amendment which goes to the core of accountability, then you are doing some serious damage to title I, to the title I mission. This piece of legislation will go too long a way towards abandoning a national commitment to poor children.

Now, for the first time ever, we are saying it will be possible for a State to

give a school district an exemption from the basic core requirements of title I—from the basic core requirements. And this amendment just asks you to support what it is you say you are for.

If you want to go toward block grants, and if you want to go toward moving us away from this mission, and you want to go toward weakening accountability, then go ahead and vote to table this amendment. But I certainly hope a majority of Senators will not do so.

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

Mr. WELLSTONE. I will be pleased to yield for a question or yield time to my colleague.

Mr. KENNEDY. What we are effectively doing under the existing proposal in Ed-Flex is focusing attention on needy children, but there are some specific guarantees under title I; for example, well-qualified teachers to ensure that we are going to seek the academic enhancement and achievement of the children. That is one example. There are a series of those. As I understand the Senator's amendment, without the Senator's amendment, they will be able to waive those as well.

Mr. WELLSTONE. That is correct.

Mr. KENNEDY. This really has nothing to do with paperwork at all. We have already decided that there are going to be other kinds of safeguards to make sure that the funding is focused in terms of the needy students, but there are some specific guarantees that have been written in there, the ones that I have said. The purpose of the Wellstone amendment is to give assurance that those particular guarantees will not be waived for the neediest children, as I understand it.

Mr. WELLSTONE. My colleague from Massachusetts is absolutely correct, and I say to my colleague from Massachusetts, I will list these other core requirements. One of them has to do with title I students, that they be taught by highly qualified professional staff.

Another one is that the LEAs hold schools accountable for making substantial annual progress toward getting all students, particularly low-income students and limited-English-proficient students, to meet the same high standards, and the requirement that schools provide timely and effective individual assistance for students who are farthest behind.

I say to my colleague, the reason that the Leadership Conference on Civil Rights feels so strongly about this amendment and the reason my colleague from Massachusetts does, is we know this goes to the very mission of title I. Why in the world would we not want to have this accountability built into this legislation?

Mr. KENNEDY. This is entirely different than what we talked about in the general Ed-Flex where we had requirements that, for example, you could have a studentwide utilization of resources if it was 50 percent poor, and then if it went down to 45, we said, OK; 40, maybe yes. Those were the general kinds of waivers. But the point that the Senator from Minnesota is trying to say is those specific criteria which have been found by educators who have really spent their lifetime focusing on the needs of the neediest children, such as qualified teachers and some commonsense protections, effectively could be waived if the Senator's amendment is not agreed to.

Mr. WELLSTONE. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes 30 seconds.

Mr. WELLSTONE. Mr. President, the Senator from Massachusetts is absolutely correct, and this is why I speak with some indignation.

Mr. KENNEDY. Will the Senator yield for one more brief comment? I don't want to interrupt the thought line, but I have just been informed by the Administration that they support the Wellstone amendment and believe it is consistent with the Statement of Administration Policy. I ask unanimous consent to have printed in the RECORD a statement by the Administration in support of the Wellstone amendment.

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

STATEMENT OF ADMINISTRATION POLICY

S. 280—EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

The Administration has long supported the concept of expanding ed-flex demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education programs in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results. The Administration supports amendments designed to: 1) ensure that State waivers of Federal requirements result in improved student achievement; and 2) enhance parental involvement.

In order to ensure consistency between ed-flex authority and the Elementary and Secondary Education Act of 1965 (ESEA), which will be undergoing reauthorization this year, the Administration urges Congress to sunset this legislation upon enactment of the ESEA.

The Administration strongly supports an amendment that is expected to be offered to S. 280 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

Mr. President, this is not on the whole question of funds and, frankly, I have been worried about the dilution of funds. I have an amendment that will be accepted tonight that says schools with over 75 percent low-income children have first priority to funds. And I say this to my colleague from Vermont, I really speak now with some sadness because he is going to move to table this because this goes to not technical issues, not formula, this goes to the very essence of what title I is about. This goes to the core requirements, the core mission, the core accountability, and you now have a piece of legislation that tosses that overboard.

You are overturning 35 years of important history. You are overturning 35 years of history of a commitment on the part of our National Government to poor children in America. You are overturning the hard work of many women and men who have written a title I program with accountability that has really worked well for children. That is why the Leadership Conference on Civil Rights is so strongly in favor of this amendment.

I hope my colleagues will vote against this motion to table this amendment. This is the central accountability amendment. If this amendment does not pass, we do not have the accountability that has been so important to the success of title I.

I yield back the rest of my time.

The PRESIDING OFFICER. All time has been yielded back on both sides.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment offered by the Senator from Minnesota. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from West Virginia (Mr. BYRD) is absent attending a family funeral.

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (HN)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Bayh	Graham	Lincoln
Bingaman	Harkin	Mikulski
Boxer	Hollings	Moynihan
Breaux	Inouye	Murray
Bryan	Johnson	Reed
Cleland	Kennedy	Reid
Conrad	Kerrey	Robb
Daschle	Kerry	Rockefeller
Dodd	Kohl	Sarbanes
Dorgan	Landrieu	Schumer
Durbin	Lautenberg	Wellstone
Edwards	Leahy	Wyden

NOT VOTING—3

Biden	Byrd	Torricelli

The motion to lay on the table amendment No. 32 was agreed to.

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

The PRESIDING OFFICER (Mr. HAGEL). The pending business is the substitute of the Senator from Vermont.

Mr. JEFFORDS. It is my understanding that two amendments would be in order, if offered—the Kennedy amendment and a Wellstone amendment.

The PRESIDING OFFICER. The Senator is correct. Those are the two pending amendments that will be agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 33 TO AMENDMENT NO. 31

(Purpose: To prohibit waivers with respect to serving eligible school attendance areas in rank order)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 33 to amendment No. 31.

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

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

The amendment is as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

Mr. WELLSTONE. Mr. President, this amendment simply requires that schools with over a 75-percent low-income student population must receive funds first, as a matter of priority—first, in terms of the allocation of the title I money—and that those neediest schools with a population of low-income students over 75 percent would have first priority in receiving those funds.

It is accepted by both sides. I thank my colleagues, Senator KENNEDY, Senator JEFFORDS, Senator WYDEN, and Senator FRIST, as well.

Mr. JEFFORDS. Mr. President, I have no objection to the amendment.

Mr. HAGEL. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 33) was agreed to.

Mr. WELLSTONE. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 34 TO AMENDMENT NO. 31

(Purpose: To ensure that increased flexibility leads to improved student achievement)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. REED, Mr. DODD, and Mr. WELLSTONE, proposes an amendment numbered 34 to amendment No. 31.

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

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

The amendment is as follows:

On page 7, line 21, strike ''and'' after the semicolon.

On page 7, line 24, strike the period and insert ''; and''.

On page 7, after line 24, insert the following:

(v) a description of how the State educational agency will evaluate (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike ''which may include progress toward'' increased school and student performance.

On page 11, line 17, insert ''in accordance with the evaluation requirement described in paragraph (3)(A)(v),'' before ''and shall''.

On page 12, line 14, before the period insert '', and has improved student performance''.

On page 16, line 9, insert ''and goals'' after ''desired results''.

On page 16, lines 10 and 11, strike ''subsection (a)(4)(A)(ii)'' and insert ''clauses (ii) and (iii) of subsection (a)(4)(A), respectively''.

Mr. KENNEDY. Mr. President, I will just take a moment of the Senate's time. We had a good opportunity during the course of the afternoon to talk about the student performance. We have worked out language which I think responds certainly to my concerns and, hopefully, is consistent with what Senator FRIST and Senator JEFFORDS were doing. Now the States will be able to receive Ed-Flex, but they will also—in the application, there will be an indication about what their expectation in the State is in terms of the students' performance, consistent with what the overall State plan is to enhance academic achievement. It also will take in student performance after 5 years, should there be the request for the continuation of this legislation.

I thank my colleagues and friends. I think we really have the best of all worlds here. I am grateful to Senator JEFFORDS and Senator FRIST for working this through.

Mr. JEFFORDS. Mr. President, I think the amendment is a helpful addition to the bill. We appreciate the efforts of Senator KENNEDY and are happy to accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 34) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, under the Wellstone and Kennedy amendments, would Michigan be able to continue their current Ed-Flex authority?

Mr. KENNEDY. Yes, Michigan would be able to continue its current Ed-Flex plans.

Mr. LEVIN. In January, 1998, Michigan moved to lower the poverty threshold statewide from the 50 percent poverty level in title I to 35 percent. Would either the Wellstone or Kennedy amendment prohibit Michigan from continuing to allow these waivers under Ed-Flex that is improving reform in the affected schools?

Mr. KENNEDY. No.

Mr. President, we have made some progress today. We are looking forward to having some debate on the Bingaman amendments tomorrow, followed by my friend and colleague, Senator KERRY. We will indicate to the membership that we will tentatively get started sometime around 11, and we will let the floor managers know at least in what order we will want to offer our amendments.

Obviously, they have their own rights. But we will try to keep them as fully informed as possible so that we can all be as prepared on these amendments as possible.

Mr. JEFFORDS. Mr. President, I thank my good friend and Senator from Massachusetts. I deeply appreciate the cooperation we have had today. We moved along well. We are well on our way. I look forward to seeing the wonderful cooperation that we will have as we proceed on this bill. I look forward to seeing you all again in the morning.

MORNING BUSINESS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Members permitted to speak therein for up to 10 minutes each.

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

Mr. JEFFORDS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, parliamentary inquiry. What business are we in right now?

The PRESIDING OFFICER. We are in morning business.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

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

EDUCATIONAL FLEXIBILITY PARTNERSHIP ACT

Mr. BROWNBACK. Mr. President, I rise in support of the Educational Flexibility Partnership Act, the Ed-Flex program that has been debated here today. I congratulate Senator FRIST and Senator JEFFORDS for their work on this bill of which I am a cosponsor.

Ed-Flex does the important work of granting waivers of certain statutory and regulatory requirements so that local schools can implement creative programs that are custom-tailored to the needs of their kids and allows some State education agencies to waive State requirements along with Federal mandates so that local schools can innovate effectively.

I think this is an extremely important program. We have been saying for some period of time that too much of education is directed out of Washington, that problems in education are not solved in Washington as much as they are at the local level. If we can allow people to have the flexibility in Kansas, Nebraska, Vermont, Tennessee, Texas or California to solve their education problems with these dollars, they will get more education done, and they will have more effective education done than if we direct it out of Washington. It is a basic premise. It works. It has worked on a number of programs. We allowed this to take place in welfare reform. We had a number of different experiments on welfare reform that led welfare rates to decline 50 percent. We solve it in Kansas differently than they solve it in other States. It worked. Education—we have a problem. But it is not a uniform problem that you can say, OK, if we just do this and this and this all across the Nation with programs, the problem is solved. It doesn't work that way. We have different educational needs in different places.

Ed-Flex is tried and true as a concept. It is a needed concept in education, because we need more flexibility to get these dollars into the classroom than people back here deciding how to spend it.

I might note that Ed-Flex is already in place in 12 States, including my home State of Kansas. Schools there have already submitted 43 waiver requests in an effort to better serve the unique needs of Kansas students. At this point, no waiver has been rejected. Around two dozen requests have already been granted, and others are pending. I would encourage the Department of Education to expedite those requests.

That speech and that point that I just gave sounds very reminiscent of a point that I made in 1995 about waivers that were being granted on welfare reform and asking that those be sped up so that States could solve the problem. We are at the same point in time with education. Let's let the States have the resources and have them solve the problem.

Kansas schools have used Ed-Flex for many reasons. One school district received a waiver in order to better distribute title I funds to the neediest students. Leavenworth schools requested a waiver to provide an all-day kindergarten class and preschool programs to better serve the needs of children of parents that are at Fort Leavenworth at the military facility. Emporia used an Ed-Flex waiver to implement new literacy programs in an intensive summer school program. That fit the needs and what we had for needs in Emporia. The list goes on.

These are all very different programs that address different needs. But that is just the point. Schools need this flexibility. We need education decisions made in Emporia, in Fort Leavenworth, in Topeka, and in Manhattan—not in Washington for Kansas. We need it made there. And the people there care for the students. They look in their eyes every day. They can say, ''We need this program here.'' What can we tell them in Washington? No. You don't need that program. What you need is something else when we don't even look into the eyes of that same child. People here in the Washington bureaucracy have great desires to help that child, but the person who is right there closest is the one who can best determine what that child needs. This is the sort of program that allows that to take place. Schools need that sort of flexibility.

While Ed-Flex is an important first step, there are other steps that we need to take as well. If we are going to make progress toward improving our schools, we need to give the States and communities far more flexibility and empower them to make decisions with what is best for their schoolchildren. As important as it is to make waivers to Federal regulations available, frankly, I believe it would be better if we would roll back those regulations altogether and provide the resources to Kansas and to the school districts, and say to them, ''You figure out how best to educate these students.'' Believe me. They will come up with the ideas to do it. They will implement them, and they will get them done without the regulation here.

I don't think anybody in this Chamber, or in this town, should think that somebody in Emporia, KS, doesn't care greatly about how that child is educated and won't do the absolute best they can to make sure that child is educated well.

We need to empower them. We need to empower the parents, the teachers, the school boards, the communities over the government bureaucracy. That is why I will vote in favor of the Ed-Flexibility Act. I urge my colleagues to do likewise.

I say let's not stop here. This is where we started with welfare reform—providing these waivers. Ultimately, when we gave the program to the States and the resources to the State, they cut the welfare dependency in half and had people who were on welfare being thankful that they are now out on the job and they are encouraged about that. Why don't we try that with education, letting the States and the locals decide this? We will get more for every education dollar that we put out there. And, more importantly, our students will be better, and they will achieve higher test scores in the key areas that they are not doing today.

Mr. President, one other point: I think we have finally started down the road of making some real reforms in education, and reforms that I think people have been afraid that we are going to dictate out of Washington. This, to me, is a positive step forward—letting the local school districts start to decide on how they can implement those reforms. We have a lot of bright students across this country who need a system that is as bright as that are to challenge them and help them move forward.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. MACK. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MACK. I ask unanimous consent to speak in morning business for not to exceed 30 minutes. I hope I will not use the full 30 minutes.

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

ISRAELI AND PALESTINIAN PEACE BASED UPON SECURITY, FREEDOM, AND A CHANGE OF HEART

Mr. MACK. Mr. President, I very recently traveled to Israel. It had been several years since my last visit, and I expected this year we would bring some

important measures to the Senate floor. The timeline on the Oslo accords expires in May, and Arafat has threatened to unilaterally declare an independent state. The supplemental appropriations for the Wye River accords will soon be before us, and the timetable on the Jerusalem Embassy Act requires that the President report to the Congress why the United States Embassy has not been set up in Israel's capital city, Jerusalem. I learned a great deal during the week and I rise today to share a few simple thoughts regarding what I saw and what went through my mind as the week in Israel unfolded.

Let me begin with the question that is on my mind today: How is it possible to engage in peace negotiations with people who maintain the right to obliterate you, who are filled with hatred toward you, and who harbor the dream of one day destroying your homeland? Peace is a matter of the heart. I believe in the depths of every person's heart is a desire to live in peace. But what I saw, which was the outcome of the Palestinian Authority rule, convinced me that their hearts and minds are set on other goals. The Palestinian leadership does not want peace. They want, first, their own state which they can control with total power. Then they want to use that state to eliminate the State of Israel.

Let's be clear. The peace process, to be meaningful, must be about more than rules and laws and lines on a map. We can reach a short-term agreement on these points, but if the Palestinian leadership fails to abandon incitement of hatred, persecution, and terrorism, then we are all dreaming, only dreaming, and our President's behavior must be labeled foolish appeasement. There will not be peace until hearts and minds are changed, and we must focus our attention on these issues.

Mr. President, many of my colleagues in the Senate and in the House are aware of the promotion of hatred contained in the Palestinian media, and more significantly in the Palestinian schoolbooks. Let me provide some examples.

This is a picture that was taken off of Palestinian Authority-controlled television. It is a picture of a young girl, probably 6 or 7 years old. This is a young girl singing into a microphone. She is on a television show that would be what we would refer to as kind of a Mickey Mouse Club type of show that would be shown to children by the Palestinian Authority. I want to read to you what this little girl is singing. Again, this is a program that was produced by the people who are sitting across the table from you, supposedly negotiating peace. This is what the little girl is singing:

When I wander into the entrance of Jerusalem,
I'll turn into a suicide warrior in battledress,
In battledress. In battledress.

There is no way I can convey to you the emotion of actually seeing that scene on television. There is no way I can put the emotion into what she was expressing and the emotion that she was expressing as she sang those words. And after her song, she got an ovation from her classmates and from her teacher.

This focuses us on the fundamental difference in approach between the Palestinians and the Israelis. I have a grandson about that age, about the age of that little girl. How would I feel if he were being taught hatred in school? If he were being taught hatred on television, how would I feel? How would you feel if your Government was teaching your children to hate? Could you conclude that they were serious about long-term peace with their neighbors?

I also have some examples from Palestinian textbooks for a third-grade grammar lesson. Here is the task: ''Complete the following blank spaces with the appropriate word.'' And the sentence is, ''The Zionist enemy blank civilians with its aircraft.'' The correct answer is, ''The Zionist enemy attacked civilians with its aircraft.''

For seventh graders: ''Answer the following question: Why do the Jews hate Muslim unity and want to cause division among them? Give an example of the evil attempts of the Jews, from events happening today.'' These are from Palestinian textbooks today.

One would expect, rather than focus on hatred, if they were serious about peace, they would focus on how the two peoples are working to live side by side. A history book for 12th graders published only last summer teaches: ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.''

To see this taking place today is chilling. If you can, think about it in the context of being in Israel and being briefed by a member of the Government with respect to what is happening in what they refer to as the anti-incitement committee, which was set up by the Wye Agreement. To be sitting there and seeing this, I must say to you, was chilling. I found it to be extremely chilling.

While the Government of Israel makes good-faith efforts to come to a peace agreement, the Palestinian Authority teaches children hatred. This causes me to ask, How can peace be obtained when the children are being taught hatred?

Let me share another story. I attended Shabbat dinner at the home of Saul and Wendy Singer in Jerusalem. Saul worked on my staff for 7 years before moving with his wife to Israel. They just had their second child, a girl named Tamar. Wendy told the story of the day she was checking out of the hospital in Jerusalem, 2 days after giving birth. In a very ordinary and matter of fact way, the hospital gave her the necessities for bringing home a newborn baby. In addition to providing for diapers and other things we would expect, she was handed a gas mask for her baby. It is actually a tent which you put your baby under in case of a chemical weapons attack.

In Israel, this preparation is routine. Everyone in Israel knows to have a gas mask ready. It just becomes a part of the craziness of everyday life. But when you bring home a newborn baby, when you bring home your baby and you get the chemical weapons tent at the hospital, then you realize how unordinary life is in Israel today. You realize that you are really simply struggling for a normal life, hoping for peace and security, praying to God, while actually living in a war zone.

I had another profound meeting during this week. I met one evening privately—secretly—with Arabs who were being persecuted for their Christian faith. I met with about 10 Palestinian Christians. I will tell you just one of their stories, but I will change some of the details to protect the person I am describing.

I remember an energetic man, in his early 40s, at the end of the table. I remember him because he seemed so full of life and love. He had a great smile on his face and displayed a wonderful sense of humor. I say this was memorable because, frankly, after hearing what he had been through, I do not know if I could express the sense of peace and love he did. This is his story.

He had many children and very little money. He converted to Christianity in 1993. He clearly loved God, and he loved to tell people about his conversion. He described to me how in 1997, the Palestinian Authority asked him to come to the police station for questioning. When he arrived, he was immediately arrested and detained on charges of selling land to Jews. He denied this charge, since he was very poor and owned no land. He was beaten. He was hung from the ceiling by his hands for many hours. He showed me what I just said. He showed me how his hands were tied behind his back and then raised from the floor and hung that way for many, many hours.

After 2 weeks, he was transferred to a larger prison where he was held for 8 months without trial. He was released in February 1998, after his family borrowed thousands of dollars to pay off the local authorities. And even though he is free, they are keeping his father in prison. They believe it is for his son's beliefs. He feels his father is being held hostage to prevent him from talking with people about his faith. Needless to say, these Christians met with me at considerable risk. They conveyed to me a message of fear and desperation. But their mere presence in the room with me demonstrated their hope, and it also caused me to ask, how can the people of Israel find peace with the Palestinian Authority while the Palestinian Authority engages in coercion and torture based upon religious beliefs?

I also met with the parents of American children killed by Palestinian terrorists. In this meeting, I was struck by the courage displayed by these families after suffering the tremendous loss

of a child brutally murdered. These families told me of the hopes and dreams they had for their children. I couldn't help thinking about my own. My daughter, Debbie, traveled with me on this trip. She was in the room as these stories of brutality and murder were related. There was scarcely a dry eye in the room.

I am sure Debbie was thinking about her three little boys, ages 14, 11 and 5. We were moved by the comments made by the parents as they described to us what had happened.

I understand that the Palestinian Authority knows a great deal about these murderers, but they are not being punished. Some of them have gone to trial and were sentenced, but we don't know if they remain in prison. I was told that we know some have been released.

There are reports that the Palestinian Authority allows them to leave prison each day and return in the evening—like free room and board more than like prison. I was also presented with stories of the lionization of these murderers in the press and again in the classrooms. Try to imagine how you would feel, try to imagine what would be going through your mind when you are dealing with the grief of the loss of your child. You know who is responsible. You know they know who is responsible. You saw them go on trial. You saw them then released. You have to ask yourself, what are we going through this peace process for?

I would like to mention one story of many that I heard. Mrs. Dosberg sat directly across the table from me. When she told us of the loss of her daughter and son-in-law, the lesson of these murders became so clear—we must fight terror and we cannot back off. Mrs. Dosberg's family, her daughter, American son-in-law, and their 9-month-old daughter attended a wedding in central Israel on June 9, 1996. They decided not to bring their 2-year-old daughter along. Thank God. On the way home from the wedding they were stopped by Palestinian terrorists and killed in a so-called drive-by shooting. Fifty bullets were found to have been used in this murder, and yet, by some miracle, the baby survived. Even with a crime this gross, the Palestinian Authority did not arrest everyone involved or suspected in the shooting. One of those who remained free, it is believed, later took part in the bombing of the Apropos Cafe, killing many others.

Another suspected killer, according to the Israeli Justice Ministry, was under arrest but given permission to come and go as he pleases from prison.

Mohammed Dief, another suspected Palestinian terrorist, took part in the murder of two other Americans, at two different times, according to the mothers with whom I spoke. Mrs. Sharon Weinstock lost her 19-year-old son in a drive-by shooting masterminded by Dief. And only a year later, Mrs. Wachsman told me of the kidnap-murder of their son, also believed to have been planned by Dief.

I am told Mohammed Dief remains a free man today. The obvious lesson—terrorists kill and those who are not jailed remain free to kill and to kill again thanks to the Palestinian Authority.

How would I feel in their place? I couldn't keep the thought from my mind, as I listened. If I had lost a child and knew that the murderer or accomplices were on the loose, how would I feel? And if I knew the killer remained free to kill other people's children, how would I feel? It is so hard, hard to even consider, but I do know that I left there committed to doing whatever I could to help each of those families.

Once again, I began to better understand the way the Palestinian Authority leadership was approaching peace. How can one find peace with people who do not condemn terrorism? Mr. President, how is it possible to engage in peace negotiations with people who want to teach their children to die in a holy war against you? How is it possible to engage in peace negotiations with people who persecute those of other faiths? How is it possible to engage in peace negotiations with people who keep terrorists on the loose to wreak havoc and evil against you and praise them for heroism?

Today the Israeli people are exhausted by 50 years of violence against their homes and families, of sending their sons and daughters into the army, and they dream of a promised peace now. This is our hope and our dream as well. But we must not get confused. History is replete with examples of compromises which bring terror and destroy dreams.

In the United States, many people seem to think that if we do not confront these obstacles to peace and if we look the other way, then we will be able to come to an agreement. The reality, however, is just the opposite. If we do not acknowledge the attitudes and acts of those at the peace table, then the peace process is already over, and we just won't admit it.

In other words, the surest way to kill the peace process is to avoid confrontation, to fear upsetting a belligerent force and to avoid addressing incitement, violence, persecution and terrorism. The only way to keep the peace process alive is to focus on truth, freedom, security and justice.

Israeli efforts, to date, have sought to keep the peace process alive, improve security during the negotiating process, and obtain reciprocity as a vital element of implementation.

The process remains alive, but terrorism continues and is exalted by many in the Palestinian Authority, and reciprocity does not exist. The United States role has been to seek the middle ground. Unfortunately, this only rewards those willing to go to new extremes.

The middle ground between Prime Minister Netanyahu and Chairman Arafat is not halfway between the two. The United States must not engage in moral equivocation. We must not shy away from holding Arafat responsible for acts of violence, incitement and persecution.

The United States must demonstrate principled leadership and end the appeasement that perpetuates the cycle of violence. The peace process can only work when leaders uphold their agreements and answer to the people, and the United States remains a vigilant defender of the principles which bind us to Israel: freedom, democracy, and the rule of law.

What should we do? I believe there are three things. First, we should insist upon the strict adherence to Oslo and the reciprocity codified at Wye. The purpose of the Wye accord was at long last to force the Palestinians to comply with commitments before further territory would be turned over.

So at Wye, Israel agreed only to turn over territory in phases, in which it could verify Palestinian compliance at each and every step. In the first phase, Israel completed its redeployment after the Palestinian Authority completed its tasks. In phase 2, the Palestinians did not meet all their obligations and, therefore, Israel has not yet turned over the additional land. Reciprocity makes no sense unless it is based upon this formulation. Once Israel has ceded territory, it is unlikely it ever could recover it. The Palestinians, on the other hand, can turn on and off their promises. In fact, this is exactly what they have done.

Second, we should stop paying Arafat. Any funds provided to the Palestinian people should continue to go through private voluntary organizations. We should also monitor much more closely the rampant corruption and mismanagement of funds provided currently.

And third, we must aggressively seek the bringing to justice of Palestinian terrorists who killed American citizens. I am told that our Justice Department can do a better job here, that they have a great deal of information on the murderers of the Americans who are free in the Palestinian areas and, indeed, can make some requests for indictments. It is time to do this. Let's put the needs of the American families and other victims' families over the needs of those engaging in or supporting terrorism.

Mr. President, these are very basic principles. I am not discussing today the intricacies of the peace process, U.S. funding, embassies, or any other number of issues we will be discussing this year in the Senate. We need to focus on a more fundamental level first. And I hope that this message will be heard at 1600 Pennsylvania Avenue.

What I mean when I say this is that I hope the President will hear the message. I say this from a standpoint not of arrogance, not of confrontation, and I do not mean it in a political way. I just hope that the President will listen

and take another look at what he and his foreign policy team are trying to force the Israeli Government to do.

There cannot be peace until there is a change of heart. I returned from this trip with a newfound concern for the future of Israel. I saw examples of incitement. I heard examples of persecution and hatred being taught throughout Palestinian society by their leaders. When the people engaged in peace talks return from the negotiating table only to disparage compromise and incite violence, there can be no progress towards peace.

Israel has come a long way since I first began following the fate of this state and the people of Israel. In so many respects, life appears and feels normal. The economy is developing, the standard of living is growing and improving. But just below the surface of this normalcy, Mr. President, Israel still faces a threat to the state's very existence. Israel's survival remains, unfortunately, a very real and central concern 50 years after its independence.

Some people believe, however, that by ignoring this threat, that the peace process can succeed. Mr. President, it will fail. It is clear to me that many in the Palestinian leadership today see the peace process toward the goal of eliminating the State of Israel.

I suggest today that we get back to the basics. Peace is not possible while teaching children to hate and kill. Peace is not possible while persecuting those of other faiths. Peace is not possible while lionizing terrorism. We must stand up for freedom, security, and human dignity. We must stand up to ensure the security of Israel. We must stand up in the Congress, and we must insist that our President stand with us.

Today is the day to end American pressure on Israel to force a peace agreement. Today is the day to remember it is up to the people of Israel to determine their own fate—their own security. We should pressure those who fill children with slogans of hatred and holy war; we should pressure them to change. We should pressure those who torture; we should pressure them to change. We should pressure those who encourage and support terror and murder, and those who rejoice in hatred. That is where the pressure should be.

Now is the time, Mr. President, for a return to our principled stand. The only way to truly attain peace is to support freedom, democracy and justice, and oppose the cycle of hatred. We must face tyranny and oppression where it exists, condemn it, and stand up for peace—real peace based upon security, freedom, and a change of heart.

OCEAN SHIPPING REFORM

Mr. LOTT. Mr. President, on February 26, 1999, the Federal Maritime Commission (FMC) completed its rulemaking to implement the Ocean Shipping Reform Act of 1998. The regulatory framework for the liner shipping industry is now in place and ready for the May 1, 1999, start date.

The 1998 Act signals a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and ''me too'' requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the ''big picture'' of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open maritime commerce among our trading partners will become the oversight priority.

Mr. President, as FMC Commissioner Ming Hsu recently told a large gathering of shippers and industry representatives, ''This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs.'' I couldn't agree more.

The FMC regulatory process bore some resemblance to the legislative process that preceded it. A few early steps started to head off in the wrong direction, but through honest dialogue among the industry and the government parties, the course was corrected and the intent of the 1998 Act was embodied in the regulations. Now the FMC faces the challenge of implementing the new regulations in a manner consistent with Congressional intent.

Mr. President, through the 1998 Act, the Congress directed the FMC to spend less effort attempting to regulate the day-to-day business of ocean carriers and spend more effort on countering truly market distorting activities. This shift is made possible by giving exporters and importers greater opportunity and ability to use the marketplace to satisfy their ocean shipping requirements through less government intervention.

Recent efforts by some countries to protect their domestic maritime industries by imposing restrictive trade practices indicates that this shift in emphasis is well-timed. I am particularly concerned about China's efforts to impose greater regulatory control over the ocean shipping industry as the rest of the world is heading in the opposite direction. While the Maritime Administration seem to be nearing an agreement eliminating unfair practices by Brazil, continued vigilance is required. As we are seeing with Japan's port practices, the problem can remain long after such an agreement is reached.

Mr. President, I should point out that paradigm shifts are often painful, but enlightening, for involved organizations. To its credit, the FMC met the challenge of promulgating the new regulations by the March 1, 1999 deadline. Now, I recognize that Congress issues many deadlines for the Executive Branch, sometimes with little success. But I want to personally congratulate the FMC for its tremendous effort and responsiveness to complete these regulations on time. Not only did the FMC deliver its rules on time; the FMC's rules are clearly within the intent of Congress. I feel good about that.

I want to express my gratitude to the four FMC Commissioners, Chairman Hal Creel, Ming Hsu, John Moran, and Delmond Won, for their leadership and wisdom during this process. This band of four challenged the staff to think ''outside the box'' of the previous regulatory system and develop innovative methods to monitor the industry in a less intrusive manner. Also, I want to recognize the efforts of the FMC staff members who worked long and hard to meet Congress' deadline: George Bowers, Florence Carr, Jennifer Devine, Rachel Dickon-Matney, Bruce Dombrowski, Rebecca Fenneman, Vern Hill, Christopher Hughey, Amy Larson, David Miles, Tom Panebianco, Austin Schmitt, Matthew Thomas, Bryant VanBrakle, Ed Walsh, and Ted Zook. Their hard work and sweat will truly benefit this Nation by enabling industry and its customers to prepare for this new era of ocean shipping.

Mr. President, just as it took several years for the legislative process to bear fruit, I urge patience before evaluating the results of this rulemaking. I will continue to monitor the transition process for this fundamental change. The Ocean Shipping Reform Act can't fix international economic imbalances and uncertainties, but it will give the industry and its customers much-needed flexibility to work through many difficult situations.

Mr. President, The health of our Nation's economy depends on a healthy system for international trade, and therefore, a dependable ocean shipping industry. The FMC rules will provide the necessary certainty in a manner consistent with Congressional intent. Again, I salute the FMC for being responsive.

GRASSLEY-WYDEN INITIATIVE LETTER

Mr. LOTT. Mr. President, I ask unanimous consent that a letter sent to all Senators today addressing the procedures governing the use of holds, signed by the Democratic leader, Senator DASCHLE, and myself, be placed in the RECORD. This letter is a result of ongoing negotiations between Senators GRASSLEY and WYDEN, the Democratic leader and myself, beginning early in the 105th Congress, and encourages all Members to make their legislative holds known.

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

U.S. SENATE,
Washington, DC, February 25, 1999.

DEAR COLLEAGUE: As the 106th Congress begins,we wish to clarify to all colleagues, procedures governing the use of holds during the new legislative session. All Senators should remember the Grassley and Wyden initiative, calling for a Senator to ''provide notice to leadership of his or her intention to object to proceeding to a motion or matter [and] disclose the hold in the Congressional Record.''

While we believe that all Members will agree this practice of ''secret holds'' has been a Senatorial courtesy extended by party Leaders for many Congresses, it is our intention to address some concerns raised regarding this practice.

Therefore, at the beginning of the first session of the 106th Congress, all Members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the committee of jurisdiction of their concerns. Further, written notification should be provided to the respective Leader stating their intentions regarding the bill or nomination. Holds placed on items by a Member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

We look forward to working with you to produce a successful new Congress.

Best regards,

TRENT LOTT,
Majority Leader.
TOM DASCHLE,
Democratic Leader.

DEPARTURE OF SANDRA STUART AS ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS

Mr. LEVIN. Mr. President, last week the Defense Department and the Congress lost the services of an outstanding public servant when Sandi Stuart stepped down as the Assistant Secretary of Defense for Legislative Affairs.

For the last six years, beginning in 1993, Sandi Stuart has served as the senior legislative advisor to three Secretaries of Defense—our former colleague the late Les Aspin; Dr. Bill Perry; and the current Secretary of Defense Bill Cohen. During this time she has earned a well-deserved reputation as a skilled legislative strategist and an effective spokesperson for the Secretary of Defense and for the interests of the men and women in uniform and their families.

At the same time, because of her extensive experience over almost 15 years in senior staff positions in the House of Representatives, Sandi had tremendous credibility on Capitol Hill as someone who understood how Congress worked. She knew that to be successful working with Congress—particularly in the area of national security policy—requires an ability to work closely with members and staff on both sides of the aisle. She did that very well, and leaves the Defense Department with the respect and gratitude of Democratic and Republican members and staff alike.

Mr. President, I have worked closely with Sandi Stuart for the past six years on a broad range of national security policy issues. She has done an outstanding job of meeting the needs of the Armed Services Committee, and I have come to rely heavily on her advice and counsel.

Mr. President, Sandi Stuart has also become a good friend, and we will miss her. I want to take this opportunity to thank her for her service to the country, and to wish her continued success in the private sector as she leaves the Department of Defense.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 2, 1999, the federal debt stood at $5,649,288,631,596.74 (Five trillion, six hundred forty-nine billion, two hundred eighty-eight million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents).

One year ago, March 2, 1998, the federal debt stood at $5,514,791,000,000 (Five trillion, five hundred fourteen billion, seven hundred ninety-one million).

Five years ago, March 2, 1994, the federal debt stood at $4,554,852,000,000 (Four trillion, five hundred fifty-four billion, eight hundred fifty-two million).

Ten years ago, March 2, 1989, the federal debt stood at $2,743,744,000,000 (Two trillion, seven hundred forty-three billion, seven hundred forty-four million).

Fifteen years ago, March 2, 1984, the federal debt stood at $1,468,923,000,000 (One trillion, four hundred sixty-eight billion, nine hundred twenty-three million) which reflects a debt increase of more than $4 trillion—$4,180,365,631,596.74 (Four trillion, one hundred eighty billion, three hundred sixty-five million, six hundred thirty-one thousand, five hundred ninety-six dollars and seventy-four cents) during the past 15 years.

IMPROVING HUMAN RIGHTS IN CHINA

Mr. ABRAHAM. I would like to call to the attention of my colleagues an article on ''Improving Human Rights in China'' written by Jim Dorn, vice president for academic affairs at the Cato Institute. Dorn advocates that Congress return to legislation ''designed to change China's stand on human rights and to liberate the Chinese people from religious and political persecution.'' This call is particularly timely given the most recent wave of repression against those inside China who seek to widen freedom and political discourse in that country. Higher taxes in the form of higher tariffs is not the answer, as Dorn points out. However, that does not mean America and the U.S. Congress, and, indeed, the President, should not be strongly advocating the rule of law and respect for political dissent in China. I recommend Jim Dorn's piece to my colleagues and encourage continued vigilance in the defense of civil liberties and freedom for the Chinese people. I ask unanimous consent that the text of the article be printed in the RECORD.

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

[From the Journal of Commerce, Feb. 8, 1999]

IMPROVING HUMAN RIGHTS IN CHINA

(By James A. Dorn)

The use or threat of trade sanctions to advance human rights in China has done relatively little to change policy in Beijing. Congress should consider alternative measures to improve human rights in China.

Trade sanctions are a blunt instrument; they often fail to achieve their objectives and end up harming the very people they are intended to help.

In the case of China, placing prohibitively high tariffs on Chinese products entering the United States in order to protest Beijing's dismal human rights record would cost U.S. consumers billions of dollars.

It would also slow the growth of China's nonstate sector, which has allowed millions of Chinese to move to more productive jobs outside the reach of the Communist Party. Isolating China would reverse the progress that has been made since economic reform began in 1978 and would create political and social instability.

A better approach is to continue to open China to the outside world and, at the same time, use non-trade sanctions and diplomacy to advance human rights. When China violates trade agreements or intellectual property rights, however, it should be held accountable, and carefully targeted trade sanctions may be warranted.

The piracy of intellectual property is a serious problem for Western firms. China has been a major offender of copyright laws and needs to comply with the rule of law. China's membership in the World Trade Organization should be conditioned on Beijing's adherence to international law.

The problem is that most less-developed countries, and even some developed countries, violate intellectual property rights. Using economic sanctions to punish pirates sounds good in theory, but in practice sanctions are seldom effective.

The real solution to piracy may have to wait for technological changes that make it very costly to steal intellectual property. And it may have to wait for the rule of law to evolve in China and other less-developed countries.

As China develops its own intellectual property, there will be a demand for new laws to protect property rights. The uncertainty created by China's failure to protect these rights can only harm China in the long run. Investors will not enter a market if they cannot reap most of the benefits of their investments.

Fan Gang, an economist at the Chinese Academy of Social Sciences, predicts that things will change in China as people discover that clearly defined and enforced property rights are to their advantage.

People, he said, ''are bound to find that all this cheating and protecting yourself from being cheated consume too much time and energy, and that the best way to do business is playing by a set of mutually respected rules. New rules and laws will be passed, and people will be ready to abide by them.''

The United States has considerable leverage in dealing with China and should not let it dictate U.S. foreign policy or allow human rights to be a nonissue.

The United States is China's largest export market, and U.S. investors rank third in terms of foreign direct investment in China.

Clearly China would be harmed by any significant cutback in trade with an investment from the United States.

The problem is that any sizable cutback would also harm the United States and the world economy.

To avoid the high costs (and low probable benefits) that stem from the use of trade sanctions, Congress should consider using non-trade sanctions such as cutting of the flow of taxpayer-financed aid to China—including aid from the International Monetary Funds, the World Bank, and the Asian Development Bank.

Another possible non-trade sanction is making public the names of companies known to be using prison labor or companies run by the People's Liberation Army so that U.S. consumers can boycott their products.

The China Sanctions and Human Rights Advancement Act, S. 810, introduced in the 105th Congress by Sen. Spencer Abraham, R-Mich., lists those and other measures designed to move China toward a free society.

The 106th Congress should return to that and other legislation designed to change China's stand on human rights and to liberate the China people from religious and political prosecution.

(The passage of H.R. 2647, one of four ''Freedom of China'' bills enacted by the 105th Congress as part of the 1999 Defense Authorization Act, is a step in the right direction. That bill requires publication of the names of PLA-run companies operating in the United States.)

Congess should recognize that advancing economic freedom in China has had positive effects on the growth of China's civil society and on personal freedom.

According to Chinese dissident Wang Dan, ''Economic change does influence political change. China's economic development will be good for the West as well as for the Chinese people.''

MESSAGES FROM THE HOUSE

At 1:17 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster mitigation measures by small business.

H.R. 882. An act to nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and the Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century.

The message also announced that pursuant to the provisions of section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965, as amended by section 346(e) of Public Law 105–83, the Speaker appoints the following Member of the House to the National Council on the Arts: Mr. BALLENGER of North Carolina.

The message further announced that the provisions of subsection (c)(3) of the Trade Deficit Review Commission Act (division A, Public Law 105–277), the Speaker appoints the following person on the part of the House to the Trade Deficit Review Commission: Mrs. Carla Anderson Hills of Washington, D.C.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 221. An act to amend the Fair Labor Standards Act of 1938 to permit certain youth to perform certain work with wood products; to the Committee on Health, Education, Labor, and Pensions.

H.R. 514. An act to amend the Communications Act of 1934 to strengthen and clarify prohibitions on electronic eavesdropping, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 609. An act to amend the Export Apple and Pear Act to limit the applicability of the Act to apples; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 669. An act to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes; to the Committee on Foreign Relations.

H.R. 818. An act to amend the Small Business Act to authorize a pilot program for the implementation of disaster litigation measures by small business; to the Committee on Small Business.

H.J. Res. 32. Joint resolution expressing the sense of the Congress that the President and Congress should join in undertaking the Social Security Guarantee Initiative to strengthen the Social Security program and protect the retirement income security of all Americans for the 21st century; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 350. An act to improve congressional deliberations on proposed Federal private sector mandates, and for other purposes.

S. 508. A bill to prohibit implementation of ''Know Your Customer'' regulations by the Federal banking agencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1968. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on the military expenditures of countries receiving U.S. assistance in 1998; to the Committee on Appropriations.

EC–1969. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a notice of proposed refunds or recoupments of offshore lease revenues dated February 17, 1999; to the Committee on Energy and Natural Resources.

EC–1970. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, certification that the Future Years Defense Program fully funds the support costs of the E–2C ''Hawkeye'' multiyear procurement program; to the Committee on Armed Services.

EC–1971. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerances for Emergency Exemptions'' (FRL6062–4) received on February 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1972. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Election in Respect of Losses Attributable to a Disaster'' (Rev. Rul. 99–13) received on February 22, 1999; to the Committee on Finance.

EC–1973. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a list of international agreements other than treaties entered into by the United States (99–14 to 99–18); to the Committee on Foreign Relations.

EC–1974. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (64 FR7107) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1975. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (64 FR7109) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1976. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (Docket FEMA7272) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1977. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Freedom of Information Act Regulation'' (RIN3069–AA71) received on February 22, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1978. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report under the Superfund Amendments and Reauthorization Act for fiscal year 1998; to the Committee on Environment and Public Works.

EC–1979. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control

Program'' (FRL6236–1) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1980. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Michigan: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL6236–2) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1981. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Changes to Quality Assurance Programs'' (RIN3150–AG20) received on February 22, 1999; to the Committee on Environment and Public Works.

EC–1982. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the Report of Activities required by the Architectural Barriers Act for 1988; to the Committee on Environment and Public Works.

EC–1983. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 1998; to the Committee on Governmental Affairs.

EC–1984. A communication from the Secretary of Defense, transmitting notice of a routine military retirement in the Navy; to the Committee on Armed Services.

EC–1985. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Comptroller General's Annual Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1986. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in January 1999; to the Committee on Governmental Affairs.

EC–1987. A communication from the Chairman of the Council of the District of Columbia, transmitting a report on D.C. Act 12–633, ''Closing of Public Alleys in Square 51, S.O. 98–145, Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–1988. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–574, ''Home Purchase Assistance Step Up Fund Act of 1998''; to the Committee on Governmental Affairs.

EC–1989. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–631, ''Annuitants' Health and Life Insurance Employer Contribution Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1990. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–632, ''Bethea-Welch Post 7284, Veterans of Foreign Wars Equitable Real Property Tax Relief Temporary Act of 1999''; to the Committee on Governmental Affairs.

EC–1991. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–629, ''TANF-related Medicaid Managed Care Program Technical Clarification Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1992. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–628, ''Advisory Neighborhood Commissions Management Control and Funding Temporary Amendment Act of 1999''; to the Committee on Governmental Affairs.

EC–1993. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–607, ''Health Benefits Plan Members Bill of Rights Act of 1998''; to the Committee on Governmental Affairs.

EC–1994. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–586, ''Sex Offender Registration Risk Assessment Clarification Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1995. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–576, ''Closing of a Public Alley in Square 371, S.O. 96–202, Act of 1998''; to the Committee on Governmental Affairs.

EC–1996. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–576, ''Establishment of Council Contract Review Criteria, Alley Closing, Budget Support, and Omnibus Regulatory Reform Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1997. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–380, ''Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1998. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 12–609, ''Comprehensive Plan Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1999. A communication from the Secretary of Transportation, transmitting, pursuant to law, notice that on January 31, 1999, the Deputy Director of Intermodalism, and first assistant to the Associate Deputy Secretary, was Designated to serve in the vacant Associate Deputy Secretary position in an acting capacity; to the Committee on Commerce, Science, and Transportation.

EC–2000. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The Hazardous Material Transportation Safety Reauthorization Act''; to the Committee on Commerce, Science, and Transportation.

EC–2001. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; American Lobster Fishery; Fishery Management Plan (FMP) Amendments to Achieve Regulatory Consistency on Permit Related Provisions for Vessels Issued Limited Access Federal Fishery Permits'' (I.D. 100798B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2002. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska'' (I.D. 012999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2003. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area'' (I.D. 020999B) received on February 17, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2004. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Vessels Catching Pollock for Processing by the Mothership Component in the Bering Sea Subarea'' (I.D. 021799A) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2005. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (I.D. 021699B) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2006. A communication from the Director of the Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Direct Investment Surveys: Raising Exemption Level for Annual Survey of Foreign Direct Investment in the United States'' (RIN0691–AA32) received on February 24, 1999; to the Committee on Commerce, Science, and Transportation.

EC–2007. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Policies and Rules for Alternative Incentive Based Regulation of Comsat Corporation'' (Docket 98–60) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2008. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Sheridan, Wyoming and Colstrip, Montana'' (Docket 98–134) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2009. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (St. Marys, West Virginia)'' (Docket 97–245) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2010. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Dayton, Washington and Weston, Oregon'' (Docket 98–90) received on February 22, 1998; to the Committee on Commerce, Science, and Transportation.

EC–2011. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Marine Terminal Operator Schedules'' (Docket 98–27) received on February 22, 1999; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans Affairs.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 518. A bill for the relief of Patricia E. Krieger of Port Huron, Michigan; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 519. A bill to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. BRYAN):

S. 513. A bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter; to the Committee on Veterans' Affairs.

IOANIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I rise today to introduce a bill to designate the new hospital bed replacement building at the Ioannis A. Lougaris Medical Center in Reno, Nevada, in honor of Mr. Jack Streeter.

Jack Streeter is Nevada's most decorated veteran from World War II. He was born on December 1, 1921 in Ely, Nevada. For his valiant service, he was awarded five Silver Stars, five Purple Hearts and the two Bronze Stars. He was a combat infantryman and served with the 1st Infantry Division (Big Red One). He left the service as a captain, U.S. Army.

Mr. Streeter has an incredible life history of business and professional success. Mr. Streeter is an attorney at law, practicing for over forty years in the State of Nevada.

Jack graduated from the University of Nevada Reno in 1943, where upon after completing Officer Candidate School at Fort Benning, Georgia, he entered the U.S. Army as a second lieutenant. He saw combat throughout Europe in the Second World War in such places as the Normandy invasion on D-Day, the Battle of the Bulge, the St. Lo Breakthrough, Battle of Mortain, Battle of Mons, Battle of Aaachen, and the Battle of Hurtgen Forest.

After leaving the Army in 1945, Jack attended Hastings Law School in San Francisco, California, graduating in 1948. He returned to practice law in Nevada. In 1950 he entered politics and was elected district attorney in Reno. As District Attorney he compiled an impressive prosecution record and founded the National District Attorney Association.

During the next 43 years of private legal practice, jack specialized in business law representing a variety of different enterprises. He was active in many civic groups serving as president of the Nevada State Jaycees, Sertoma Club, Reno Navy League, and Chairman of the Commissioning Committee for the U.S.S. *Nevada* trident submarine.

Jack is on the boards of directors of the Society of the First Infantry Division, the University of Nevada Foundation, Saint Mary's Hospital Foundation, and he is a Knight of Malta. He also serves as the president of the World Association of Lawyers.

Veterans in northern Nevada have long needed this new wing to their VA Medical Center and it is only fitting that it be named in honor of Nevada's most decorated veteran from World War II.

The new facility I am requesting be named in honor of Jack Streeter is located in the complex known as the Ioannis A. Lougaris Va Medical Center. Mr. Lougaris was the first living individual to have a VA Medical Center named in his honor.

Before World War II, John Lougaris remembered the veterans of World War I and the lack of medical aid, especially in Nevada. As a National Executive Committeeman from Nevada, he made many trips to Washington, DC, sixteen of them at his own expense, endeavoring to get a Veterans Hospital established in Reno.

The first success was a 26-bed unit, built in 1939 with a $100,000 federal grant. In 1944, John's efforts led to increasing the facility to 125 beds. He did not stop working and today the Reno VA Medical Center which bears his honorable name, serves Nevada's veterans well as a 107 bed facility which includes a 60 bed nursing home facility and 12 intensive care unit beds. The new bed replacement facility, which the bill I am offering today seeks to name after Jack Streeter, was built at the cost of $27 million and brings this hospital to a modern day standard.

In recognition of John Lougaris's devotion, deep interest, and untiring efforts in the development of a hospital to serve veterans in Nevada and Northern California, the Congress of the United States, by Public Law 97–66, rededicated the Reno VA Medical Center as the Ioannis A. Lougaris VA Medical Center on December 17, 1981.

It was certainly a well deserved gesture when Congress designated the VA Medical Center in honor of Ioannis A. Lougaris. It would now be equally fitting to name the new hospital wing in honor of Mr. Jack Streeter for his outstanding record of service to this Nation.

Mr. BRYAN. Mr. President, I am proud to join with my friend and colleague from Nevada, Senator REID, in introducing this important legislation today to honor an individual whose extraordinary military service record and faithful commitment to his community warrants special recognition.

As Senator REID has explained, in the next few months a new wing will be dedicated at the Ioannis A. Lougaris VA Medical Center in Reno, Nevada. This five-story, 110-bed tower is a welcome addition to the Reno VAMC, and will provide veterans in northern Nevada with the modern facilities and quality inpatient care they so clearly deserve. The purpose of the legislation we are introducing today is to name that new wing after Mr. Jack Streeter, an individual whose lifetime is hallmarked by his exemplary service record, his steadfast dedication to the veterans community and his leadership in numerous charitable and nonprofit organization.

I have had the opportunity to know Jack for many years now, dating back to my tenure as governor of Nevada. Anyone who has come into contact with Jack Streeter, and who had the occasion to talk with Jack and learn more about his experiences, can understand and appreciate what an extraordinary individual this man is.

Jack Streeter's military service record is quite well known in the state of Nevada. He is, in fact, the most decorated World War Two veteran in Nevada, having earned five Purpose Hearts, five Silver Stars, and two Bronze Stars in the European Theater. Let me repeat that Mr. President, because it truly is an astounding record. Five Purple Hearts, five Silver Stars, and two Bronze Stars.

As a young second lieutenant during the war, Jack saw action from the Allied invasion of Normandy to the decisive Battle of the Bulge in the winter of 1944–45. Upon leaving the service in 1946, Mr. Streeter earned a law degree from Hastings Law School in San Francisco and later returned to Reno, where he was soon elected as district attorney. He later found the National District Attorney Association and participated in numerous civic organizations and foundations.

Jack Streeter's distinguished military service record, coupled with his unyielding dedication to his community, merits the sort of recognition and rememberence that this legislation will provide. To all Nevadans who have had the opportunity to know Jack, he is a friend, a civic leader, and most importantly, a champion of the community.

I look forward to working with Senator REID and the entire Nevada delegation in passing this proposal and naming this new wing after a true American hero.

By Mr. COCHRAN:

S. 514. A bill to improve the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

LEGISLATION TO REAUTHORIZE THE NATIONAL WRITING PROJECT

Mr. COCHRAN. Mr. President, today, I am introducing legislation to reauthorize the National Writing Project, the only Federal program to improve the teaching of writing in America's classrooms.

Literacy is at the foundation of school and workspace success, of citizenship in a democracy, and of learning in all disciplines. The National Writing Project has been instrumental in helping teachers develop better teaching skills so they can help our children improve their ability to read, write, and think.

As the United States continues to face a crisis in wiring in school heightened by the growing number of at-risk students due to limited English proficiency and the shortage of adequately trained teachers, continued Federal support for a program that works such as the National Writing Project is imperative.

The National Writing Project is a national network of university-based teacher training programs designed to improve the teaching of writing and student achievement in writing.

Through its professional development model, the National Writing Project recognizes the primary importance of teacher knowledge, expertise, and leadership. The National Writing Project operates on a teachers-teaching teachers model. Successful writing teachers attend Invitational Summer Institutes at their local universities. During the school year these teachers provide workshops for other teachers in the schools.

Teachers of all subjects benefit from the training, and the success of students who are taught by Writing Project teachers is evident: they score better not just on writing examinations, but in reading, mathematics, and in other subjects.

Since 1973, the National Writing Project has served over 1.8 million teaches and administrators. Each year over 150,000 participants benefit from the National Writing Project programs in 1 of 156 United States sites located in 46 States and Puerto Rico. The National Writing Project generates $6.47 for every Federal dollar.

I am pleased, that for the first time since the National Writing Project was authorized for federal funding in 1991, the President has requested funds to expand the National Writing Project in his budget for Fiscal Year 2000.

This program has proven to be one of the most effective in education today. I am proud to be associated with it, and I compliment those who have made it so successful across the nation.

When I first introduced this bill in 1990, it was cosponsored by 40 Senators, both Republicans and Democrats. I hope it will receive equal or greater support in the 106th Congress. I invite other Senators to join me in sponsoring this legislation.

By Mr. AKAKA (for himself, Mr. SMITH of New Hampshire, Mr. REID, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LAUTENBERG, Mr. TORRICELLI, and Mr. SCHUMER):

S. 515. A bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DOWNED ANIMAL PROTECTION ACT

Mr. AKAKA. Mr. President, today I am introducing the Downed Animal Protection Act, a bill to eliminate inhumane and improper treatment of downed animals at stockyards. The legislation prohibits the sale or transfer of downed animals unless they have been humanely euthanized.

Downed animals are severely distressed recumbent animals that are too sick to rise or move on their own. Once an animal becomes immobile, it must remain where it has fallen, often without receiving the most basic assistance. Downed animals that survive the stockyard are slaughtered for human consumption.

These animals are extremely difficult, if not impossible, to handle humanely. They have very demanding needs, and must be fed and watered individually. The suffering of downed animals is so severe that the only humane solution to their plight is immediate euthanasia.

Mr. President, the bill I introduce today requires that these hopelessly sick and injured animals be euthanized by humane methods that rapidly an effectively render animals insensitive to pain. Humane euthanasia of downed animals will limit animal suffering and will encourage the livestock industry to concentrate on improved management and handling practices to avoid this problem.

Downed animals compromise a tiny fraction, less than one-tenth of one percent, of animals at stockyards. Banning their sale or transfer would cause no economic hardship. The Downed Animal Protection Act will prompt stockyards to refuse crippled and distressed animals, and will make the prevention of downed animals a priority for the livestock industry. The bill will reinforce the industry's commitment to humane handling of animals.

The problem of downed animals has been addressed by major livestock organizations such as the United Stockyards Corp., the Minnesota Livestock Marketing Association, the National Pork Producers Council, the Colorado Cattlemen's Association, and the Independent Cattlemen's Association of Texas. All of these organizations have taken strong stands against improper treatment of animals by adopting ''no-downer'' policies. I want to commend these and other organizations, as well

as responsible and conscientious livestock producers throughout the country, for their efforts to end an appalling problem that erodes consumer confidence.

Despite a strong consensus within industry, the animal welfare movement, consumers, and government that downed animals should not be sent to stockyards, this sad problem continues, causing animal suffering and an erosion of public confidence in the industry.

Mr. President, this legislation will complement industry effort to address this problem by encouraging better care of animals at farms and ranches. Animals with impaired mobility will receive better treatment in order to prevent them from becoming incapacitated. The bill will remove the incentive for sending downed animals to stockyards in the hope of receiving some salvage value for the animals and would encourage greater care during loading and transport. The bill will also discourage improper breeding practices that account for most downed animals.

My legislation would set a uniform national standard, thereby removing any unfair advantages that might result from differing standards throughout the industry. Furthermore, no additional bureaucracy will be needed as a consequence of my bill because inspectors of the Packers and Stockyards Administration regularly visit stockyards to enforce existing regulations. Thus, the additional burden on the agency and stockyard operators will be insignificant.

By Mr. THOMAS:

S. 516. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RESTRUCTURING EMPOWERMENT AND COMPETITIVENESS ACT OF 1999 (EURECA)

Mr. THOMAS. Mr. President, I rise today to introduce the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999. This legislation empowers the states to restructure their electric industries at the rate and in the way they decide. My legislation imposes no ''retail choice mandate'' or deadline on the States so as to fully allow the best market ideas and approaches to occur. As well, EURECA removes Federal impediments to competition and deregulates and streamlines the industry.

My bill gives the States the leading role in implementing competition in the electric power industry. This approach contrasts with the bills introduced in the House and Senate last Congress that required competition nationwide by a date certain. A Federal mandate on the States requiring retail competition by a date certain is not in the best interest of all classes of consumers. I am concerned such an approach would cause increased prices for low density States with relatively low cost power. This bill will protect States' rights and allow States maximum latitude to adapt competition to their own individual needs.

I believe States are in the best position to deal with this complex issue. Although the cost of electricity varies across the country, electric industry restructuring can result in lower consumer prices for everyday goods and services, the development of innovative new products and services, and a growing, more productive economy.

We have spent the last two Congresses holding hearings to review the state of competition in the electric power industry and discussing numerous pieces of legislation dealing with restructuring. Meanwhile, 20 individual States have passed their own legislation introducing competition into the retail electric industry and many other States are considering such proposals. According to industry statistics, nearly 50 percent of all Americans now live in States committed to retail competition. States are clearly taking the lead—they should continue to have that role—and this bill encourages more innovation by affirming States' ability to implement retail choice policies.

It is critical to the welfare of the States that each one have an opportunity to ready and equip themselves for a successful transition to a deregulated environment. By learning from the States which have already implemented competition, other states can take precautions and adopt laws that will best protect them as they adjust to this new competitive environment. With FERC's Order 888, which created competitive wholesale power supply markets through the availability of non-discriminatory open-access transmission service under tariff, we have seen at both the State and Federal levels that we are now in a critical testing period in the implementation of market-based policies. Specifically, we saw the price spikes that occurred last summer in the Midwest. After holding a hearing on the subject, the experts agreed that we are indeed in a transition period. Although no one could point to one specific reason for the occurrence, and many were suggested, all seemed to agree for the need of national reliability standards.

Traditionally, reliability of the transmission system was managed by a voluntary, industry-led organization known as the North American Electric Reliability Council. We have added many new players to the transmission grid, making for an increasingly decentralized and competitive U.S. electricity industry. And, as determined by a recently issued DOE Task Force Report, ''the old institutions of reliability are no longer sufficient.'' I have added a section on reliability to my legislation. The industry collectively came up with a legislative proposal that would transform NERC from a voluntary system of reliability management to NAERO, an organization that is mandatory in nature and subject to FERC oversight. Sustaining system reliability is crucial for protecting all classes of consumers and such an organization can help ensure that power markets function efficiently.

One of the most important aspects of this debate—assuring that universal service is maintained—is a critical function that each state PUC should have the ability to oversee and enforce. In my legislation, nothing would prohibit a state from requiring all electricity providers that sell electricity to retail customers in that state to provide electricity service to all classes and consumers of electric power. All classes of consumers should have access to adequate, safe, reliable and efficient energy services at fair and reasonable prices, as a result of competition.

Mr. President, my proposal will create greater competition at the wholesale level by prospectively deregulating wholesale sales of electricity. We did this in natural gas and it worked—I am confident it will work in electricity. Although everyone talks about ''deregulating'' the electricity industry, it is really the generation segment that will be deregulated. The FERC will continue to regulate transmission in interstate commerce, and State PUCs will continue to regulate retail distribution services and sales.

When FERC issued Order 888, it allowed utilities to seek market-based rates for new generating capacity. This provision goes a step further and allows utilities to purchase wholesale power from existing generation facilities, after the date of enactment of this Act, at prices solely determined by market forces.

Furthermore, the measure expands FERC authority to require non-public utilities that own, operate or control transmission to open their systems. Currently, the Commission cannot require the Power Marketing Administration (PMAs), the Tennessee Valley Authority (TVA), municipalities and cooperatives which own transmission to provide wholesale open access transmission service. Since approximately 22 percent of all transmission is beyond open access authority, requiring these non-public utilities to provide this service will help ensure that a true wholesale power market exists.

One of the key elements of this measure is streamlining and modernizing the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Public Utility Holding Company Act of 1935 (PUHCA). While both of these initiatives were enacted with good intentions, there is widespread belief that the Acts have fulfilled their original obligations and have outlived their usefulness.

My bill amends Section 210 of PURPA on a prospective basis. Current PURPA contracts would continue to be honored and upheld. However, upon enactment of this legislation, a utility

that begins operating would not be required to enter into a new contract or obligation to purchase electricity under Section 210 of PURPA.

With regard to PUHCA, I've included Senators SHELBY's and DODD's ''Public Utility Holding Company Act of 1999.'' This language is identical to the bipartisan legislation reported by the Committee on Banking, Housing, and Urban Affairs in the 105th Congress. Under this proposal, PUHCA would be repealed. Furthermore, all books and records of each holding company and each associate company would be transferred to the Securities and Exchange Commission (SEC)—which currently has jurisdiction over the 19 registered holding companies—to FERC. This allows energy regulators, who truly know the industry to oversee the operations of these companies and review acquisitions and mergers. These consumer protections are an important part of PUHCA reform.

Mr. President, an issue that must be resolved in order for a true competitive environment to exist is that of utilities receiving ''subsidies'' by the federal government and the U.S. tax code. For years, investor owned utilities (IOUs) have claimed inequity because of tax-exempt financing and low-interest loans that municipalities and rural cooperative receive. On the other side of the equation, these public power systems maintain that IOUs receive benefits in the tax code such as accelerated depreciation, investment tax credits and deferred income tax and many use tax-exempt debt for pollution control bonds. Are these in a way, ''subsidies?'' The jury is still out on how best to tackle these difficult issues but without a doubt, we will need to come to a resolution.

Finally, my bill directs the Inspector General of the Department of the Treasury to file a report to the Congress detailing whether and how tax code incentives received by all utilities should be reviewed in order to foster a competitive retail electricity market in the future.

Mr. President, with respect to federal comprehensive restructuring legislation, it is the states themselves that hold the key to ultimate success. EURECA allows states to continue to move forward and craft electricity proposals that best fit their own particular needs. This legislation is the best solution to move forward with a better product for all classes of consumers and the industry as a whole.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Ms. MIKULSKI, Mr. DEWINE, and Mr. ROBB):

S. 517. A bill to assure access under group health plans and health insurance coverage to covered emergency medical services; to the Committee on Health, Education, Labor and Pensions.

ACCESS TO EMERGENCY MEDICAL SERVICES ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today with my colleagues Senators CHAFEE, ROBB, and MIKULSKI, to introduce the Emergency Medical Services Act of 1999. Americans today are routinely denied coverage by their managed care plans for visits to the emergency department for legitimate emergency medical conditions. This legislation establishes a national definition, known as the prudent layperson standard, for the purposes of receiving emergency room treatment. The Balanced Budget Act of 1997 applied this definition to the Medicaid and Medicare programs. The proposal would simply ensure that all private health plans afford their consumers the same kinds of protections available to Medicaid and Medicare beneficiaries.

Mr. President, current law places patients in the unreasonable position of fearing that payment for emergency room visits will be denied even when conditions appear to both the patient and emergency room personnel to require urgent treatment. For example, a patient who is experiencing chest pains and believes that she is having a heart attack may not be covered by a health plan if the diagnosis later turns out to be indigestion. Enactment of the ''prudent layperson'' definition would end this phenomena by ensuring coverage when a reasonable person, who believes that she is in need of care, presents herself at an emergency room and is treated.

Federal law, the Emergency Medical Treatment and Active Labor Act (EMTALA), already requires that all persons who come to a hospital for emergency care be given a screening examination to determine if they are experiencing a medical emergency, and if so, that they receive stabilizing treatment before being discharged or moved to another facility. As a result, emergency, room doctors and hospitals face a catch-22. Practitioners are required by EMTALA and their own professional ethics to perform diagnostic tests and exams to rule out emergency conditions, but may be denied reimbursement due to HMO prior authorization requirements or a finding after diagnosis that the condition was not of an emergency.

This legislation also provides a process for the coordination of post-stabilization care. Consider this example: a patient goes into the emergency room complaining of chest pains, in an obvious emergent condition. Subsequently, the chest pains subside, therefore, the patient is considered clinically ''stabilized.'' However, this does not mean that the patient is out of danger. At that point the emergency room physician may recommend a follow up test, such as an EKG, but is frequently unable to get the health plan to authorize any follow-up care.

This portion of the bill would require that treating emergency physicians and health plans timely communicate with each other to determine what the necessary post-stabilization care should be. Health plans, in conjunction with the treating physician, may arrange for an alternative treatment plan that allows the health plan to assume care of the patient after stabilization. For instance, the plan may recommend that the patient by transferred to an in-network hospital, or it may agree to cover the tests recommended by the emergency room physician.

Our legislation has been strongly endorsed by Kaiser Permanente, one of our nation's oldest, largest, and most respected managed care plans, and the American College of Emergency Physicians. The legislation has also received the strong support of the American Osteopathic Association, the Federation of American Health Systems, and the National Council of Senior Citizens, among many others.

I would ask that my colleagues join us in supporting this important legislation.

By Mr. DURBIN:

S. 520. A bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas; to the Committee on the Judiciary.

PRIVATE RELIEF BILL

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas. My bill would grant permanent resident status to Janina and Diogenes, who face deportation later this month to the Dominican Republic as a result of a technicality in current federal immigration law.

Janina has been denied citizenship because her mother was the child of a U.S. citizen female and foreign male. Previous law allowed only children of U.S. citizen males and foreign females to claim U.S. citizenship.

In 1994, Senator Paul Simon passed the Immigration and Nationality and Technical Corrections Act, which allowed individuals born overseas before 1934 to U.S. citizen mothers, and their descendants, to claim U.S. citizenship. As a result of that 1994 law, Janina's mother received U.S. citizenship in January 1996.

However, when Janina attempted to attain citizenship as a descendant of a direct beneficiary of this legislation, her application was denied. Despite the 1994 law, the Immigration and Naturalization Service required that Janina's mother meet transmission requirements: she must have been physically present in the U.S. for 10 years prior to Janina's birth, 5 of which over the age of 16 years, in order for Janina to derive citizenship. Since her mother was prohibited from becoming a U.S. citizen until 1996, however, this requirement is unreasonable.

While 60 years of discriminatory law was corrected in 1994, the citizenship qualifications of the line of descendants of those U.S. citizen females remain adversely impacted. The private relief bill I introduce today will grant Janina and her husband Diogenes permanent resident status to continue

their lives in this country until this provision can be amended.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 520

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

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Janina Altagracia Castillo-Rojas and her husband, Diogenes Patricio Rojas, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. LEAHY (for himself, Mr. CAMPBELL, Mr. SCHUMER, Mr. FEINGOLD, and Mr. TORRICELLI):

S. 521. A bill to amend part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

LEGISLATION TO IMPROVE THE BULLETPROOF VEST PARTNERSHIP GRANT ACT

Mr. LEAHY. Mr. President, I am introducing legislation to improve the Bulletproof Vest Partnership Grant Act and am especially pleased to be joined by Senators FEINGOLD, TORRICELLI and SCHUMER as original sponsors on this law enforcement effort. I am also pleased that the senior Senator from Colorado, Senator CAMPBELL, is joining us, again, in this effort. We worked together closely and successfully last year to pass the Bulletproof Vest Partnership Grant Act into law.

The Bulletproof Vest Partnership Grant Act, which President Clinton signed into law on June 16, 1998, authorizes the Department of Justice to award grants to pay for half of the cost of providing bulletproof vests for State and local law enforcement officers. Beginning this month, the Department of Justice plans to open the Bulletproof Vest Partnership Program so that State, county and local law enforcement agencies may receive grants to pay for half of the cost of providing body armor for their officers. The entire application and payment process for the program will occur electronically via the Internet at http://vests.ojp.gov. I am confident that this innovative process will be a great success at harnessing the power of the information age to assist law enforcement do its job better, safer and more cost effectively. I want to commend the Attorney General and the Department for making this effort.

To build on the success of the Bulletproof Vest Partnership Program, our bipartisan legislation would permit the Department of Justice to waive, in whole or in part, the matching requirement for law enforcement agencies applying for bulletproof vest grants in cases of fiscal hardship. Some police departments in smaller jurisdictions may be unable to contribute half of the cost of buying body armor for their officers. This waiver provision was included in the Campbell-Leahy version of the Act introduced last year, but was unfortunately eliminated by others during House-Senate consideration of the final legislation.

Our bipartisan bill is strongly supported by Federal Bureau of Investigation Director Louis Freeh and the International Association of Chiefs of Police.

More than ever before, police officers in Vermont and around the country face deadly threats that can strike at any time, even during routine traffic stops. Bulletproof vests save lives, and I believe this new law will put vests on our State and local law enforcement officers who put their lives on the line.

I look forward to working with all Senators to ensure that each and every law enforcement community in Vermont and across the nation can afford basic protection for their officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 521

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

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the portion''; and

(2) by adding at the end the following:

''(2) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.''.

By Mr. LAUTENBERG (for himself, Mr. TORRICELLI, Mrs. BOXER, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. 522. A bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; to the Committee on Environment and Public Works.

BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1999

Mr. LAUTENBERG. Mr. President, today I am introducing the Beaches Environmental Assessment, Closure, and Health (BEACH) Act of 1999, legislation which would amend the Clean Water Act to require states to adopt water quality standards for coastal recreation waters and to notify the public of unhealthy conditions. I am pleased to be joined by Senator TORRICELLI, Senator BOXER, and Senator LIEBERMAN in sponsoring this legislation.

Mr. President, coastal tourism generates billions of dollars every year for local communities and beaches are the top vacation destination in the nation. A recent survey found that tourists spend over $100 billion in coastal portions of the twelve states that were studied. Travel and tourism to the beaches of the Jersey shore alone generates over $7 billion annually to local economies.

Unfortunately, the increased use of the coastal waters at our public beaches and coastal parks for swimming, wading, and surfing can cause increased risk to public health if these recreational waters are not properly managed. Water pollution and waterborne bacteria and viruses from overflowing sewage systems can cause a wide range of diseases, including gastroenteritis, dysentery, hepatitis, ear, nose, and throat problems, E. coli bacterial infections, and respiratory illness. Upon contracting one of these water-borne diseases, the affected individual often remains contagious even when out of the water and may pass the illness to others. The consequences of these swimming-associated illnesses can be especially severe for children, elderly people, and the infirm. In Maryland, the outbreak of the toxic Pfiesteria organism in several Chesapeake Bay tributaries prompted the state to close several rivers for public health reasons. Fishermen and swimmers who were exposed to Pfiesteria complained of short-term memory loss, dizziness, muscular aches, peripheral tingling, vomiting, and abdominal pain.

In a 1998 report on beach water quality, entitled Testing the Waters, the Natural Resources Defense Council reported over 5,199 closings or advisories of varying durations at U.S. beaches due to detected or anticipated unhealthy water quality in 1997. Many beaches closures and health advisories were a result of sewage spills and overflows.

The number of beach closings and advisories, while large, may represent only a small portion of the actual problem. This is because of an inconsistent approach among the states toward monitoring the water quality of public beaches and notifying the public of unhealthy conditions. In fact, as of 1999, only nine states have comprehensive monitoring programs and adequate public notification. Thirteen states have regular monitoring and public notification programs for a portion of their recreational beaches. Among the remaining coastal and Great Lakes

states, some lack any regular monitoring of beach water quality, while others have monitoring programs, but no programs to close beaches or notify the public. As a result, a high bacteria level can cause a beach closure in one state while, in another state, people may be allowed to swim in the water, despite the health risks.

Due in part to my urging, in 1997, the Environmental Protection Agency (EPA) established its Beaches Environmental Assessment, Closure and Health (BEACH) program to recommend appropriate monitoring criteria and public notification of beach water quality. While this program is a good start, the reality is that the majority of states have not adopted EPA-recommended criteria to protect swimmer's health, and the agency does not possess the authority to require states to adopt their recommended criteria.

Mr. President, my legislation would provide EPA the authority to require states to develop beach water quality monitoring and public notification programs that adequately and uniformly protect public health. The BEACH Act would require EPA to conduct studies for use in developing a more complete list of potential health risks associated with unhealthy beach water quality, develop more effective testing methods for detecting the presence of pathogens in coastal recreation waters, and revise its water quality criteria for pathogens in such waters. The legislation would also direct EPA to establish regulations requiring monitoring of water quality at public beaches to determine compliance with water quality and public safety criteria. The bill would require states to notify local governments and the public of current beach water quality. Where a state wishes to delegate its testing, monitoring, and notification requirements to local governments, EPA must issue delegation guidance to a state and the state must make resources available to the local government. Lastly, the BEACH Act would authorize $9 million dollars in grants to the States for the purposes of carrying out the requirements of this Act.

Mr. President, a day at the beach shouldn't be followed by a day at the doctor. I invite my colleagues to join me in supporting this legislation to ensure safe and healthy beaches for the citizens of New Jersey and the nation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

S. 522

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 ''Beaches Environmental Assessment, Closure, and Health Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the beaches and coastal recreation water of the United States are valuable public resources that are used for recreation by millions of people annually;

(2) the beaches of coastal States host many out-of-State and international visitors;

(3) tourism in coastal zones generates billions of dollars annually;

(4) increased population and urbanization of watershed areas have contributed to the decline in the environmental quality of coastal water;

(5) pollution in coastal water is not restricted by State or other political boundaries;

(6) coastal States have different methods of testing and parameters for evaluating the quality of coastal recreation water, resulting in the provision of varying degrees of protection to the public;

(7) the adoption of consistent criteria by coastal States would enhance public health and safety, including the adoption of consistent criteria for—

(A) testing and evaluating the quality of coastal recreation water; and

(B) the posting of signs at beaches notifying the public during periods when the water quality criteria for public safety are not met; and

(8) while the adoption of consistent criteria would enhance public health and safety, the failure to meet consistent criteria should be addressed as part of a watershed approach to effectively identify and eliminate sources of pollution.

(b) PURPOSES.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to require uniform criteria and procedures for testing, monitoring, and notifying users of public coastal recreation water and beaches—

(1) to protect public safety; and

(2) to improve environmental quality.

SEC. 3. BEACH AND COASTAL RECREATION WATER QUALITY.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end:

"TITLE VII—BEACH AND COASTAL RECREATION WATER QUALITY

"SEC. 701. DEFINITIONS.

''In this title:

''(1) COASTAL RECREATION WATER.—The term ''coastal recreation water'' means water adjacent to public beaches of the Great Lakes and of marine coastal water (including bays, lagoon mouths, and coastal estuaries within the tidal zone) used by the public for—

''(A) swimming;

''(B) bathing;

''(C) surfing; or

''(D) other similar body contact purposes.

''(2) FLOATABLE MATERIALS.—The term ''floatable materials'' means any foreign matter that may float or remain suspended in water, including—

''(A) plastic;

''(B) aluminum cans;

''(C) wood;

''(D) bottles;

''(E) paper products; and

''(F) fishing gear.

"SEC. 702. ADOPTION OF COASTAL RECREATIONAL WATER QUALITY CRITERIA BY STATES.

''(a) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall adopt water quality criteria for coastal recreation water that, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(1).

''(b) DEVELOPMENT OF CRITERIA.—Water quality criteria described in subsection (a) shall—

''(1) be developed and promulgated in accordance with section 303(c);

''(2) be incorporated into all appropriate programs into which a State would incorporate other water quality criteria adopted under section 303(c); and

''(3) not later than 3 years after the date of publication of revisions by the Administrator under section 703(b), be revised by the State.

''(c) FAILURE OF STATES TO ADOPT CRITERIA.—If, not later than 3 years and 180 days after the date of enactment of this title, a State has not complied with subsection (a), the water quality criteria issued by the Administrator under section 304(a)(1) shall—

''(1) become the effective water quality criteria for coastal recreational water for that State; and

''(2) be considered to have been promulgated by the Administrator under section 303(c)(4).

"SEC. 703. REVISIONS TO WATER QUALITY CRITERIA.

''(a) STUDIES.—Not later than 3 years after the date of enactment of this title, and after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, studies to provide new information for use in developing—

''(1) a more complete list of potential human health risks from inhalation, ingestion, or body contact with coastal recreation water, including effects on the upper respiratory system;

''(2) appropriate and effective indicators for improving direct detection of the presence of pathogens found harmful to human health in coastal recreational water;

''(3) appropriate, accurate, and expeditious methods (including predictive models) for detecting the presence of pathogens in coastal recreation water that are harmful to human health; and

''(4) guidance for the State-to-State application of the criteria issued under subsection (b) to account for the diversity of geographic and aquatic conditions throughout the United States.

''(b) REVISED CRITERIA.—Not later than 5 years after the date of enactment of this title, based on the results of the studies conducted under subsection (a), the Administrator, after consultation with appropriate Federal, State, and local officials (including local health officials) and other interested parties, shall—

''(1) issue revised water quality criteria for pathogens in coastal recreation water that are harmful to human health, including a revised list of indicators and testing methods; and

''(2) not less than once every 5 years thereafter, review and revise the water quality criteria.

"SEC. 704. COASTAL BEACH WATER QUALITY MONITORING.

''(a) MONITORING.—

''(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall promulgate regulations requiring monitoring by the States of public coastal recreation water and beaches for—

''(A) compliance with applicable water quality criteria; and

''(B) maintenance of public safety.

''(2) CONTENTS OF REQUIREMENTS.—Monitoring requirements established under this section shall specify, at a minimum—

''(A) available monitoring methods to be used by States;

''(B) the frequency and location of monitoring based on—

''(i) the periods of recreational use of coastal recreation water and beaches;

''(ii) the extent and degree of recreational use during the periods described in clause (i);

''(iii) the proximity of coastal recreation water to known or identified point and nonpoint sources of pollution; and

''(iv) the relationship between the use of public recreation water and beaches to storm events;

''(C) methods for—

''(i) detecting levels of pathogens that are harmful to human health; and

''(ii) identifying short-term increases in pathogens that are harmful to human health in coastal recreation water, including the relationship of short-term increases in pathogens to storm events; and

''(D) conditions and procedures under which discrete areas of coastal recreation water may be exempted by the Administrator from the monitoring requirements under this subsection, if the Administrator determines that an exemption will not—

''(i) impair compliance with the applicable water quality criteria for that water; and

''(ii) compromise public safety.

''(b) NOTIFICATION REQUIREMENTS.—

''(1) IN GENERAL.—Regulations promulgated under subsection (a) shall require States to provide prompt notification of a failure or the likelihood of a failure to meet applicable water quality criteria for State coastal recreation water, to—

''(A) local governments;

''(B) the public; and

''(C) the Administrator.

''(2) INFORMATION INCLUDED IN NOTIFICATION.—Notification under this subsection shall require, at a minimum—

''(A) the prompt communication of the occurrence, nature, extent, and location of, and substances (including pathogens) involved in, a failure or immediate likelihood of a failure to meet water quality criteria, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation water for which the failure or imminent failure to meet water quality criteria is identified; and

''(B) the posting of signs, during the period in which water quality criteria are not met continues, that are sufficient to give notice to the public—

''(i) of a failure to meet applicable water quality criteria for the water; and

''(ii) the potential risks associated with water contact activities in the water.

''(c) REVIEW AND REVISION OF REGULATIONS.—Periodically, but not less than once every 5 years, the Administrator shall review and make any necessary revisions to regulations promulgated under this section.

''(d) STATE IMPLEMENTATION.—

''(1) IN GENERAL.—Not later than 3 years and 180 days after the date of enactment of this title, each State shall implement a monitoring and notification program that conforms to the regulations promulgated under subsections (a) and (b).

''(2) REVISION OF PROGRAM.—Not later than 2 years after the date of publication of any revisions by the Administrator under subsection (c), each State shall revise the program established under paragraph (1) to incorporate the revisions.

''(e) GUIDANCE; DELEGATION OF RESPONSIBILITY.—

''(1) IN GENERAL.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall issue guidance establishing—

''(A) core performance measures for testing, monitoring, and notification programs under this section; and

''(B) the delegation of testing, monitoring, and notification programs under this section to local government authorities.

''(2) DELEGATION OF RESPONSIBILITY TO LOCAL GOVERNMENTS.—If a responsibility described in paragraph (1)(B) is delegated by a State to a local government authority, or is delegated to a local government authority before the date of enactment of this section, State resources, including grants made under section 706, shall be made available to the delegated authority for the purpose of implementing the delegated program in a manner that is consistent with the guidance issued by the Administrator.

''(f) FLOATABLE MATERIALS MONITORING; TECHNICAL ASSISTANCE.—Not later than 1 year and 180 days after the date of enactment of this title, the Administrator shall—

''(1) provide technical assistance for uniform assessment and monitoring procedures for floatable materials in coastal recreation water; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(g) OCCURRENCE DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means—

''(1) a national coastal recreation water pollution occurrence database using reliable information, including the information reported under subsection (b); and

''(2) a listing of communities conforming to the regulations promulgated under subsections (a) and (b).

''SEC. 705. REPORT TO CONGRESS.

''Not later than 4 years after the date of the enactment of this title and periodically thereafter, the Administrator shall submit to Congress a report that contains—

''(1) recommendations concerning the need for additional water quality criteria and other actions that are necessary to improve the quality of coastal recreation water; and

''(2) an evaluation of State efforts to implement this title.

''SEC. 706. GRANTS TO STATES.

''(a) GRANTS.—The Administrator may make grants to States for use in meeting the requirements of sections 702 and 704.

''(b) COST SHARING.—For each fiscal year, the total amount of funds provided through grants to a State under this section shall not exceed 50 percent of the cost to the State of implementing requirements described in subsection (a).

''(c) ELIGIBLE STATE.—Effective beginning 3 years and 180 days after the date of enactment of this title, the Administrator may make a grant to a State under this section only if the State demonstrates to the satisfaction of the Administrator the implementation of the State monitoring and notification program under section 704 of this title.

''SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated—

''(1) for use in making grants to States under section 706, $9,000,000 for each of fiscal years 2000 through 2004; and

''(2) for carrying out the other provisions of this title, $3,000,000 for each of fiscal years 2000 through 2004.''.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 523. A bill to amend the Internal Revenue Code of 1986 to treat certain hospital support organizations as qualified organizations for purposes of section 514(c)(9); to the Committee on Finance.

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986

Mr. INOUYE. Mr. President, six thousand miles from where I am standing today, The Queen's Health System of Hawaii is providing health care services that benefit the residents of all the Hawaiian Islands. This year, approximately 18,000 inpatients and more than 200,000 outpatients will seek health care from The Queen's Health Systems. The organization maintains an open emergency room; admits Medicare and Medicaid patients; operates a 536-bed accredited teaching hospital; operates Molokai General Hospital; operates clinics on various islands; provides home health care; supports nursing programs at Hawaiian colleges and universities; and promotes good health practices in many other ways.

In 1885 Queen Emma Kaleleonalani, wife of King Kamehameha IV, bequeathed land which in large part composes the assets of The Queen Emma Foundation, a non-profit, tax-exempt, public charity. The Foundation s charitable purpose is to support and improve health care services in Hawaii by committing funds generated by Foundation-owned properties to The Queen's Medical Center, the Queen's Health Systems and other health care programs benefiting the community.

Much of the land bequeathed by Queen Emma to the Foundation is encumbered by long-term, fixed rent commercial and industrial ground leases. As these leases expire, the land and improvements revert back to the Foundation. The existing, aged improvements thereon will need to be upgraded in order to enhance and continue the revenue-generating potential of the properties. However, the Foundation's available cash and cash flow are insufficient to implement these improvements which would result in increased financial support to The Queen's Medical Center, The Queen's Health Systems and other health care programs benefiting the community. If the Foundation borrows the funds, any income generated from those improvements would be subject to the debt-financed property rules of the unrelated business income tax provisions of the Internal Revenue Code. Since the income would be taxed at the corporate rate, the amount ultimately available to The Queen's Health System would be greatly reduced.

Consequently, the generosity and intent of Queen Emma more than 100 years ago are being frustrated by federal tax provisions intended to prevent abuses. I am sure the Congress never intended the unfortunate consequences these provisions are having on what is virtually the sole source of private financial support for this sound and unique system of providing and delivering health care to the people of Hawaii.

Current law already allows an exception from the debt-financing rules for certain real estate investments of pension trusts as well as an exception for educational institutions and their supporting organizations. The legislation I am introducing today grants similar relief to institutions like The Queen Emma Foundation which provide and deliver health care to the people of our nation.

I request unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 523

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any indebtedness, a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 170(b)(1)(A)(iii) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by gift or devise, and

''(II) consisted of real property,

''(ii) the fair market value of the organization's unimproved real estate acquired, directly or indirectly, by gift or devise, exceeded 10 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the indebtedness was incurred, and

''(iii) no member of the organization's governing body was a disqualified person (as defined in section 4946 but not including any foundation manager) at any time during the taxable year in which the indebtedness was incurred.

In the case of any refinancing not in excess of the indebtedness being refinanced, the determinations under clauses (ii) and (iii) shall be made by reference to the earliest date indebtedness meeting the requirements of this subparagraph (and involved in the chain of indebtedness being refinanced) was incurred.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred on or after the date of the enactment of this Act.

By Mr. INOUYE:

S. 524. A bill to amend the Organic Act of Guam to provide restitution to the people of Guam who suffered atrocities such as personal injury, forced labor, forced marches, internment, and death during the occupation of Guam in World War II, and for other purposes; to the Committee on the Judiciary.

THE GUAM WAR RESTITUTION ACT

Mr. INOUYE. Mr. President, for nearly three years, the people of Guam endured war time atrocities and suffering. As part of Japan's assault against the Pacific, Guam was bombed and invaded by Japanese forces within three days of the infamous attack on Pearl Harbor. At that time, Guam was administered by the United States Navy under the authority of a Presidential Executive Order. It was also populated by then-American nationals. For the first time since the War of 1812, a foreign power invaded United States soil.

In 1952, when the United States signed a peace treaty with Japan, formally ending World War II, it waived the rights of American nationals, including those of Guamanians, to present claims against Japan. As a result of this action, American nationals were forced to seek relief from the Congress of the United States.

Today, I rise to introduce the Guam War Restitution Act, which would amend the Organic Act of Guam and provide restitution to those who suffered atrocities during the occupation of Guam in World War II. There are several key components to this measure.

The Restitution Act would establish specific damage awards to those who are survivors of the war, and to the heirs of those who died during the war. The specific damage awards would be as follows: (1) $20,000 for death; (2) $7,000 for personal injury; and (3) $5,000 for forced labor, forced march, or internment.

The Restitution Act would also establish specific damage benefits to the heirs of those who survived the war and who made previous claims but have since died. The specific damage benefits would be as follows: (1) $7,000 for personal injury; and (2) $5,000 for forced labor, forced march, or internment. Payments for benefits may either be in the form of a scholarship, payment of medical expenses, or a grant for first-time home ownership.

This Act would also establish a Guam Trust Fund from which disbursements will be made. Any amount left in the fund would be used to establish the Guam World War II Loyalty Scholarships at the University of Guam.

A nine member Guam Trust Fund Commission would be established to adjudicate and award all claims from the Trust Fund.

The United States Congress previously recognized its moral obligation to the people of Guam and provided reparations relief by enacting the Guam Meritorious Claims Act on November 15, 1945 (Public Law 79–224). Unfortunately, the Claims Act was seriously flawed and did not adequately compensate Guam after World War II.

The Claims Act primarily covered compensation for property damage and limited compensation for death or personal injury. Claims for forced labor, forced march, and internment were never compensated because the Claims Act excluded these from awardable injuries. The enactment of the Claims Act was intended ''to make Guam whole.'' The Claims Act, however, failed to specify postwar values as a basis for computing awards, and settled on prewar values, which did not reflect the true postwar replacement costs. Also, all property damage claims in excess of $5,000, as well as all death and injury claims, required Congressional review and approval. This action caused many eligible claimants to settle for less in order to receive timely compensation. The Claims Act also imposed a one-year time limit to file claims, which was insufficient as massive disruptions still existed following Guam's liberation. In addition, English was then a second language to a great many Guamanians. While a large number spoke English, few could read it. This is particularly important since the Land and War Claims Commission required written statements and often communicated with claimants in writing.

The reparations program was also inadequate because it became secondary to overall reconstruction and the building of permanent military bases. In this regard, the Congress enacted the Guam Land Transfer Act and the Guam Rehabilitation Act (Public Laws 79–225 and 79–583) as a means of rehabilitating Guam. The Guam Land Transfer Act provided the means of exchanging excess federal land for resettlement purposes, and the Guam Rehabilitation Act appropriated $6 million to construct permanent facilities for the civic populace of the island for their economic rehabilitation.

Approximately $8.1 million was paid to 4,356 recipients under the Guam Meritorious Claims Act. Of this amount, $4.3 million was paid to 1,243 individuals for death, injury, and property damage in excess of $5,000, and $3.8 million to 3,113 recipients for property damage of less than $5,000.

On June 3, 1947, former Secretary of the Interior Harold Ickes testified before the House Committee on Public Lands relative to the Organic Act, and strongly criticized the Department of the Navy for its ''inefficient and even brutal handling of the rehabilitation and compensation and war damage tasks.'' Secretary Ickes termed the procedures as ''shameful results.''

In addition, a committee known as the Hopkins Committee was established by former Secretary of the Navy James Forrestal in 1947 to assess the Navy's administration of Guam and American Samoa. An analysis of the Navy's administration of the reparation and rehabilitation programs was provided to Secretary Forrestal in a March 25, 1947 letter from the Hopkins Committee. The letter indicated that the Department's confusing policy decisions greatly contributed to the programs' deficiencies and called upon the Congress to pass legislation to correct its mistakes and provide reparations to the people of Guam.

In 1948, the United States Congress enacted the War Claims Act of 1948 (Public Law 80–896), which provided reparation relief to American prisoners

of war, internees, religious organizations, and employees of defense contractors. The residents of Guam were deemed ineligible to receive reparations under this Act because they were American nationals and not American citizens. In 1950, the United States Congress enacted the Guam Organic Act (81–630), granting Guamanians American citizenship and a measure of self-government.

The Congress, in 1962, amended the War Claims Act to provide benefits to claimants who were nationals at the time of the war and later became citizens. Again, the residents of Guam were specifically excluded. The Congress believed that the residents of Guam were provided for under the Guam Meritorious Claims Act. At that time, there was no one to defend Guam, as they had no representation in Congress. The Congress also enacted the Micronesian Claims Act for the Trust Territory of the Pacific Islands, but again excluded Guam in the settlement.

In 1988, the now inactive Guam War Reparations Commission documented 3,365 unresolved claims. There are potentially 5,000 additional unresolved claims. In 1946, the United States provided more than $390 million in reparations to the Philippines, and more than $10 million to the Micronesian Islands in 1971 for atrocities inflicted by Japan.

In addition, the United States provided more than $2 billion in postwar aid to Japan from 1946 to 1951. Further, the United States government liquidated more than $84 million in Japanese assets in the United States during the war for the specific purpose of compensating claims of its citizens and nationals. The United States did not invoke its authority to seize more assets from Japan under Article 14 of the Treaty of Peace, as other Allied Powers had done. The United States, however, did close the door on the claims of the people of Guam.

A companion measure to my bill, H.R. 755, was introduced in the House of Representatives by Representative ROBERT UNDERWOOD. The issue of reparations for Guam is not a new one for the people of Guam and for the United States Congress. It has been consistently raised by the Guamanian government through local enactments of legislative bills and resolutions, and discussed with Congressional leaders over the years.

The Guam War Restitution Act cannot fully compensate or erase the atrocities inflicted upon Guam and its people during the occupation by the Japanese military. However, passage of this Act would recognize our government's moral obligation to Guam, and bring justice to the people of Guam for the atrocities and suffering they endured during World War II. I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the RECORD.

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

S. 524

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 ''Guam War Restitution Act''.

SEC. 2. AMENDMENT TO ORGANIC ACT OF GUAM TO PROVIDE RESTITUTION.

The Organic Act of Guam (48 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

''SEC. 35. RECOGNITION OF DEMONSTRATED LOYALTY OF GUAM TO UNITED STATES, AND SUFFERING AND DEPRIVATION ARISING THEREFROM, DURING WORLD WAR II.

''(a) DEFINITIONS.—For purposes of this section:

''(1) AWARD.—The term 'award' means the amount of compensation payable under subsection (d)(2).

''(2) BENEFIT.—The term 'benefit' means the amount of compensation payable under subsection (d)(3).

''(3) COMMISSION.—The term 'Commission' means the Guam Trust Fund Commission established by subsection (f).

''(4) COMPENSABLE INJURY.—The term 'compensable injury' means one of the following three categories of injury incurred during and as a result of World War II:

''(A) Death.

''(B) Personal injury (as defined by the Commission).

''(C) Forced labor, forced march, or internment.

''(5) GUAMANIAN.—The term 'Guamanian' means any person who—

''(A) resided in the territory of Guam during any portion of the period beginning on December 8, 1941, and ending on August 10, 1944, and

''(B) was a United States citizen or national during such portion.

''(6) PROOF.—The term 'proof' relative to compensable injury means any one of the following, if determined by the Commission to be valid:

''(A) An affidavit by a witness to such compensable injury;

''(B) A statement, attesting to compensable injury, which is—

''(i) offered as oral history collected for academic, historic preservation, or journalistic purposes;

''(ii) made before a committee of the Guam legislature;

''(iii) made in support of a claim filed with the Guam War Reparations Commission;

''(iv) filed with a private Guam war claims advocate; or

''(v) made in a claim pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582).

''(7) TRUST FUND.—The term 'Trust Fund' means the Guam Trust Fund established by subsection (e).

''(b) REQUIREMENTS FOR CLAIMS AND GENERAL DUTIES OF COMMISSION—

''(1) REQUIRED INFORMATION FOR CLAIMS.—Each claim for an award or benefit under this section shall be made under oath and shall include—

''(A) the name and age of the claimant;

''(B) the village in which the individual who suffered the compensable injury which is the basis for the claim resided at the time the compensable injury occurred;

''(C) the approximate date or dates on which the compensable injury occurred;

''(D) a brief description of the compensable injury which is the basis for the claim;

''(E) the circumstances leading up to the compensable injury; and

''(F) in the case of a claim for a benefit, proof of the relationship of the claimant to the relevant decedent.

''(2) GENERAL DUTIES OF THE COMMISSION TO PROCESS CLAIMS.—With respect to each claim filed under this section, the Commission shall determine whether the claimant is eligible for an award or benefit under this section and, if so, shall certify the claim for payment in accordance with subsection (d).

''(3) TIME LIMITATION.—With respect to each claim submitted under this section, the Commission shall act expeditiously, but in no event later than 1 year after the receipt of the claim by the Commission, to fulfill the requirements of paragraph (2) regarding the claim.

''(4) DIRECT RECEIPT OF PROOF FROM PUBLIC CLAIMS FILES PERMITTED.—The Commission may receive proof of a compensable injury directly from the Governor of Guam, or the Federal custodian of an original claim filed with respect to the injury pursuant to the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582), if such proof is contained in the respective public records of the Governor or the custodian.

''(c) ELIGIBILITY.—

''(1) ELIGIBILITY FOR AWARDS.—A claimant shall be eligible for an award under this section if the claimant meets each of the following criteria:

''(A) The claimant is—

''(i) a living Guamanian who personally received the compensable injury that is the basis for the claim, or

''(ii) the heir or next of kin of a decedent Guamanian, in the case of a claim with respect to which the compensable injury is death.

''(B) The claimant meets the requirements of paragraph (3).

''(2) ELIGIBILITY FOR BENEFITS.—A claimant shall be eligible for a benefit under this section if the claimant meets each of the following criteria:

''(A) The claimant is the heir or next of kin of a decedent Guamanian who personally received the compensable injury that is the basis for the claim, and the claim is made with respect to a compensable injury other than death.

''(B) The claimant meets the requirements of paragraph (3).

''(3) GENERAL REQUIREMENTS FOR ELIGIBILITY.—A claimant meets the requirements of this paragraph if the claimant meets each of the following criteria:

''(A) The claimant files a claim with the Commission regarding a compensable injury and containing all of the information required by subsection (b)(1).

''(B) The claimant furnishes proof of the compensable injury.

''(C) By such procedures as the Commission may prescribe, the claimant files a claim under this section not later than 1 year after the date of the appointment of the ninth member of the Commission.

''(4) LIMITATION ON ELIGIBILITY FOR AWARDS AND BENEFITS—

''(A) AWARDS.—

''(i) No claimant may receive more than 1 award under this section and not more than 1 award may be paid under this section with respect to each decedent described in paragraph (1)(A)(ii).

''(ii) Each award shall consist of only 1 of the amounts referred to in subsection (d)(2).

''(B) BENEFITS.—

''(i) Not more than 1 benefit may be paid under this Act with respect to each decedent described in paragraph (2)(A).

''(ii) Each benefit shall consist of only 1 of the amounts referred to in subsection (d)(3).

''(d) PAYMENTS.—

''(1) CERTIFICATION.—The Commission shall certify for payment all awards and benefits

that the Commission determines are payable under this section.

''(2) AWARDS.—The Commission shall pay from the Trust Fund 1 of the following amounts as an award for each claim with respect to which a claimant is determined to be eligible under subsection (c)(1):

''(A) $20,000 if the claim is based on death.

''(B) $7,000 if the claim is based on personal injury.

''(C) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(3) BENEFITS.—The Commission shall pay from the Trust Fund 1 of the following amounts as a benefit with respect to each claim for which a claimant is determined eligible under subsection (c)(2):

''(A) $7,000 if the claim is based on personal injury.

''(B) $5,000 if the claim is based on forced labor, forced march, or internment and is not based on personal injury.

''(4) REDUCTION OF AMOUNT TO COORDINATE WITH PREVIOUS CLAIMS.—The amount required to be paid under paragraph (2) or (3) for a claim with respect to any Guamanian shall be reduced by any amount paid under the first section of the Act of November 15, 1945 (Chapter 483; 59 Stat. 582) with respect to such Guamanian.

''(5) FORM OF PAYMENT.—

''(A) AWARDS.—In the case of a claim for an award, payment under this subsection shall be made in cash to the claimant, except as provided in paragraph (6).

''(B) BENEFITS.—In the case of a claim for a benefit—

''(i) IN GENERAL.—Payment under this subsection shall consist of—

''(I) provision of a scholarship;

''(II) payment of medical expenses; or

''(III) a grant for first-time home ownership.

''(ii) METHOD OF PAYMENT.—Payment of cash under this subsection may not be made directly to a claimant, but may be made to a service provider, seller of goods or services, or other person in order to provide to a claimant (or other person, as provided in paragraph (6)) a benefit referred to in subparagraph (B).

''(C) DEVELOPMENT OF PROCEDURES.—The Commission shall develop and implement procedures to carry out this paragraph.

''(6) PAYMENTS ON CLAIMS WITH RESPECT TO SAME DECEDENT.—

''(A) AWARDS.—In the case of a claim based on the compensable injury of death, payment of an award under this section shall be divided, as provided in the probate laws of Guam, among the heirs or next of kin of the decedent who file claims for such division by such procedures as the Commission may prescribe.

''(B) INDIVIDUALS PROVING CONSANGUINITY WITH CLAIMANTS FOR BENEFITS.—Each individual who proves consanguinity with a claimant who has met each of the criteria specified in subsection (c)(2) shall be entitled to receive an equal share of the benefit accruing under this section with respect to the claim of such claimant if the individual files a claim with the Commission by such procedures as the Commission may prescribe.

''(7) ORDER OF PAYMENTS.—The Commission shall endeavor to make payments under this section with respect to awards before making such payments with respect to benefits and, when making payments with respect to awards or benefits, respectively, to make payments to eligible individuals in the order of date of birth (the oldest individual on the date of the enactment of this Act, or if applicable, the survivors of that individual, receiving payment first) until all eligible individuals have received payment in full.

''(8) REFUSAL TO ACCEPT PAYMENT.—If a claimant refuses to accept a payment made or offered under paragraph (2) or (3) with respect to a claim filed under this section—

''(A) the amount of the refused payment, if withdrawn from the Trust Fund for purposes of making the payment, shall be returned to the Trust Fund; and

''(B) no payment may be made under this section to such claimant at any future date with respect to the claim.

''(9) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Awards paid to eligible claimants—

''(A) shall be treated for purposes of the internal revenue laws of the United States as damages received on account of personal injuries or sickness; and

''(B) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

''(e) GUAM TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States the Guam Trust Fund, which shall be administered by the Secretary of the Treasury.

''(2) INVESTMENTS.—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code.

''(3) USES.—Amounts in the Trust Fund shall be available only for disbursement by the Commission in accordance with subsection (f).

''(4) DISPOSITION OF FUNDS UPON TERMINATION.—If all of the amounts in the Trust Fund have not been obligated or expended by the date of the termination of the Commission, investments of amounts in the Trust Fund shall be liquidated, the receipts of such liquidation shall be deposited in the Trust Fund, and any unobligated funds remaining in the Trust Fund shall be given to the University of Guam, with the conditions that—

''(A) the funds are invested as described in paragraph (2);

''(B) the funds are used for scholarships to be known as Guam World War II Loyalty Scholarships, for claimants described in paragraph (1) or (2) of subsection (c) or in subsection (d)(6), or for such scholarships for the descendants of such claimants; and

''(C) as the University determines appropriate, the University shall endeavor to award the scholarships referred to in subparagraph (B) in a manner that permits the award of the largest possible number of scholarships over the longest possible period of time.

''(f) GUAM TRUST FUND COMMISSION.—

''(1) ESTABLISHMENT.—There is established the Guam Trust Fund Commission, which shall be responsible for making disbursements from the Guam Trust Fund in the manner provided in this section.

''(2) USE OF GUAM TRUST FUND.—The Commission may make disbursements from the Guam Trust Fund only for the following uses:

''(A) To make payments, under subsection (d), of awards and benefits.

''(B) To sponsor research and public educational activities so that the events surrounding the wartime experiences and losses of the Guamanian people will be remembered, and so that the causes and circumstances of this event and similar events may be illuminated and understood.

''(C) To pay reasonable administrative expenses of the Commission, including expenses incurred under paragraphs (3)(C), (4), and (5).

''(3) MEMBERSHIP.—

''(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 9 members who are not officers or employees of the United States Government and who are appointed by the President from recommendations made by the Governor of Guam.

''(B) TERMS.—

''(i) Initial members of the Commission shall be appointed for initial terms of 3 years, and subsequent terms shall be of a length determined pursuant to subparagraph (F).

''(ii) Any member of the Commission who is appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

''(C) PROHIBITION OF COMPENSATION OTHER THAN EXPENSES.—Members of the Commission shall serve without pay as such, except that members of the Commission shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Commission in the same manner that persons employed intermittently in the United States Government are allowed expenses under section 5703 of title 5, United States Code.

''(D) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

''(E) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

''(F) SUBSEQUENT APPOINTMENTS.—

''(i) Upon the expiration of the term of each member of the Commission, the President shall reappoint the member (or appoint another individual to replace the member) if the President determines, after consideration of the reports submitted to the President by the Commission under this section, that there are sufficient funds in the Trust Fund for the present and future administrative costs of the Commission and for the payment of further awards and benefits for which claims have been or may be filed under this title.

''(ii) Members appointed under clause (i) shall be appointed for a term of a length that the President determines to be appropriate, but the length of such term shall not exceed 3 years.

''(4) STAFF AND SERVICES.—

''(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

''(B) ADDITIONAL STAFF.—The Commission may appoint and fix the pay of such additional staff as it may require.

''(C) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The Director and the additional staff of the Commission may be appointed without regard to section 5311 of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the minimum rate of basic pay payable for GS–15 of the General Schedule under section 5332(a) of such title.

''(D) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

''(5) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of funds, services, or property for uses referred to in paragraph (2). The Commission may deposit such gifts or donations, or the proceeds from such gifts or donations, into the Trust Fund.

''(6) TERMINATION.—The Commission shall terminate on the earlier of—

''(A) the expiration of the 6-year period beginning on the date of the appointment of the first member of the Commission; or

''(B) the date on which the Commission submits to the Congress a certification that all claims certified for payment under this section are paid in full and no further claims are expected to be so certified.

''(g) NOTICE.—Not later than 90 days after the appointment of the ninth member of the Commission, the Commission shall give public notice in the territory of Guam and such other places as the Commission deems appropriate of the time limitation within which claims may be filed under this section. The Commission shall ensure that the provisions of this section are widely published in the territory of Guam and such other places as the Commission deems appropriate, and the Commission shall make every effort both to advise promptly all individuals who may be entitled to file claims under the provisions of this title and to assist such individuals in the preparation and filing of their claims.

''(h) REPORTS.—

''(1) COMPENSATION AND CLAIMS.—Not later than 12 months after the formation of the Commission, and each year thereafter for which the Commission is in existence, the Commission shall submit to the Congress, the President, and the Governor of Guam a report containing a determination of the specific amount of compensation necessary to fully carry out this section, the expected amount of receipts to the Trust Fund, and all payments made by the Commission under this section. The report shall also include, with respect to the year which the report concerns—

''(A) a list of all claims, categorized by compensable injury, which were determined to be eligible for an award or benefit under this section, and a list of all claims, categorized by compensable injury, which were certified for payment under this section; and

''(B) a list of all claims, categorized by compensable injury, which were determined not to be eligible for an award or benefit under this section, and a brief explanation of the reason therefor.

''(2) ANNUAL OPERATIONS AND STATUS OF TRUST FUND.—Beginning with the first full fiscal year ending after submission of the first report required by paragraph (1), and annually thereafter with respect to each fiscal year in which the Commission is in existence, the Commission shall submit a report to Congress, the President, and the Governor of Guam concerning the operations of the Commission under this section and the status of the Trust Fund. Each such report shall be submitted not later than January 15th of the first calendar year beginning after the end of the fiscal year which the report concerns.

''(3) FINAL AWARD REPORT.—After all awards have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as awards under this section, broken down by category of compensable injury; and

''(B) the status of the Trust Fund and the amount of any existing balance thereof.

''(4) FINAL BENEFITS REPORT.—After all benefits have been paid to eligible claimants, the Commission shall submit a report to the Congress, the President, and the Governor of Guam certifying—

''(A) the total amount of compensation paid as benefits under this section, broken down by category of compensable injury; and

''(B) the final status of the Trust Fund and the amount of any existing balance thereof.

''(i) LIMITATION OF AGENT AND ATTORNEY FEES.—It shall be unlawful for an amount exceeding 5 percent of any payment required by this section with respect to an award or benefit to be paid to or received by any agent or attorney for any service rendered in connection with the payment. Any person who violates this section shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both.

''(j) DISCLAIMER.—No provision of this section shall constitute an obligation for the United States to pay any claim arising out of war. The compensation provided in this section is ex gratia in nature and intended solely as a means of recognizing the demonstrated loyalty of the people of Guam to the United States, and the suffering and deprivation arising therefrom, during World War II.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums appropriated to the Department of the Interior, such sums as may be necessary to carry out this section, including the administrative responsibilities of the Commission for the 36-month period beginning on the date of the appointment of the ninth member of the Commission. Amounts appropriated pursuant to this section are authorized to remain available until expended.''.

SEC. 3. RECOMMENDATION OF FUNDING MEASURES.

Not later than 1 year after the date of the submission of the first report submitted under section 35(h)(1) of the Organic Act of Guam (as added by section 2 of this Act), the President shall submit to the Congress a list of recommended spending cuts or other measures which, if implemented, would generate sufficient savings or income, during the first 5 fiscal years beginning after the date of the submission of such list, to provide the amount of compensation necessary to fully carry out this section (as determined in such first report).

By Mr. WARNER:

S. 525. A bill to require the Secretary of the Treasury to redesign the $1 bill so as to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of such currency; to the Committee on Banking, Housing, and Urban Affairs.

LIBERTY DOLLAR BILL ACT

Mr. WARNER. Mr. President, I rise today to reintroduce the Liberty Dollar Bill Act.

Last year, students at Liberty Middle School in Ashland, Virginia came up with an idea. The measure I introduce today simply implements their vision. This bill directs the Treasury to place the actual language from the Constitution on the back of the one dollar bill.

Our founding fathers met in 1787, to write what would become the model for all modern democracies—the Constitution. Washington, Madison, Franklin, Hamilton and many other great Americans met for four months that year to ignite history's greatest light of government.

They argued, fought, and compromised to create a lasting democracy, built on a philosophy found in the preamble of the constitution. And they protected this philosophy and these ideals by creating three branches of government and divisions of power between the federal and state governments found in the articles and the amendments of the Constitution.

Although our currency celebrates the men who first drafted the Constitution, it doesn't celebrate their most nobel achievement. Shouldn't this greatest of American achievements be in the hands of all Americans?

All presidents, likewise all public officers, swear to ''preserve, protect and defend'' the Constitution. No country can survive if it loses its philosophical moorings. The freedoms and liberties we enjoy give substance, value and meaning to the laws by which we live. Our Nation's philosophy can be taken for granted in the daily business of lawmaking. Yet we can hear in John F. Kennedy's inaugural address that we do not defend America's laws, we defend its philosophy—a philosophy embodied in the Constitution.

Seventy-five percent of Americans say that ''The Constitution is important to them, makes them proud, and is relevant to their lives.''

So important is this document that we built the Archives in Washington to house and safeguard it. Hundreds of thousands go there each year to see it. However, ninety-four percent of Americans don't know all of the rights and freedoms found in the First Amendment. Sixty-two percent of Americans can't name our three branches of government.

Six hundred thousand legal immigrants come to America each year. Often their first sight of America is the Statue of Liberty, holding high her torch, symbolizing our light and our freedom. Many of these immigrants become American citizens by the naturalization process and learn more about the Constitution than many natural born citizens.

If America's most patriotic symbol—the Constitution—were on the back of the one dollar bill, wouldn't we all know more about our Government? The Constitution should be in the hands of every American.

Our Constitution is a beacon of light for the world. People everywhere should be able to hold up our one dollar bill as a symbol of the freedom of modern democracy.

I am proud to join my colleague in the House of Representatives, Chairman TOM BLILEY, and reintroduce the companion legislation in the Senate. The Liberty Dollar Bill Act directs the Secretary of the Treasury to incorporate the preamble to the Constitution of the United States, the Bill of Rights, and a list of the Articles of the Constitution on the reverse side of the one dollar bill.

Mr. President, I agree with the students of Liberty Middle School. The Constitution belongs to the people. It should be in their hands.

I want to commend the students of Liberty Middle School and their teacher, Mr. Randy Wright for their contribution to our Nation. I hope all my

colleagues in the Senate will see the wisdom of these students and join me as a cosponsor of this legislation. Let the Nation hear that the younger generation can provide ideas that become the laws of our land.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. DEWINE, Mr. TORRICELLI, Mrs. HUTCHISON, and Mr. KERREY):

S. 526. A bill to amend the Internal Revenue Code of 1986 to allow issuance of tax-exempt private activity bonds to finance public-private partnership activities relating to school facilities in public elementary and secondary schools, and for other purposes; to the Committee on Finance.

THE PUBLIC SCHOOL CONSTRUCTION PARTNERSHIP ACT

Mr. GRAHAM. Mr. President, I rise today along with Senators GRASSLEY, KERREY, DEWINE, TORRICELLI, and HUTCHISON to introduce the Public School Construction Partnership Act. As teachers, students, parents, and school administrators know, the United States faces a school infrastructure crisis. Many of our schools are more than 50 years old and crumbling, and the General Accounting Office estimates that it will cost about $112 billion to bring them into good repair. Moreover, this estimate does not take into account the need for new construction. The U.S. Department of Education projects that some 1.9 million more students will be entering schools in the next 10 years. At current prices, it will cost about $73 billion to build the new schools needed to educate this growing student population. Mr. President, I might add that my own State is gaining 60,000 new students each year. By the end of the decade, Florida's student enrollment will have increased 25 percent more than the population as a whole.

Education is rightfully a state and local matter, but the federal government can play a helpful, non-intrusive role in assisting communities overwhelmed by explosive increases in student enrollment. We at the federal level should help empower local school districts to find innovative, cost effective ways to finance new schools and repair aging ones.

The bill I am introducing today with Senator GRASSLEY provides new flexibility to state and local efforts to finance new schools and repair older ones. I believe that we should be providing a ''cafeteria plan'' of options to choose from in order to enable local and state governments to have a variety of financing tools available to them. An innovative means of financing the building or renovation of a school in an urban area like Miami won't necessarily be the best option for a rural town in Iowa. Therefore, our legislation provides four different alternatives to ease the burden of financing public school construction.

One alternative is to add educational facilities to the list of 12 types of facilities that can use private activity bonds. As you can see, these bonds are used to finance a wide range of public projects: from airports and mass commuting facilities, to qualified residential rental projects and environmental enhancements of hydroelectric generating facilities.

The importance of adding public educational facilities to this list is that these bonds would be tax exempt. And I emphasize the word public because private non-profit elementary and secondary schools already have the ability to issue tax-exempt facility bonds. Public schools should have the same tax treatment. Our legislation gives public schools parity with private schools.

The public/private partnership in school construction through the use of private activity bonds is already being used in the Canadian Province of Nova Scotia. Here is how it works: a private corporation builds the school and leases it to the school district at a reduced rate. The private entity supplements the cost of the building by leasing it for other uses during non-school hours.

This approach has been a success. According to a study by Ron Utt at the Heritage Foundation, 41 new schools have either been completed or approved for construction under the Public/Private Partnership Program. In the next three years, Nova Scotia expects to replace 10 percent of its schools through such partnerships.

I am optimistic that enabling communities in the United States to have the same opportunity will foster the same results.

Another portion of this legislation would help relieve some of the burdens on small and rural school districts.

Current law relieves small issuers of tax-exempt bonds for qualified school construction from onerous federal arbitrage regulations, but more relief is needed. The calculations required to determine the amount of arbitrage rebate are extremely complex and often require that a local government hire an outside consultant. Despite the trouble and expense of compliance, rebate amounts are usually quite small. Local governments sometimes spend much more to comply with the rebate rules than the amount actually rebated to the Treasury.

This legislation would permit school districts to keep funds earned on bond proceeds instead of reimbursing the Treasury Department if the bonds offered by the district totalled less than $15 million that year, or if the bonds are spent within four years.

Our legislation would also increase the amount of bonds banks can hold and still receive tax exempt status. Currently, banks may deduct their interest expense for loans if the bonds are less than $10 million in a one year period. We would increase that limit to $25 million, allowing school bonds to be bought directly by the banks without having to undertake the complexities of accessing the public capital markets.

Changing these current tax laws would help local school districts throughout the United States. Our legislation would foster even more innovative approaches to finance the building and refurbishment of our public schools. Such public-private partnerships would speed construction of new schools and reduce costs to communities.

Mr. GRASSLEY. Mr. President, today, I am joining my colleague from Florida, Senator GRAHAM, in introducing the School Construction Financing Improvement Act of 1999.

The single most important source of funding for investment in public school construction and rehabilitation is the tax-exempt bond market. Tax-exempt bonds finance approximately 90 percent of the nation's investment in public schools. In my home state of Iowa over $625 million in tax-exempt bonds were issued to school districts in 1998 alone.

There is a well-recongized need throughout the country for billions of additional new dollars in school construction and rehabilitation. A report from the General Accounting Office says urban schools alone need $112 billion in repairs over three years to bring their buildings back into working order. That same study says about 14 million children attend U.S. schools in need of extensive repairs, and about 7 million attend schools with life threatening safety code violations.

American schoolchildren attending schools with leaky roofs, inadequate bathrooms, poor air quality, and unreliable fire protection equipment is an unacceptable state of affairs. We need to step up to the plate and address this issue, not only promptly, but also properly. The administration's proposed use of tax credit bonds is inherently unworkable and inefficient. The school districts in states all across this land need greater flexibility not more federal regulations and controls.

Tax-exempt bonds have proven to be an effective financial instrument to fund school rehabilitation and construction. Therefore, it is appropriate and necessary to examine tax code limitations on the use of tax-exempt bonds for schools and to consider ways to amend the code to give school districts even greater access to the capital they earnestly need and deserve. Let's expand on something that works.

The administration has proposed policy initiatives to enhance and expand the use of tax credit bonds called ''Qualified Zone Academy Bonds'' or QZABs. However the QZAB program has proven incapable of attracting investors due to inherent flaws in tax credit bonds that make them extremely illiquid and unpredictable investments, and specific limitations on the use of these bonds imposed by the federal government on the states. These significant and crippling limitations include the exclusion of individual investors from purchasing QZABs,

the requirement that school districts secure hard to come by ''private business contributions'', and prohibitions on the use of QZABs to fund new school construction projects.

Experience and study has shown that tax exempt bonds are a more workable, more efficient, and more popular alternative to QZABs. This bill reflects my belief that the wisest course to achieving the goal of providing schools with necessary capital to build and rehabilitate our nation's schools is to continue refining tax code limitations on the use of tax-exempt bonds.

The legislation Senator GRAHAM and I are introducing today is designed to narrowly target the use of tax-exempt bonds to school construction alone and do not change any tax code provisions designed to prevent abuse of bond issuance authority.

The first provision would allow school districts to make use of public-private partnerships in issuing tax-exempt bonds for public school construction or rehabilitation. The bonds would be exempt from the annual state volume caps. This will allow schools to leverage private investment in school facilities and would encourage school districts to partner with private investors in new and creative ways.

The second provision addresses the current two year construction spend-down exemption in arbitrage rebate regulations. This policy allows the exemption of bonds from arbitrage rebate if the issuer spends virtually all its bond proceeds within two years of the time these bonds for construction projects are issued. We recommend an extension of this exemption from two years to four years for school bonds. Often the two year limit is insufficient to cover major construction projects, especially when multiple projects are funded from a single bond issue. The extension of time limit on the exemption provision will also improve the flexibility of school districts that use bonds and relive the school bond issuer from superfluous and burdensome tax compliance costs.

The second provision would also raise from $10 million to $15 million the volume of school construction bonds a small school district could issue each year and still qualify for the small-issuer arbitrage rebate exemption. This provision expands the benefits of the small-issuer rebate exemption to a much broader universe of small school bond issuers.

The third provision of the bill would permit banks to invest in certain qualified tax-exempt school construction bonds without penalty. Before the Tax Reform Act of 1986 that imposed a tax penalty on banks that earn tax-exempt interest, commercial banks were one of the most active groups of investors in the municipal bond market. This provision would directly reduce the cost of borrowing for new school construction and would result in more investment in public schools.

I urge my colleagues to join Senator GRAHAM and myself in trying to help schools receive the crucial funds necessary to build and repair America's schools.

By Mr. HATCH:

S. 527. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty with respect to the personal effects of participants in certain athletic events; to the Committee on Finance.

TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS

Mr. HATCH. Mr. President, I am introducing today an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States. My amendment would allow athletes participating in world events, such as the Salt Lake 2002 Winter Olympic Games, to bring into the United States, duty free, such personal effects as equipment expressly used in the sporting events, and then re-exported with departing athletes at the termination of the events.

This bill is needed to relieve both Customs officials and event participants of immense amounts of documentation required in the past for such exceptions to Customs laws and practices. However, this amendment does not exempt such items from inspection by Customs officials, inspections which can be made entirely on their discretion, nor does it allow the entry of items barred under current law. This same bill, which I introduced in the prior, 105th Congress was favorably reported out by both the House Ways and Means Committee and the Senate Finance Committee, and incorporated in the Omnibus Trade Bill which failed passage.

By Mr. SPECTER:

S. 528. A bill to provide for a private right of action in the case of injury from the importation of certain dumped and subsidized merchandise; to the Committee on Finance.

UNFAIR FOREIGN COMPETITION ACT OF 1999

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of introducing the Unfair Foreign Competition Act of 1999. This legislation is in response to a crisis facing the steel industry in the United States as a result of subsidized and dumped goods coming into the United States from a variety of countries—from Russia, from Brazil, from Japan, from Indonesia—where steel is being sold in the United States at far under cost of production and far under the price steel is being sold for in those countries.

We know the financial problems which are present now in Russia where they are very anxious to have dollars and are selling steel in America for anything, virtually, that they can get for it. A similar problem has arisen with respect to other countries.

The steel industry has modernized, spending some $50 billion, and simply cannot compete with this kind of subsidy on dumped goods. Thousands of steelworkers are losing their jobs. A few years back there were 500,000 steelworkers in the United States; now that number is down to about 160,000, and more are going daily and weekly as a result of this dumped steel coming into the United States.

The existing laws are totally insufficient. When the administrative procedures are taken under existing law, it takes months. For example, complaints filed in September of 1998 will not be heard, adjudicated, decided, until May. Then there will be some retroactive duty imposition. Meanwhile, thousands of steelworkers will be losing their jobs. The steel industry will be suffering tremendous losses from which it cannot recover.

Beyond the issue of the industry itself and the workers, we have the paramount issue on national defense, the industrial base for the United States.

My legislation would provide a private right of action so that injured parties could go into a Federal court, into a court of equity, and get immediate relief. This legislation is similar to legislation which I have introduced as far back as 1982 where I sought injunctive relief. It now appears that injunctive relief is not consistent with GATT, although GATT international trade laws are consistent with U.S. trade laws which prohibit subsidized or dumped goods from coming into the United States.

The remedy which is provided in this bill would be that tariffs would be imposed at the direction of the Federal court as the form of equitable relief, and these tariffs would then be paid over to the damaged parties—to the steelworkers who had sustained damages as a result of losing their jobs and to the steel companies which had sustained damages from loss of sales as a result of this illegal steel coming into the United States which is dumped or subsidized.

There have been rallies held across the United States and on the west end of the Capitol not too long ago. The Senate Steel Caucus, which I have the privilege to chair, has had a series of hearings, including one in Pittsburgh on February 18.

There are a variety of legislative proposals now pending before the Congress: Tariffs, changing the U.S. law to conform to international laws to make it easier to get relief under 201 and 301. But there is nothing on the books which would be as effective as the kind of equitable relief which would be provided by this private right of action. There is litigation pending now in the Federal court in Ohio brought by Wheeling-Pittsburgh where, after I conferred with the officials of that company, they brought an equity action in the State courts seeking equitable relief, and it has since been transferred to the Federal courts. I believe that cause of action, that claim for relief in the Federal court, is well founded.

This legislation would remove any doubt that the injured parties—the

workers, the companies, injured parties—would have a right to go into Federal court to get this relief on a prompt basis.

In a court of equity, as the distinguished Presiding Officer knows, having litigated extensively himself, it is possible to get a temporary restraining order, a TRO, on an ex parte basis by the filing of affidavits. When that is done, then there has to be a hearing within 5 days where the moving party then seeks a preliminary injunction. Then the court hears the evidence and makes a determination as to a preliminary injunction, and then further hearings to make a determination as to a permanent injunction. I outline that very, very briefly to signify the speed that you can have action if you go into the Federal court.

A court of equity is designed to provide prompt relief upon the showing of the requisite proofs. The difficulty with waiting for administrative action, action by the executive branch, is that we know as a matter of experience that the executive branch defers to foreign policy or defense policy.

There is grave concern in the administration, expressed by a variety of administration officials, about what will happen to the Russian economy. Of course, there are grounds for concern about the Russian economy but not sufficient concerns so as to override what will happen to the American steel industry. What happens to the Russians is important but, frankly, not as important to this Senator as what happens to Pennsylvanians or to people in West Virginia or to people in Indiana, Ohio, or Illinois—to mention only a few of the States which are impacted by these subsidized and dumped goods.

I am reminded, Mr. President, about an event back in 1984 when there was a favorable ruling for the steel industry from the International Trade Commission. The President had the authority to override that determination. My then colleague Senator Heinz and I made the rounds of the International Trade Representative, William Brock, and of the Secretary of Commerce, Malcolm Baldrige, and we found great sympathy with having the laws of the United States and the international trade laws enforced. When we talked to the Secretary of State and the Secretary of Defense, they were more concerned about their problems—foreign policy and defense policy. Ultimately, the President overruled the International Trade Commission to the detriment of the American steel industry. Regrettably, that is what happens.

We have had meetings of the Steel Caucus with the key officials of the executive branch. When it comes to the Secretary of Commerce or the Trade Representative, there has been a certain amount of sympathy for the position of the steel industry.

What we need to do is to take this issue out of international politics—politics at the highest level, where there are concerns for foreign policy or defense policy—and move it into court, where the rule of law will govern and where, on a showing that there is a violation of U.S. trade laws, a showing of a violation of international trade laws, and there is a remedy which is GATT consistent, which is to impose tariffs. The approach of having the tariffs then paid over to the damaged parties is an idea which was originated by the distinguished Senator from Ohio, Senator DEWINE, on legislation which he has introduced.

When we had sought injunctive relief, it had been sufficient just to stop the steel from coming into the United States immediately, and then there would have been no further damage. That is not GATT consistent. It is GATT consistent to have duties imposed, and then if any steel comes in, those duties ought to be a deterrent to stop dumped and subsidized steel from coming into the United States. But to the extent any further steel comes in, those duties would be collected by the Treasury and then paid over to the injured parties—the steelworkers who have lost wages or lost their jobs, or the industry which has been damaged by this illegal dumping and this illegal subsidy.

Mr. President, I have sought recognition to reintroduce legislation to provide for a private right of action for an injured party to sue in Federal court to stop goods from coming into this country which are subsidized, dumped or otherwise sold in violation of our trade laws. My legislation, the Unfair Foreign Competition Act of 1999, is based on legislation I have introduced since 1982 and most recently during the 103rd Congress in 1993.

I have revised the legislation so that at the conclusion of the case and upon the finding of liability, the court will direct the Customs Service to assess an antidumping duty on the dumped or subsidized product. Duties collected will be distributed to steelworkers for damages sustained from loss of wages resulting from loss of jobs due to illegal imports, and the affected domestic producers of the product for qualifying expenditures which may include equipment, research and development, personnel training, acquisition of technology, health care benefits, pension benefits, environmental equipment, training or technology, acquisition of raw materials, or borrowed working capital.

I am introducing this legislation to respond to the substantial dumping of foreign goods on the U.S. market, particularly steel. As Hank Barnette, chief executive officer of Bethlehem Steel, wrote as early as in an August 6, 1998 op-ed in the Washington Times, the United States has become ''The Dumping Ground'' for foreign steel. He noted that Russia has become the world's number one steel exporting nation and that China is now the world's number one steel-producing nation, while enormous subsidies to foreign steel. As one example, Mr. Barnette cited the Commerce Department's revelation that Russia, one of the world's least efficient producers, was selling steel plate in the United States at more than 50 percent or $110 per ton below the constructed cost to make this product, which ultimately costs our steel companies in lost sales and results in fewer jobs for American workers.

As chairman of the Senate Steel Caucus, I am well aware that the current financial crisis in Asia and elsewhere has generated surges in U.S. imports of steel. Recently released statistics by the Department of Commerce note that the year-to-date final statistics through November of 1998 show steel imports of 35.1 million metric tons, an increase of 8.7 million metric tons over the 26.4 million metric tons through November 1997. While the preliminary data on steel imports for December 1998 shows a decrease in imports of hot-rolled steel products, one month is not a trend. In fact, overall steel imports in 1998 were considerably higher than in 1997, and total imports of hot-rolled steel were up 73 percent from 1997 to 1998. The flooding of steel on the U.S. market from Asian countries, as well as countries of the former Soviet Union and Brazil, have led the Senate and House Steel Caucuses to hold joint hearings and receive testimony from steel company executives and union representatives on the growing problems of steel imports and their troubling effect on our economy and our ability to retain high-paying jobs.

I believe in free trade. But the essence of free trade is selling goods at a price equal to the cost of production and a reasonable profit. Where you have dumping—the sale of goods in the United States at prices lower than the price at which such goods are being sold by the producing companies in their own country or in some other country—it is the antithesis of free trade. We have too long sacrificed American industry and American jobs in the name of foreign policy or defense policy, without having the proper enforcement of the laws because the executive branch, whether it is a Democratic administration or a Republican administration, has made concessions for foreign policy and defense interests.

For many years, foreign policy and defense policy have superseded basic fairness on trade policy. I received a comprehensive education on this subject back in 1984 when there was a favorable ruling by the ITC for the American steel industry, but it was subject to review by the President. At that time my colleagues, Senator Heinz and I visited every one of the Cabinet officers in an effort to get support to see to it that International Trade Commission ruling in favor of the American steel industry was upheld. Then-Secretary of Commerce Malcolm Baldrige was favorable, and International Trade Representative Bill Brock was favorable. We received a favorable hearing in all quarters until we spoke with then-Secretary of State Shultz and

then-Secretary of Defense Weinberger who were absolutely opposed to the ITC ruling. President Reagan decided to overrule the ITC, and U.S. trade policy and workers again took second place to foreign policy concerns.

In the current environment, I believe more than ever that it is necessary for an injured industry to have an opportunity to go into federal court and seek enforcement of America's trade laws, which are currently not being enforced adequately by the executive branch.

The only way to handle these important issues is to see to it that there is a private right of action, which is a time-honored approach in the context of antitrust law. I believe this is absolutely necessary if the steel industry and other U.S. industries subject to unfair foreign competition are to have fairness and to be able to stop foreign subsidized and dumped products from coming into this country.

CURRENT ADMINISTRATIVE REMEDIES

I have long been concerned about the export of subsidized or dumped goods to the U.S. market and its impact on U.S. jobs and industries. Even when our government does act aggressively to enforce U.S. trade laws, the process is extremely time consuming. It can take months after filing a dumping action for the Commerce Department to complete its investigations, from the summary investigation to determine the adequacy of the petition, to the formal investigation of the evidence presented. The Commerce Department then issues a preliminary determination that products are being sold in the United States at less than fair value. The Department must then make a final determination, which can consume several more months. In order to secure any relief, though, the International Trade Commission (ITC) must also independently review the case and make a determination about whether the imports materially injure, or threaten to injure, the U.S. industry. If the ITC finds injury or threat of injury, the Commerce Department instructs the Customs Service to collect antidumping duties.

In the current hot-rolled carbon steel case currently before the Administration, the petitioners filed on September 30, 1998. The investigation by the Commerce Department's International Trade Administration was not initiated until October 15, 1998. On November 23, 1998, the Commerce Department found ''critical circumstances'' in the case. Commerce determined that there was a surge in imports from Japan and Russia. This determination, coupled with the preliminary injury decision, allows the Commerce Department to assess duties retroactively 90 days from the preliminary determination. On February 12, 1999, the Department of Commerce determined the preliminary dumping margin for Japan and Brazil. Later, on February 22, a preliminary dumping margin for Russia was determined. The Commerce Department then instructed U.S. Customs to require deposits or bonds on imported steel from these countries for 90 days prior to the dumping margin determination and for any steel from these countries brought in after the determination. The Department of Commerce is not expected to make a final determination until May 5, 1999; however, the assessment of duties is contingent on a favorable determination on injury to the domestic industry made by the International Trade Commission on June 12, 1999.

Assuming that all decisions are favorable, the petitioning industry will have waited for months before any action is taken to remedy the injury done to the industry and its workers. Therefore, a private right of action is necessary to enable our domestic industries to counter foreign subsidies, dumping, and customs fraud in a timely manner. My bill accomplishes this by providing timely relief by allowing for the recovery of tariffs as a result of the illegal import.

We have seen a long history where American industries have been prejudiced, and American jobs have been lost, due to subsidized and dumped goods coming into this country. There is no adequate remedy at the present time to provide domestic industries with timely relief from the damage caused by such imports.

HISTORY OF THE PRIVATE RIGHT OF ACTION LEGISLATION

Since entering the Senate, I have been actively involved on this issue. On March 4, 1982, I introduced S. 2167 to provide a private right of action in federal courts to enforce existing laws prohibiting illegal dumping or subsidizing of foreign imports. Hearings were held on this bill before the Judiciary Committee on May 24 and June 24, 1982. On December 15, 1982, I offered the text of this bill on the Senate floors as an amendment, which was tabled by a slim margin of 51 to 47.

During the 96th Congress, I reintroduced this legislation as S. 416 on February 3, 1983. The Judiciary Committee held a hearing on this bill on March 21, 1983. I offered the text of S. 418 as an amendment to the Omnibus Tariff and Trade Act of 1984 on September 19, 1984; the amendment was tabled.

During the 99th Congress, I reintroduced this legislation as S. 236; I expanded the scope of this bill to include customs fraud violations and introduced S. 1655 on September 18, 1985, and the Judiciary Committee favorably reported the bill by unanimous voice vote on March 20, 1986. The Finance Subcommittee on International Trade held a hearing on S. 1655 pursuant to a sequential referral agreement. Significant progress was made toward reaching a unanimous consent agreement for full Senate consideration of S. 1655 prior to adjournment of the 99th Congress, but the press of other business prevented its coming to the floor for action.

In the 100th Congress, I reintroduced comprehensive legislation, S. 361, to provide a private right of action in Federal court to enforce existing laws prohibiting illegal dumping or customs fraud.

I expanded the scope of this bill in S. 1396, which I introduced on June 19, 1987, to revise the subsidy provision to include a private right of action to allow injured American parties to sue in Federal court for injunctive relief against, and monetary damages from, foreign manufacturers and exporters who receive subsidies and any importer related to the manufacturer or exporter. This bill would have provided a comprehensive approach to address three of the most pernicious, unfair export strategies used by foreign companies against American companies: dumping, subsidies, and customs fraud.

During full Senate consideration of the Omnibus Trade and Competitiveness Act (S. 490), I filed the text of S. 1396 as Amendment No. 315 on June 19, 1987, and offered it as an amendment to the trade bill on June 25, 1987. This amendment, however, was tabled. I again filed the text of this bill as an amendment to the Textile and Apparel Trade Act, S. 2662, on September 9, 1988, and to the Technical Corrections Act, S. 2238, on September 29, 1988.

On July 15, 1987, I joined Senator Heinz as an original cosponsor of an amendment to S. 490 to provide a private right of action in the U.S. Court of International Trade for damages from customs fraud. Although the amendment was accepted by the Senate, it unfortunately was dropped in conference.

In the 102nd Congress, I introduced similar legislation, S. 2508, because the Voluntary Restraint Agreements program was allowed to lapse in spite of the fact that no multilateral steel agreement was in place. In fact, as announced by the United States Trade Representative, talks on the steel accord had broken down. I might add that this was somewhat strange, Mr. President, if not incomprehensible. The steel industry had been awaiting an agreement on a multilateral steel accord which would have prevented subsidized and dumped goods from coming into the United States, and then there was a specific recognition by the Trade Representative, that the effort failed. Not to extend the voluntary restraint program at that time was a bit mystifying. In any event, the Judiciary Committee favorably reported S. 2508 by unanimous voice vote on August 12, 1992. Again, the press of other business prevented the Senate from taking up this legislation on the floor.

In the 103rd Congress, I introduced this legislation again, S. 332, in an effort to move the legislative process forward. The legislation was referred to the Judiciary Committee, but once again, the press of Senate business prevented further action on the bill.

UNFAIR FOREIGN COMPETITION ACT OF 1999

In the 104th Congress, Senator KOHL and I introduced legislation to criminalize economic espionage, which was

ultimately enacted into law. The bill that I am introducing toady, the Unfair Foreign Competition Act of 1999 will help to combat another form of illegality—the illegal subsidization and dumping of foreign products into U.S. markets, which steal jobs from our workers, profits from our companies and economic growth from our economy.

This legislation provides a private right of action in federal courts for individuals or corporations who have been injured by dumping, subsides, or customs fraud violations. The bill will enable industries to seek relief through the Federal courts to halt the illegal importation of products.

There is nothing like the vigor of private plaintiffs when it comes to the enforcement of our trade laws. We need vigorous private enforcement—that this bill would spur—if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports.

I believe the bill I am introducing today would have an important deterrent effect on the practices of our foreign trading partners. Under this bill, an injured party could file suit in the U.S. federal district court for the District of Columbia or the Court of International Trade. If dumping or subsidies and injury are found, the court would then direct the Customs Service to assess duties on future importation of the article in question.

Since current administrative remedies are not consistently and effectively enforced through the Commerce Department and the World Trade Organization, this private right of action is necessary to enforce the spirit of the law.

A reason to support this bill lies in its simplicity. We can enact this legislation immediately without interfering with or precluding more complex set of initiatives. The essence of this bill is to promote enforcement of existing trade laws and agreements, and, therefore, use our existing trade laws as our best defense against unfair foreign practices. My bill will free private enterprise to pursue remedies without delay and put a halt to many discriminatory trade practices.

I ask my colleagues to join me now in supporting this legislation to provide relief to he unfair trade practices which constrain our nation's industry. We should be proud of the many improvements made by our industrial base over the past decade. Our corporations invested capital and the quality of our products has risen dramatically; however, our nation's workers have suffered significant job losses while our corporations have tried to become more lean and competitive. Clearly our business sector and each and every American has participated in and borne the burden of improving our competitive position.

Even these significant advances however, are insufficient to compete in the face of illegal trade practices such as dumping, subsidies, and customs fraud. The best way to handle these trade issues is to provide a private right of action which will allow U.S. industries the ability to stop foreign subsidies and dumping on the U.S. market in a timely fashion.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

Mr. SPECTER. I thank the Chair and I thank my colleague from Vermont.

ADDITIONAL COSPONSORS

S. 7

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 7, a bill to modernize public schools for the 21st century.

S. 85

At the request of Mr. BUNNING, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 98

At the request of Mr. MCCAIN, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. SESSIONS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 98, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, 2001, and 2002, and for other purposes.

S. 174

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 174, a bill to provide funding for States to correct Y2K problems in computers that are used to administer State and local government programs.

S. 247

At the request of Mr. HATCH, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 258

At the request of Mr. MCCAIN, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of S. 258, a bill to authorize additional rounds of base closures and realignments under the Defense Base Closure and Realignment Act of 1990 in 2001 and 2003, and for other purposes.

S. 271

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 271, a bill to provide for education flexibility partnerships.

S. 280

At the request of Mr. FRIST, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 280, a bill to provide for education flexibility partnerships.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 280, supra.

S. 319

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 319, a bill to provide for childproof handguns, and for other purposes.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

S. 346

At the request of Mr. ROBB, his name was added as a cosponsor of S. 346, a bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

At the request of Mr. GRAHAM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 346, supra.

S. 368

At the request of Mr. COCHRAN, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 368, a bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi.

S. 371

At the request of Mr. GRAHAM, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 371, a bill to provide assistance to the countries in Central America and the Caribbean affected by Hurricane Mitch and Hurricane Georges, to provide additional trade benefits to certain beneficiary countries in the Caribbean, and for other purposes.

S. 391

At the request of Mr. KERREY, the names of the Senator from Alabama [Mr. SESSIONS], the Senator from California [Mrs. FEINSTEIN], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.

S. 427

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 434

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Kentucky [Mr. BUNNING] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 445

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Veterans Affairs with medicare reimbursement for medicare healthcare services provided to certain medicare-eligible veterans.

S. 446

At the request of Mrs. BOXER, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 446, a bill to provide for the permanent protection of the resources of the United States in the year 2000 and beyond.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Arkansas [Mrs. LINCOLN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 470

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 470, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt private activity bonds to be issued for highway infrastructure construction.

S. 477

At the request of Mr. SCHUMER, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 477, a bill to enhance competition among airlines and reduce airfares, and for other purposes.

S. 487

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to provide additional retirement savings opportunities for small employers, including self-employed individuals.

S. 494

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 494, a bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the medicaid program.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE JOINT RESOLUTION 11

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Joint Resolution 11, a joint resolution prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Florida (Mr. GRAHAM), the Senator from New Mexico (Mr. DOMENICI), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

AMENDMENTS SUBMITTED

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

JEFFORDS AMENDMENT NO. 31

Mr. JEFFORDS proposed an amendment to the bill (S. 280) to provide for education flexibility partnerships; as follows:

In the pending bill, strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Education Flexibility Partnership Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in 1 State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

SEC. 3. DEFINITIONS.

In this Act:

(1) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms ''local educational agency'' and ''State educational agency'' have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) OUTLYING AREA.—The term ''outlying area'' means Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

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

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

SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.

(a) EDUCATION FLEXIBILITY PROGRAM.—

(1) PROGRAM AUTHORIZED.—

(A) IN GENERAL.—The Secretary may carry out an education flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to 1 or more programs or Acts described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) DESIGNATION.—Each eligible State participating in the program described in subparagraph (A) shall be known as an ''Ed-Flex Partnership State''.

(2) ELIGIBLE STATE.—For the purpose of this subsection the term ''eligible State'' means a State that—

(A)(i) has—

(I) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, including the requirements of that section relating to disaggregation of data, and for which local

educational agencies in the State are producing the individual school performance profiles required by section 1116(a) of such Act; or

(II) made substantial progress, as determined by the Secretary, toward developing and implementing the standards and assessments, and toward having local educational agencies in the State produce the profiles, described in subclause (I); and

(ii) holds local educational agencies and schools accountable for meeting educational goals and for engaging in the technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b) of that Act; and

(B) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the education flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965; and

(iv) a description of how the State educational agency will meet the requirements of paragraph (8).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A) only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of such plan to ensure accountability for the activities and goals described in such plan;

(iv) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(v) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and the statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe for each school year specific, measurable, educational goals, which may include progress toward increased school and student performance, for each local educational agency or school affected by the proposed waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively; and

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance.

(5) MONITORING AND PERFORMANCE REVIEW.—

(A) MONITORING.—Each State educational agency participating in the program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section and shall submit an annual report regarding such monitoring to the Secretary.

(B) PERFORMANCE REVIEW.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and opportunity for hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(B) and the goals described in paragraph (4)(A)(iii) has been inadequate to justify continuation of such waiver.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers has been effective in enabling such State or affected local educational agencies or schools to carry out their local reform plans and to continue to meet the accountability requirement described in subsection (a)(2)(B).

(B) PERFORMANCE REVIEW.—The Secretary shall periodically review the performance of any State educational agency granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and opportunity for hearing, that such agency's performance has been inadequate to justify continuation of such authority.

(7) AUTHORITY TO ISSUE WAIVERS.—Notwithstanding any other provision of law, the Secretary is authorized to carry out the education flexibility program under this subsection for each of the fiscal years 2000 through 2004.

(8) PUBLIC NOTICE AND COMMENT.—Each State educational agency granted waiver authority under this section and each local educational agency receiving a waiver under this section shall provide the public adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, and shall provide the opportunity for all interested members of the community to comment regarding the proposed waiver authority or waiver.

(b) INCLUDED PROGRAMS.—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements under the following programs or Acts:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) WAIVERS NOT AUTHORIZED.—The Secretary and the State educational agency may not waive any statutory or regulatory requirement of the programs or Acts authorized to be waived under subsection (a)(1)(A)—

(1) relating to—

(A) maintenance of effort;

(B) comparability of services;

(C) the equitable participation of students and professional staff in private schools;

(D) parental participation and involvement;

(E) the distribution of funds to States or to local educational agencies;

(F) use of Federal funds to supplement, not supplant, non-Federal funds; and

(G) applicable civil rights requirements; and

(2) unless the underlying purposes of the statutory requirements of each program or Act for which a waiver is granted continue to be met to the satisfaction of the Secretary.

(d) CONTINUING ELIGIBILITY.—

(1) IN GENERAL.—Each State educational agency that is granted waiver authority under the provisions of law described in paragraph (2) shall be eligible to continue the waiver authority under the terms and conditions of the provisions of law as the provisions of law are in effect on the date of enactment of this Act.

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are as follows:

(A) Section 311(e) of the Goals 2000: Educate America Act.

(B) The proviso referring to such section 311(e) under the heading ''**EDUCATION REFORM**'' in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).

(e) ACCOUNTABILITY.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State education agency, local educational agency, or school affected by such waiver or authority to determine if such agency or school has made progress toward achieving the desired results described in the application submitted pursuant to subsection (a)(4)(A)(ii).

(f) PUBLICATION.—A notice of the Secretary's decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

SEC. 5. PROGRESS REPORTS.

The Secretary, not later than 1 year after the date of enactment of this Act and biennially thereafter, shall submit to Congress a report that describes—

(1) the Federal statutory and regulatory requirements for which waiver authority is granted to State educational agencies under this Act;

(2) the State statutory and regulatory requirements that are waived by State educational agencies under this Act;

(3) the effect of the waivers upon implementation of State and local educational reforms; and

(4) the performance of students affected by the waivers.

WELLSTONE (AND KENNEDY) AMENDMENT NO. 32

Mr. WELLSTONE (for himself and Mr. KENNEDY) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 8, line 4, after ''determines'' insert ''that the State educational agency is carrying out satisfactorily all of the State educational agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform and''.

On page 12, line 22, after ''hearing,'' insert ''that such agency is not carrying out satisfactorily all of the agency's statutory obligations under title I of the Elementary and Secondary Education Act of 1965 to secure comprehensive school reform or''

On page 15, between lines 2 and 3, insert the following:

(F) standards, assessments, components of schoolwide or targeted assistance programs, accountability, or corrective action, under title I of the elementary and Secondary Education Act of 1965, as the requirement relates to local educational agencies and schools;

WELLSTONE AMENDMENT NO. 33

Mr. WELLSTONE proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, supra; as follows:

On page 15, between lines 2 and 3, insert the following:

(F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;

KENNEDY (AND OTHER) AMENDMENT NO. 34

Mr. KENNEDY (for himself, Mr. REID, Mr. DODD, and Mr. WELLSTONE) proposed an amendment to amendment No. 31 proposed by Mr. JEFFORDS to the bill, S. 280, supra; as follows:

On page 7, line 21, strike ''and'' after the semicolon.

On page 7, line 24, strike the period and insert ''; and''.

On page 7, line 24, insert the following:

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers.

On page 9, line 22, strike ''which may include progress toward'' increased school and student performance.

On page 11, line 17, insert ''in accordance with the evaluation requirement described in paragraph (3)(A)(v),'' before ''and shall''.

On page 12, line 14, before the period insert '', and has improved student performance''.

On page 16, line 9, insert ''and goals'' after ''desired results''.

On page 16, lines 10 and 11, strike ''subsection (a)(4)(A)(ii)'' and insert ''clauses (ii) and (iii) of subsection (a)(4)(A), respectively''.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THOMPSON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, March 4, 1999, at 10 a.m. for a business meeting to consider legislation to reform the congressional budget process.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings entitled ''Deceptive Mailings and Sweepstakes Promotions.'' These hearings are the first of an anticipated series of hearings the subcommittee plans to hold regarding deceptive mailings. The focus of these first hearings will be an examination of the use of sweepstakes by mass marketers and how these mailings impact consumers.

The hearings will take place on Monday, March 8th and Tuesday, March 9th, at 9:30 a.m. each day, in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999, at 2 p.m., in open session, to receive testimony on 21st century seapower vision overview and maritime implications of 21st century threats.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet on Wednesday, March 3, 1999, at 10 a.m. on pending committee business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday March 3 for purposes of conducting a joint oversight hearing with the Senate Committee on Indian Affairs which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is receive testimony on the American Indian Trust management practices in the Department of the Interior.

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

COMMITTEE ON FINANCE

Mr. FRIST. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, March 3, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 3, 1999, at 10 a.m. for a hearing on the Independent Counsel Act.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Aging be authorized to meet for a hearing on ''Older American Act: Oversight and Overview'' during the session of the Senate on Wednesday, March 3, 1999, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to mark up the Committee's Budget Views and Estimates letter to the Budget Committee regarding the FY 2000 Budget Request for Indian programs. (The Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian

Trust Management Practices in the Department of the Interior will immediately follow the markup). The Meeting/Joint Hearing will be held in room 106 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 3, 1999 at 9:30 a.m. to conduct a Joint Hearing with the Senate Committee on Energy and Natural Resources on American Indian Trust Management Practices in the Department of the Interior. The hearing will be held in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 3, 1999 at 1:30 p.m. in open session, to receive testimony on Army modernization.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND DRINKING WATER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Drinking Water be granted permission to conduct an oversight hearing on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act Wednesday, March 3, 9 a.m., hearing room (SD–406).

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

SUBCOMMITTEE ON WATER AND POWER

Mr. FRIST. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 3, for purposes of conducting a Water & Power Subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this oversight hearing is to consider the President's proposed budget for FY2000 for the Bureau of Reclamation and the Power Marketing Administrations.

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

ADDITIONAL STATEMENTS

RABBI ALVIN WAINHAUS

• Mr. LIEBERMAN. Mr. President, I rise today to honor Rabbi Alvin Wainhaus of Congregation Or Shalom in Orange, Connecticut. On March 19th and 20th, he will be honored by Congregation Or Shalom on his 18th anniversary as spiritual leader of the synagogue.

This is a significant milestone for Rabbi Wainhaus and his congregation. Through his leadership at Congregation Or Shalom he has constantly worked to reach out to every member of the congregation, young and old, and keep them involved in all aspects of congregation life. He has particularly reached out to young adults as they have left home for college and careers in order to keep them connected to their families and community.

He has helped provide guidance and insight to innumerable people not just at Congregation Or Shalom but within the community as a whole. We currently face difficult times, and it is our families and friends, combined with our churches and synagogues, that provide the support systems which allow us to confront and overcome the challenges set before us. Through his service, Rabbi Wainhaus has helped many families over the years surmount these obstacles and make positive contributions to their communities.

As this congregation has grown over the years, with God's divine assistance, Rabbi Wainhaus has touched many lives throughout the community. The people of Connecticut thank Rabbi Wainhaus for his service, dedication, and contribution to our state.•

TAX TREATMENT FOR DOMESTIC DISTILLERIES

• Mr. BUNNING. Mr. President, today I signed on as a cosponsor of S. 434, Senator BREAUX's proposal to equalize the tax treatment for domestic distilleries compared to their foreign competitors.

This is a good bill, and I hope it passes Congress. It would help cut unnecessary taxes for our domestic distilleries, and eliminate a competitive advantage that our current tax rules give to foreign distilleries. I will certainly do what I can to help pass Senator BREAUX's bill.

Mr. President, I am submitting this statement for the CONGRESSIONAL RECORD to make one thing perfectly clear. In supporting this bill, I want the Administration, and officials at the Treasury Department and the Bureau of Alcohol, Tobacco and Firearms to understand that by doing so I reject the connection that some have tried to make between the All in bond issue and Section 5010 of the tax code, the wine and flavors tax credit. I know that the suggestion has been made that any revenue loss to the U.S. Treasury caused by changes to the All in Bond rules be offset by repealing Section 5010. I reject that notion because there is no logical link between the two issues; the ''connection'' is a bureaucratic fiction.

Some who served with me on the conference committee that helped write the tax provisions in the 1995 Balanced Budget Act will probably remember my successful efforts to eliminate a provision in the Senate bill that would have repealed Section 5010. My position on this matter has not changed, and it is one issue on which I continue to keep a close eye because of its importance to Kentucky.•

BLIND PERSONS EARNINGS EQUITY ACT

• Mr. SARBANES. Mr. President, today I rise in support of the Blind Persons Earnings Equity Act, a bill that will open up a world of opportunities for blind persons and greatly improve their lives. Currently, the blind are discouraged from working by an overly restrictive provision in the Social Security Act that limits the amount of income they may earn for themselves. The Blind Persons Earnings Equity Act would raise that earnings restriction and lessen the burden of at least one of the many obstacles to employment faced by the blind today.

Blindness has profoundly adverse social and economic consequences, and Social Security benefits are needed to offset the disadvantages suffered by the blind. However, these same laws that are meant to help, must be revised when it becomes clear they are hindering blind persons from joining the workforce and discouraging them from becoming fully engaged in society.

Instead of encouraging the blind to develop job skills and become productive members of their communities, the law addressed by this bill penalizes them. Once their earnings rise above an amount that is barely sufficient to cover the most basic living expenses, their Social Security benefits are cut completely. No wonder it is estimated that over seventy percent of the employable blind population is either unemployed or underemployed.

This statistic, however, does not represent an unwillingness to work. On the contrary, the blind want to work and take great pride in developing the necessary skills that enable them to contribute to society.

I had the honor of knowing personally a great American leader who just happened to be blind. His name was Dr. Kenneth Jernigan and for over 25 years he led the organized blind movement in the United States. As President for the National Federation of the Blind, he moved the national headquarters to Baltimore where I had the opportunity to meet him. Sadly, Dr. Jernigan passed away last year.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal. Dr. Jernigan devoted his life to empowering the blind and encouraging them to be active members of society. He fought to improve their access to information, education, jobs, and public facilities.

The overly restrictive earnings cap in the Social Security Act represents precisely the kind of unfair law and barrier to employment that Dr. Jernigan battled throughout his life. He knew first hand about the devastating impact that restrictions such as this could have on the aspirations and hope of blind persons already struggling to overcome tremendous challenges.

Congress itself has recognized the overly restrictive nature of this earnings cap. In 1996, we raised the cap for senior citizens with passage of the Senior Citizens Freedom to Work Act. However, the earnings limitation for blind individuals was left unchanged. Up until that point, for almost twenty years, the same earnings cap had applied to both senior citizens and blind persons under the Social Security Act. With passage of the 1996 Freedom to Work Act, seniors were encouraged to remain active and continue working, but the disincentive to work was unfortunately left in place for the blind. Consequently, by 2002, seniors will be permitted to earn up to $30,000, but blind people who earn over $14,800 (less than half as much) will lose their benefits.

There is no justification for raising the earnings cap for one group and not the other. Why should we distinguish between two groups that for over twenty years were treated even-handedly under the law? What has changed to cause us to discriminate between the two and encourage one to work while greatly limiting the opportunities of the other? By reestablishing parity in the treatment of blind persons and senior citizens under the Social Security Act, this legislation will restore fairness to this law and will remedy a policy that has kept the blind locked out of rewarding, self-fulfilling employment.

Although a small number of blind persons may become newly eligible for benefits as a result of this change, their number will be a mere fraction of the thousands who do not work because of the disincentive imposed by this earnings limit. By enabling these beneficiaries to work, the overall net effect of this bill will be to increase payments to the Social Security trust funds and bring additional revenue to the Federal Treasury as well.

I urge my colleagues to support this necessary legislation that will ensure the blind are treated fairly under the law and will empower thousands of blind beneficiaries to become more engaged in society through productive employment.●

TRIBUTE TO STUDENT VOLUNTEERS

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate and honor two young Oregonians who have received national recognition for exemplary volunteer service in their communities. Mr. Cody Hill of Portland and Mr. Quinn Wilhelmi of Eugene have recently been named State Honorees from Oregon in the 1999 Prudential Spirit of Community Awards program, an annual honor confered on only one high school student and one middle-level student in each state, the District of Columbia and Puerto Rico.

Mr. Cody Hill, nominated by Lincoln High School, created and currently coordinates a program called ''Guns Aren't Fun,'' a toy gun trade-in event to encourage kids to trade in their toy guns for other non-violent toys. His idea is currently being developed into a non-profit organization to spread the message of non-violence across the country. Due to Cody's hard work and determination, more than one hundred toy guns have been turned in during two trade-in events. Cody has worked closely with local non-profit organizations and, to date, he has collected over $13,000 for the purchase of new toys. Cody has also received recognition in local newspaper detailing his volunteer work.

Mr. Quinn Wilhelmi, nominated by Roosevelt Middle School, began a tutoring program with fifth grade students in his former elementary school. Quinn's program works to develop the student's writing skills by helping them compose their autobiographies. Through his initiative, Quinn was able to recruit several of his classmates to join in this effort as well, and he has made a tremendous impact on several younger students while working as a writing mentor.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contributions these young people have made. Young volunteers like Cody and Quinn are inspiring examples to us all, and are among our brightest hopes for a better tomorrow. I applaud them for their initiative in seeking to make their communities better places to live, and for the positive impact that they had on the lives of others. In recognition of their efforts, Cody and Quinn will come to Washington, DC in early May, along with other 1999 Spirit of Community honorees from across the country. While in Washington, ten students will be named America's top youth volunteers of the year by a distinguished national selection committee.

I would also like to recognize four other young Oregonians who were recognized as Distinguished Finalists for their outstanding volunteer service: April Choate of Bend, Jennifer Fletcher of Portland, Julia Hyde of Portland, and Tiffany Wright of Springfield. They deserve high praise for their hard work and determination in helping others in their communities.

It is clear that these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary, and I believe they deserve our sincere admiration and respect. Their actions show that young Americans can, and do, play important roles in their communities, and that America's community spirit continues to hold tremendous promise for the future.●

IMPEACHMENT TRIAL PROCEDURES

● Mr. FEINGOLD. Mr. President, with the impeachment trial now behind us, I wanted to take a moment to make a few comments about the process that we experienced and suggest some of the lessons that we learned. I hope that in the weeks and months to come, we can look back dispassionately and try to take advantage of those lessons to make some changes in the Senate's rules that might serve us well in future impeachment trials.

The process used in the impeachment trial in the Senate was imperfect, but this is not surprising. The only truly apposite source of precedents took place more than 130 years ago. The value of the Johnson procedural precedents has been undermined in part by the changes in our politics, our culture and our technology.

There are many aspects of the trial that history will undoubtedly look upon with favor. Chief Justice Rehnquist, a son of Shorewood, Wisconsin, presided fairly and with dignity. His few rulings were not challenged. Perhaps most important, he provided a steady hand with a dose of humor. We are all in his debt.

In addition, senators approached the trial with dignity and collegiality. At the moment of greatest tension between the advocates, good will among senators never faltered. I understand that this may, in part, be due to the fact that the ultimate outcome of this trial was never in doubt. Having said that, however, senators, really without exception, took their duties and each other seriously. The impeachment of a president is a painful process, and, as I will discuss further in a moment, it ought to be painful. The stakes were very high in this trial, yet the Senate remained a place of civility. This was in stark contrast to the impeachment process in the House of Representatives. I hope the relative harmony in the Senate restored to this process some of the legitimacy lost in the partisan din of the other body.

The House Managers and the President's counsel did well in their individual presentations. At the outset we senators caucused together and reached a fair, if imperfect, roadmap for the early stages of the trial. Ultimately, we agreed on a procedural course that took us through the verdict. The tone throughout was civil and the arguments, by and large, on point.

But we did tie the hands of the advocates in some ways, and perhaps denied ourselves the fullest possible presentation of the evidence and arguments. The trial consisted, except for the unusual, and not always helpful, question period, of opening arguments followed

by several iterations of closing arguments. These arguments were interspersed with video snippets from grand jury depositions and depositions by the House Managers. This arrangement, pieced together as we went along, did not always make for a coherent narrative.

The House Managers' theory of the case required us to accept a narrative, a story of conspiracy, lies and efforts to thwart justice. As they told the story, each sinister act was offered as evidence of the coherent whole. They had trouble telling a story, due partly to flaws in their theory and, to be fair, perhaps in small part due to flaws in our process. We had no live witnesses. The parties alternated control of the floor, creating a dynamic of thrust and parry, rather than a methodically constructed narrative.

The managers' complaints about the process in turn became a recurrent theme in their arguments, resulting in greater, and sometimes unfair, latitude for them in their efforts to make the case. For example, on a disappointing party line vote, the President was denied fair notice of the snippets of taped testimony that would be woven into the House Managers' arguments. Then the Senate allowed the House Managers to reserve two of their three hours of closing arguments for a ''rebuttal'' which included new iterations of their various accusations, with no opportunity for the defense to reply.

The question of witnesses was distorted on both sides by political considerations. The House Managers were counseled by their allies in the Senate not to seek too many witnesses, lest they unnerve Senators with visions of unseemly testimony on the floor. The President's defenders declared that no witnesses were necessary; they argued that the House Managers had passed up their chance to hear fact witnesses in the House Judiciary Committee hearings. Neither approach was sound—witnesses would have helped, but they should have been chosen and presented in a thoughtful way. I believe, for example, that Betty Currie was a very important potential witness. She was nowhere to be found, apparently because the managers made a political calculation that they would do without her testimony, trading away the strongest piece of their obstruction case.

In the end, both sides made strategic decisions in this trial at the mercy of a fluid and unpredictable procedure. That led to an element of chance in the trial that I believe was unfortunate. And it also led to complaints from each side about the fairness of the process that were a distraction from the substance of the trial. I therefore recommend to future presidential impeachment courts that at the very outset they try hard to achieve consensus on a procedure that will govern the entire trial.

The process was not only flawed in the procedure on the floor. In the midst of the trial, the Independent Counsel, Kenneth Starr, at the behest of the House Managers, sought from the District Court an order compelling Monica Lewinsky to travel to Washington to submit to a private interview with the House Managers. This interposed the court and the Independent Counsel in matters properly reserved to the Senate, in which the Constitution vests the sole power to try impeachments. In so doing, he undermined the bipartisan agreement of the Senate that it would make procedural determinations regarding witnesses following the opening arguments and the question period.

Both the Republican and Democratic caucuses met throughout the trial to discuss the proceedings. I attended these meetings and I do not assert that they were improper, but we could have better lived up to our oath to do impartial justice, if we had not held those regular party caucuses. Those meetings must have seemed to some of our constituents to be the place where we plotted a partisan course. This could not have helped the people to have confidence in our work.

Time and again, we saw the House Managers and the President's lawyers clearly responding to advice from Senators. At times they held formal meetings with Senators. There were countless casual conversations about the case between Senators and the advocates for both sides. We are not solely jurors, in the traditional sense, but as triers of fact and law, we would do well in future impeachment trials to avoid these interactions, which really amount to ex parte communications.

The greatest flaw in the process was the lack of openness in deliberations. The modern Senate has no excuse for locking the people out of any of its proceedings except for the most serious reasons of national security. The Chief Justice ruled forcefully that the Senate in an impeachment trial is not a jury in the ordinary sense of the word. With that ruling, any pretext for closed deliberations was destroyed. We should quickly take steps now that the trial is over to change the archaic rules that forced this process behind closed doors at crucial moments. The American people should be able to watch us and hear us at every stage in a process that could lead to removal of a President they elected. Secrecy in these proceedings is wrong and can only undermine public confidence in this important constitutional event.

Mr. President, impeachment trials should be extremely rare. To make this more likely, the process of impeachment in the Senate should not be quick, convenient, and painless. Making it so only invites its further abuse. Adherence to a thorough process can provide a stabilizing bulwark against this kind of abuse. That is one of the reasons I opposed premature motions to dismiss the Articles of Impeachment and supported the House Managers' motions to depose witnesses and to admit those depositions into the record. The hasty and abbreviated impeachment process of the other body helped contribute to a feeling of two armed encampments facing each other in a high stakes contest rather than a search for truth or justice. Whether a President is convicted or acquitted, no credible or politically sustainable result can possibly come from such a process.

I believe it is important for us to review and analyze the process by which we conducted this trial and look honestly and critically at what worked and what didn't. We should then make changes to the process, now, while the experiences of this trial are fresh in our minds, and hand down to the next Senate that faces the unfortunate task of mounting an impeachment trial rules and procedures that will help it conduct the trial in a manner worthy of the weighty constitutional duty that the Framers of the Constitution bequeathed to it.●

DRUG FREE CENTURY ACT

● Mr. BURNS. Mr. President, I rise today to join the distinguished Senator from Ohio and a number of my colleagues in supporting the Drug Free Century Act. This bill continues last year's efforts in the fight against drug use in our country in the form of the Western Hemisphere Drug Elimination Act, the Drug Free Communities Act, and the Drug Demand Reduction Act, all of which I supported.

During my tenure in office I have read, listened to, and weighed the debate over illegal drug use and the policy our nation should follow in dealing with illegal drugs. In an attempt to put an end to that growing problem, I signed onto the Western Hemisphere Drug Elimination Act. This act was a bipartisan piece of legislation that authorized $2.6 billion over three years for drug eradication and interdiction efforts designed to restore a balanced anti-drug strategy. It offered significant promises for the reduction of the supply of coca and opium poppy in Latin America, as well as improving intelligence and interdiction capabilities against the national security threat posed by major narcotics trafficking organizations.

Although this bill received bipartisan support and was signed by the President, the FY2000 anti-drug budget was cut by the Administration by almost $100 million below that appropriated in FY1999. I ask you, Mr. President, what kind of signal are we sending to our nation's youth if we allow this to happen? We in Congress took the necessary steps last year in restoring a balanced, coordinated anti-drug strategy. We must continue our efforts and we must impress upon the Administration the commitment needed in order to carry out that strategy.

My colleague has pointed out that drug use and criminal activity since 1992 wiped out any gains made in the previous decade. America has witnessed an increase in illegal drug use

among our nation's younger generation. Recent polls show that drug use among our nation's eighth graders has increased 71 percent since 1992. We have seen a reverse in gains made in the 1980s and early 1990s by de-emphasizing law enforcement and interdiction while relying on drug treatment programs for hard-core abusers in the hopes of curbing drug usage.

In Montana alone, drug use among high school-aged youth has also risen. According to the Montana Office of Public Instruction's Youth Risk Behavior Survey, marijuana use among high school aged youth has risen approximately 18% since 1993. However, that 18% only represents an increase in one time use by teenagers. In fact, the same survey suggests that the percent of adolescents who have used marijuana repeatedly in the last 30 days has risen by 13%. But it isn't just marijuana use that has increased, Mr. President. No. In fact, a more deadlier drug, cocaine, is increasing in use among Montana teens. Approximately 5% according to the survey. This is the sad trend that our nation's youth is following, and the reason we in Congress need to make a strong statement against drug use. I believe that The Drug Free Century Act is such a statement.

The Drug Free Century Act is a comprehensive approach to the nation's anti-drug policies. It strengthens education, treatment, law enforcement, and drug interdiction efforts. Although it is only the first step in our anti-drug strategy, it sends a clear message to the nation and our youth that we are committed to eliminating illegal drugs in the United States.●

OFFICER BRIAN ASELTON

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to a young man who made the ultimate sacrifice for his community. Officer Brian Aselton of the East Hartford Police Department lost his life on January 23, 1999 when he responded to a noise complaint call that turned out to be anything but routine. Instead, Brian became the eleventh Connecticut police officer killed in the line of duty in the last ten years.

This tragedy has touched the entire region; more than ten thousand civilians and law enforcement officials attended Brian's funeral. We have all tried to come to terms with the utter senselessness of his death. Brian was a young man at the start of a promising career with a supportive nucleus of family and friends. Truly, he embodied the determination, strength, and spirit that is such an integral part of our nation's history. Yet, in an instant, Brian's life and the lives of everyone who loved him changed forever.

Every law enforcement officer puts his or her life on the line to protect citizens every day. Too often, we as civilians forget the dangers of the occupation and do not show these brave and dedicated officers the respect they deserve. Officer Aselton, killed in the line of duty, serves as a solemn reminder to us all of the responsibility borne by police officers across the state and nation. Every day, the men and women in uniform put their lives at risk so that we can live in communities where we and our families can feel safe. And unfortunately, it takes a tragic event like this for us to truly understand the dedication of these peace officers to the neighborhoods they serve.

With the support of the East Hartford Police Department and other officers across the region, the Aselton family has begun the necessary healing process. Yet, with his loss, the town of East Hartford and the State of Connecticut have been diminished. At Brian's funeral, everyone joined together across municipal and state borders and stood together as a single family honoring one of our own. Now that Brian is gone, it is incumbent on us to maintain those bonds. Each one of us must recognize that we are all part of the same family and the simple things important to us are also the simple things important to our neighbors. These are the personal steps that we should take to truly honor his memory. If we can each devote the same commitment to these principles that Brian devoted to his duties as a police officer, we will, through our progress as a society, have made some sense out of his untimely death.●

CONGRATULATIONS TO LINCOLN HIGH SCHOOL

● Mr. SMITH of Oregon. Mr. President, I rise today to congratulate the class from Lincoln High School in Portland, Oregon, that will be representing the state of Oregon in the national finals of the program We the People . . . The Citizens and the Constitution. These young scholars have worked diligently to reach the national finals and through their experience have gained knowledge and understanding of the principles and values that support our constitutional democracy.

The We the People . . . The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress, consisting of oral presentations by high school students before a panel of adult judges. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

It is so important that our young people come to understand and appreciate these unique concepts and values which knit our nation together. For it is their leadership which must guide our country's future, and their wisdom which must be equal to our country's need. Again, I congratulate the student team from Lincoln High School and thank each for their dedication and diligence.

The student team from Lincoln High School consists of: Graham Berry, Nicole Byers, Brianna Carlisle, Naomi Cole, Violet Dochow, Andrew Dunn, Etopi Fanta, Jordan Foster, Ian Galloway, Arianna Hearing, Sarah Hodgson, Britta Ingebretson, Aaron Johnson, James Knowles, Ashley Linder, Katharine Mapes, Heather Marsh, Amanda Morganroth, Joshua Moskovitz, David Murphy, Eric Nadal, Simone Neuwelt, Melissa Nitti, Lauren Olson, Aubrey Richardson, Caitlin Ryan, Jonathan Schwartz, Elizabeth Smith, Paul Susi, and Katherine Wax, with Hal Hart and Chris Hardman serving as their teacher advisors. They are currently conducting research and preparing for the upcoming national competition in Washington, DC. I wish the students and teachers the best of luck at the We the People national finals and I look forward to their visit to Capitol Hill.●

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

● Mr. MCCAIN. Mr. President, pursuant to the requirements of paragraph 2 of Senate Rule XXVI, I ask to have printed in the RECORD the rules of the Committee on Commerce, Science, and Transportation for the 106th Congress adopted by the committee on January 20, 1999.

The Rules follow:

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

(Adopted by the Committee on Commerce, Science, and Transportation on January 20, 1999.)

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public

contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of his testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

II. QUORUMS

1. Eleven members shall constitute a quorum for official action of the Committee when reporting a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

2. Seven members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution or nomination. Proxies shall not be counted in making a quorum.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, a majority of the members being present, a member who is unable to attend the meeting may submit his vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings or any other meeting but shall not have the authority to vote on any matter before the subcommittee unless he is a Member of such subcommittee.

2. Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the Ranking Member.●

RULES OF THE COMMITTEE ON FINANCE

● Mr. ROTH. Mr. President, pursuant to paragraph 2 of Rule XXXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the Rules of the Committee on Finance for the 106th Congress.

The Rules follow:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. Quorums.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. Reporting of Measures or Recommendations.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. Order of Motions.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Bringing a Matter to a Vote.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. Nominations.—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. Open Committee Hearings.—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. Announcement of Hearings.—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. Witnesses at Hearings.—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear

before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. Audiences.—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. Broadcasting of Hearings.—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. Subcommittees.—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. Transcripts of Committee Meetings.—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as ''uncorrected,'' shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. Amendment of Rules.—The foregoing rules may be added to, modified, amended or suspended at any time.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 10 through 13, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. James B. Armor, Jr., 0000
Col. Barbara C. Brannon, 0000
Col. David M. Cannan, 0000
Col. Richard J. Casey, 0000
Col. Kelvin R. Coppock, 0000
Col. Kenneth M. Decuir, 0000
Col. Arthur F. Diehl, III, 0000
Col. Lloyd E. Dodd, Jr., 0000
Col. Bob D. Dulaney, 0000
Col. Felix Dupre, 0000
Col. Robert J. Elder, Jr., 0000
Col. Frank R. Faykes, 0000
Col. Thomas J. Fiscus, 0000
Col. Paul J. Fletcher, 0000
Col. John H. Folkerts, 0000
Col. William M. Fraser, III, 0000
Col. Stanley Gorenc, 0000
Col. Michael C. Gould, 0000
Col. Paul M. Hankins, 0000
Col. Elizabeth A. Harrell, 0000
Col. Peter J. Hennessey, 0000
Col. William W. Hodges, 0000
Col. Donald J. Hoffman, 0000
Col. William J. Jabour, 0000
Col. Thomas P. Kane, 0000
Col. Claude R. Kehler, 0000
Col. Frank G. Klotz, 0000
Col. Robert H. Latiff, 0000
Col. Michael G. Lee, 0000
Col. Robert E. Mansfield, Jr., 0000
Col. Henry A. Obering, III, 0000
Col. Lorraine K. Potter, 0000
Col. Neal T. Robinson, 0000
Col. Robin E. Scott, 0000
Col. Norman R. Seip, 0000
Col. Bernard K. Skoch, 0000
Col. Robert L. Smolen, 0000
Col. Joseph P. Stein, 0000
Col. Jerald D. Stubbs, 0000
Col. Kevin J. Sullivan, 0000
Col. James P. Totsch, 0000
Col. Mark A. Volcheff, 0000
Col. Mark A. Welsh, III, 0000
Col. Stephen G. Wood, 0000
Col. Donald C. Wurster, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Michael B. Smith, 0000

IN THE MARINE CORPS

The following named officer for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Leo V. Williams, III, 0000

IN THE AIR FORCE

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John R. Baker, 0000
Brig. Gen. John D. Becker, 0000

Brig. Gen. Robert F. Behler, 0000
Brig. Gen. Scott C. Bergren, 0000
Brig. Gen. Paul L. Bielowicz, 0000
Brig. Gen. Franklin J. Blaisdell, 0000
Brig. Gen. Robert P. Bongiovi, 0000
Brig. Gen. Carrol H. Chandler, 0000
Brig. Gen. Michael M. Dunn, 0000
Brig. Gen. Thomas B. Goslin, Jr., 0000
Brig. Gen. Lawrence D. Johnston, 0000
Brig. Gen. Michael S. Kudlacz, 0000
Brig. Gen. Arthur J. Lichte, 0000
Brig. Gen. William R. Looney, III, 0000
Brig. Gen. Stephen R. Lorenz, 0000
Brig. Gen. T. Michael Moseley, 0000
Brig. Gen. Michael C. Mushala, 0000
Brig. Gen. Larry W. Northington, 0000
Brig. Gen. Everett G. Odgers, 0000
Brig. Gen. William A. Peck, Jr., 0000
Brig. Gen. Timothy A. Peppe, 0000
Brig. Gen. Richard V. Reynolds, 0000
Brig. Gen. Earnest O. Robbins, II, 0000
Brig. Gen. Randall M. Schmidt, 0000
Brig. Gen. Norton A. Schwartz, 0000
Brig. Gen. Todd I. Steward, 0000
Brig. Gen. George N. Williams, 0000

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Bruce R. Burnham, and ending Mahender Dudani, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Malcolm M. Dejnozka, and ending Gaelle J. Glickfield, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning *Les R. Folio, and ending Daniel J. Feeney, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Vincent J. Shiban, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nomination of Kymble L. McCoy, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Robert S. Andrews, and ending David J. Zollinger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Richard L. Ayers, and ending William C. Wood, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Air Force nominations beginning Peter C. Atinopoulos, and ending George T. Zolovick, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Hancock, Jr., and ending Sidney W. Atkinson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Samuel J. Boone, and ending Donna C. Weddle, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Frederic L. Borch III, and ending Stephanie D. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Wendell C. King, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George A. Amonette, and ending Kenneth R. Stolworthy, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning *Craig J. Bishop, and ending David W. Niebuhr, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Dale G. Nelson, and ending Frank M. Swett, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of Dennis K. Lockard, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Stuart C. Pike, and ending Delance E. Wiegele, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999..

Army nomination of Franklin B. Weaver, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Thomas J. Semarge, and ending *Jeffrey J. Fisher, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *William J. Miluszusky, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nomination of *Daniel S. Sullivan, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Christopher A. Acker, and ending X1910, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning George L. Adams, III, and ending Juanita H. Winfree, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Lisa Andersonlloyd, and ending Peter C. Zolper, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Mark O. Ainscough, and ending Arthur C. Zuleger, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Gregg T. Anders, and ending Carl C. Yoder, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Robert V. Adamson, and ending Jack W. Zimmerly, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Army nominations beginning Tim O. Reutter, and ending *Jack M. Griffin, which nominations were received by the Senate on February 3, 1999, and appeared in the Congressional Record of February 4, 1999.

Marine Corps nomination of Terry G. Robling, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Milton J. Staton, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Stephen W. Austin, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of William S. Tate, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Robert S. Barr, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of John C. Lex, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Lance A. McDaniel, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Joseph M. Perry, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nomination of Myron P. Edwards, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Marine Corps nominations beginning David J. Abbott, and ending Kevin H. Winters, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Jose M. Gonzalez, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nomination of Douglas L. Mayers, which was received by the Senate and appeared in the Congressional Record of February 3, 1999.

Navy nominations beginning Errol F. Becker, and ending Eduardo R. Morales, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1999..

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, MARCH 4, 1999

Mr. MACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 4. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 11 a.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator GORTON, 20 minutes; Senator KERREY, 20 minutes; Senator ABRAHAM, 15 minutes; Senator GRAHAM, 10 minutes, Senator WARNER, 10 minutes; Senator AKAKA, 5 minutes; and Senator MURRAY, 10 minutes.

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

Mr. MACK. I further ask unanimous consent that following morning business, the Senate resume consideration of S. 280, the education flexibility partnership bill, and Senator BINGAMAN be recognized to offer an amendment regarding dropouts.

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

PROGRAM

Mr. MACK. Mr. President, for the information of all Senators, the Senate

will reconvene tomorrow morning at 9:30 a.m. and begin a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the education flexibility bill, with Senator BINGAMAN being recognized immediately to offer an amendment regarding dropouts. Rollcall votes are possible throughout Thursday's session, as the Senate continues to offer and debate amendments to the Ed-Flex bill.

The leader would like to notify all Members that if the Senate is still considering the Ed-Flex bill, rollcall votes are expected up until noon on Friday, with a vote on Monday expected at approximately 5 p.m. All Members will be notified as to the exact voting schedule when it becomes available.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the United States Code, as amended by Pubic Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Maine (Ms. SNOWE), Committee on Commerce, Science, and Transportation.

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Arizona (Mr. MCCAIN), ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and the Senator from Missouri (Mr. ASHCROFT), Committee on Commerce, Science, and Transportation.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 105–220, announces the appointment of the following individuals to serve as members of the Twenty-first Century Workforce Commission:

Susan Auld, of Vermont; Katherine K. Clark, of Virginia; Bobby S. Garvin, of Mississippi, and Randel K. Johnson, of Maryland.

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–277, announces the appointment of the following individuals to serve as members of the commission on Online Child Protection:

Jerry Berman, of Washington, D.C.; representative of a business making content available over the Internet; Srinija Srinivasan, of California; representative of a business providing Internet portal or search services; and Donald N. Telage, of Massachusetts; representative of a business providing domain name registration services.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Thursday, March 4, 1999, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 3, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JAMES B. ARMOR, JR., 0000.
COL. BARBARA C. BRANNON, 0000.
COL. DAVID M. CANNAN, 0000.
COL. RICHARD J. CASEY, 0000.
COL. KELVIN R. COPPOCK, 0000.
COL. KENNETH M. DECUIR, 0000.
COL. ARTHUR F. DIEHL III, 0000.
COL. LLOYD E. DODD, JR., 0000.
COL. BOB D. DULANEY, 0000.
COL. FELIX DUPRE, 0000.
COL. ROBERT J. ELDER, JR., 0000.
COL. FRANK R. FAYKES, 0000.
COL. THOMAS J. FISCUS, 0000.
COL. PAUL J. FLETCHER, 0000.
COL. JOHN H. FOLKERTS, 0000.
COL. WILLIAM M. FRASER III, 0000.
COL. STANLEY GORENC, 0000.
COL. MICHAEL C. GOULD, 0000.
COL. PAUL M. HANKINS, 0000.
COL. ELIZABETH A. HARRELL, 0000.
COL. PETER J. HENNESSEY, 0000.
COL. WILLIAM W. HODGES, 0000.
COL. DONALD J. HOFFMAN, 0000.
COL. WILLIAM J. JABOUR, 0000.
COL. THOMAS P. KANE, 0000.
COL. CLAUDE R. KEHLER, 0000.
COL. FRANK G. KLOTZ, 0000.
COL. ROBERT H. LATIFF, 0000.
COL. MICHAEL G. LEE, 0000.
COL. ROBERT E. MANSFIELD, JR., 0000.
COL. HENRY A. OBERING III, 0000.
COL. LORRAINE K. POTTER, 0000.
COL. NEAL T. ROBINSON, 0000.
COL. ROBIN E. SCOTT, 0000.
COL. NORMAN R. SEIP, 0000.
COL. BERNARD K. SKOCH, 0000.
COL. ROBERT L. SMOLEN, 0000.
COL. JOSEPH P. STEIN, 0000.
COL. JERALD D. STUBBS, 0000.
COL. KEVIN J. SULLIVAN, 0000.
COL. JAMES P. TOTSCH, 0000.
COL. MARK A. VOLCHEFF, 0000.
COL. MARK A. WELSH III, 0000.
COL. STEPHEN G. WOOD, 0000.
COL. DONALD C. WURSTER, 0000.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MICHAEL B. SMITH, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. LEO V. WILLIAMS III, 0000.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. BAKER, 0000.
BRIG. GEN. JOHN D. BECKER, 0000.
BRIG. GEN. ROBERT F. BEHLER, 0000.
BRIG. GEN. SCOTT C. BERGREN, 0000.
BRIG. GEN. PAUL L. BIELOWICZ, 0000.
BRIG. GEN. FRANKLIN J. BLAISDELL, 0000.
BRIG. GEN. ROBERT P. BONGIOVI, 0000.
BRIG. GEN. CARROL H. CHANDLER, 0000.
BRIG. GEN. MICHAEL M. DUNN, 0000.
BRIG. GEN. THOMAS B. GOSLIN, JR., 0000.
BRIG. GEN. LAWRENCE D. JOHNSTON, 0000.
BRIG. GEN. MICHAEL S. KUDLACZ, 0000.
BRIG. GEN. ARTHUR J. LICHTE, 0000.
BRIG. GEN. WILLIAM R. LOONEY III, 0000.
BRIG. GEN. STEPHEN R. LORENZ, 0000.
BRIG. GEN. T. MICHAEL MOSELEY, 0000.
BRIG. GEN. MICHAEL C. MUSHALA, 0000.
BRIG. GEN. LARRY W. NORTHINGTON, 0000.
BRIG. GEN. EVERETT G. ODGERS, 0000.
BRIG. GEN. WILLIAM A. PECK, JR., 0000.
BRIG. GEN. TIMOTHY A. PEPPE, 0000.
BRIG. GEN. RICHARD V. REYNOLDS, 0000.
BRIG. GEN. EARNEST O. ROBBINS II, 0000.
BRIG. GEN. RANDALL M. SCHMIDT, 0000.
BRIG. GEN. NORTON A. SCHWARTZ, 0000.
BRIG. GEN. TODD I. STEWART, 0000.
BRIG. GEN. GEORGE N. WILLIAMS, 0000.

AIR FORCE NOMINATIONS BEGINNING BRUCE R. BURNHAM, AND ENDING MAHENDER DUDANI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING MALCOLM M. DEJNOZKA, AND ENDING GAELLE J. GLICKFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING *LES R. FOLIO, AND ENDING DANIEL J. FEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT J. SHIBAN, 0000.

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KYMBLE L. MCCOY, 0000.

AIR FORCE NOMINATIONS BEGINNING ROBERT S. ANDREWS, AND ENDING DAVID J. ZOLLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING RICHARD L. AYRES, AND ENDING WILLIAM C. WOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

AIR FORCE NOMINATIONS BEGINNING PETER C. ATINOPOULOS, AND ENDING GEORGE T. ZOLOVICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE ARMY

ARMY NOMINATIONS BEGINNING GEORGE L. HANCOCK, JR., AND ENDING SIDNEY W. ATKINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING SAMUEL J. BOONE, AND ENDING DONNA C. WEDDLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING FREDERIC L. BORCH III, AND ENDING STEPHANIE D. WILLSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

WENDELL C. KING, 0000.

ARMY NOMINATIONS BEGINNING GEORGE A. AMONETTE, AND ENDING KENNETH R. STOLWORTHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING *CRAIG J. BISHOP, AND ENDING DAVID W. NIEBUHR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING DALE G. NELSON, AND ENDING FRANK M. SWETT, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

DENNIS K. LOCKARD, 0000.

ARMY NOMINATIONS BEGINNING STUART C. PIKE, AND ENDING DELANCE E. WIEGELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANKLIN B. WEAVER, 0000.

ARMY NOMINATIONS BEGINNING THOMAS J. SEMARGE, AND ENDING *JEFFREY J. FISHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 3064:

To be lieutenant colonel

*WILLIAM J. MILUSZUSKY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628:

To be major

*DANIEL S. SULLIVAN, 0000.

ARMY NOMINATIONS BEGINNING CHRISTOPHER A ACKER, AND ENDING X1910, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GEORGE L ADAMS III, AND ENDING JUANITA H WINFREE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING LISA ANDERSONLLOYD, AND ENDING PETER C ZOLPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING MARK O AINSCOUGH, AND ENDING ARTHUR C ZULEGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING GREGG T ANDERS, AND ENDING CARL C YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING ROBERT V ADAMSON, AND ENDING JACK W ZIMMERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

ARMY NOMINATIONS BEGINNING TIM O. REUTTER, AND ENDING *JOHN M. GRIFFIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 4, 1999.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TERRY G. ROBLING, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MILTON J. STATON, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN W. AUSTIN, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM S. TATE, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT S. BARR, 0000.

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN C. LEX, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LANCE A. MCDANIEL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH M. PERRY, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MYRON P. EDWARDS, 0000.

MARINE CORPS NOMINATIONS BEGINNING DAVID J ABBOTT, AND ENDING KEVIN H WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSE M. GONZALEZ, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE IN ACCORDANCE WITH SECTION 12203 OF TITLE 10, U.S.C.:

IN THE MEDICAL CORPS

To be captain

DOUGLAS L. MAYERS, 0000.

NAVY NOMINATIONS BEGINNING ERROL F. BECKER, AND ENDING EDUARDO R. MORALES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 1999.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE JACOB JOSEPH CHESTNUT-JOHN MICHAEL GIBSON CAPITOL VISITOR CENTER ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. NORTON. Mr. Speaker, I am re-introducing the Jacob Joseph Chestnut-John Michael Gibson United States Capitol Visitor Center Act of 1999 (Chestnut-Gibson Act), which I originally introduced shortly after the deaths of Capitol Police officers Jacob Joseph Chestnut and John Michael Gibson. My bill authorizes the Architect of the Capitol ''to plan, construct, equip, administer, and maintain a Capitol Visitor Center under the East Plaza of the Capitol'' grounds.

The primary purpose of the bill is to increase public safety and security. According to the Capitol Police and the U.S. Capitol Police Board, a visitor center would provide significant distance between the Capitol and visitors, and for a host of reasons they have documented, would make the Capitol more secure. No one knows whether Officer Chestnut or Special Agent Gibson or, for that matter, any other officer or individual would have been spared had a visitor center been in place last July. What we do know is that our nineteenth century Capitol was not built with anything like today's security hazards in mind.

I have also been a strong supporter of a Capitol Visitor Center since coming to Congress in 1991, not only for security reasons but also because the existing conditions here do not ensure the health, convenience, and cordiality that our constituents are entitled to. Members are often forced to address constituents seated on stone steps outdoors. In the blistering heat and merciless cold of Washington, visitors wait in line outdoors to tour the Capitol. Last summer, the hottest on record in the United States, saw tourists faint while waiting in line and then rushed inside to be treated by our physicians. Even if the Capitol had not incurred a terrible tragedy, we would be in need of a more civil way to welcome the people we represent.

Although the Congress did not pass this bill in the last Congress, it recognized the urgency of building a Capitol Visitor Center by providing $100 million for its construction in the Omnibus Appropriations bill. However, the appropriation does not contain any guidelines for the Architect of the Capitol to follow in administering the project. My bill would require the Architect to work within the framework of recommendations issued in 1995, to identify alternatives for construction to achieve cost savings, and to submit a report containing the plans and designs within 120 days of passage of my legislation. This procedure would ensure that the Capitol Visitor Center is undertaken expeditiously and cost-effectively.

I feel a special obligation in introducing this bill because the residents of the District have a special relationship with the Capitol Police. In 1992, when there was a large spike in crime in the District, Congress passed the United States Capitol Police Jurisdiction Act, a bill I introduced authorizing the Capitol Police to patrol parts of the Capitol Hill residential community closest to the Capitol. Capitol Police officers were not only willing; they were enthusiastic to use their excellent training and professionalism for the benefit of residents and the many tourists and visitors whose safety might be compromised by having to travel through high-crime areas in order to get to the Capitol.

Our foremost obligation is to protect all who visit or work here and to spare no legitimate consideration in protecting the United States Capitol. The Capitol is a temple of democracy and is the most important symbol of the open society in which we live. It is even more so than the White House, in part because the President's workplace is also a residence and cannot be entirely open. The Capitol symbolizes our free and open society not only because it is accessible but also because of what transpires here. It is here that the people come to petition their government, to lobby and to persuade us, and ultimately to discharge us if we stray too far from their democratic demands. Thus, we neither have nor would we want the option to make the Capitol more difficult to access. After last summer's tragedy, we have an obligation to demonstrate that security is not inconsistent with democracy.

JOSE AND KATHY VILLEGAS ARE RECIPIENTS OF THE 1998 APPLE PARENT INVOLVEMENT IN EDUCATION AWARD

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention an honor given to Jose and Kathy Villegas, residents of the great state of New Mexico. Jose and Kathy Villegas have received the 1998 Apple Parent Involvement in Education (PIE) Award.

Jose and Kathy Villegas received this award because their children Candace Marie, age 13 and Joseph, Jr. age 11 took the initiative to write a letter of nomination to Apple PIE Awards. Our most important job as parents is providing our children with values, teaching the difference between right and wrong and setting examples of respect for ourselves, others and our community. Jose and Kathy Villegas obviously have done this with their children. The nomination letter included a description of how their parents were instrumental in getting a classroom addition at their elementary school and a stop light at a busy intersection used by school children. Jose and Kathy Villegas are involved in many task forces working on issues important to children's education. The Villegas' story provides an excellent example of how parent involvement can make a positive difference in their children's lives, the local school and their community.

Jose and Kathy Villegas' story is part of a feature story in the November 1998 issue of Working Mother titled: Classroom Champions. As the only individuals to receive this award in the United States, they stand as an example to all of us. Join me today in recognizing recipients of the 1998 Apple Parent Involvement in Education Award, Jose and Kathy Villegas.

NATIONAL EYE DONOR MONTH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. LOWEY. Mr. Speaker, I would like to call to the attention of my colleagues and the public that March is National Eye Donor Month. National recognition of Eye Donor Month dates back to the very early days of transplantation, when corneas were the only human transplants. Now, transplantations are common medical procedures by which people may give so that others can live better, fuller, healthier lives.

National Eye Donor Month honors the thousands of Americans who, over the past 55 years, have each left behind a priceless legacy—their eyes. Since the first transplant agency was founded in New York City in 1944, sight has been restored to over half a million individuals by means of cornea transplantation.

Eye Donor Month is also about increasing public awareness of the continuing need for donors. Many people are still unaware of how easy it is to become an eye donor. All a donor needs to do is sign a card and announce to his or her family the intent to leave behind this special gift.

I am confident that if more Americans realized the true extent of the need for transplants, many more would willingly donate their corneas, once they can no longer use them. More than 40,000 Americans will need cornea transplants this year. Thousands of researchers will need donor eye tissue to explore prevention and treatment of blinding diseases.

Understandably, most people do not like to think about their own deaths, nor discuss the matter with their families. As a result, they frequently put off signing their donor cards until it is too late. I hope that more people will instead follow the example of a young boy in my district, Nathan Sheinfeld of Scarsdale, NY. At age 9, Nathan became a living eye donor. When faced with the loss of his left eye after a golfing incident, one of his first thoughts was to ask if it could possibly be used by someone else. Only a few days after his accident, Nathan gave the gift of sight to a 53-year-old man.

Thankfully, very few people lose their sight in such a tragic way. But we can all follow Nathan's example by promising to donate our

eyes when we no longer need them. I encourage people to discuss this important issue with their families, as Nathan did. By arranging to donate his eye, this young boy has shown us that some good can result even from a tragic loss.

Our nation's eye banks—non-profit agencies operating under the umbrella of the Eye Bank Association of America—have done a heroic job of restoring sight to blind people. Today, cornea transplantation is the most common transplant procedure performed, with an extremely high success rate of nearly 90 percent.

This incredible success rate is due in part to a meticulous screening process which separates out corneas unsuitable for transplantation. These may be used for research purposes in surgical training and medical education. So, while each donated eye is put to good use, such a selective screening process must be supported by a large number of donations.

Right now, there are simply not enough donors. We must change that. I want to encourage my colleagues to celebrate National Eye Donor Month by working closely with our Nation's eye banks to educate the American public about how they can help others to see. Let us all aim to increase the number of eyes available for transplantation, so that we may illuminate the darkness for so many of our fellow citizens.

TRIBUTE TO HANNAH COVINGTON MCGEE

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HAYES. Mr. Speaker, I rise today to honor the life of Hannah Covington McGee, a woman who was dedicated to serve in her community and at Wingate University in Wingate, North Carolina.

Mrs. McGee, was a native of Rockingham, North Carolina. The McGees moved to Wingate 6½ years ago when her husband, Jerry, was named president of Wingate University. Together they have raised two sons and served the thousands of students who have attended Wingate University under their tenure.

Jerry and Hannah McGee have been married 33 years. They have been sweethearts ever since his high school football days in Richmond County, North Carolina. Dr. McGee often referred to his wife as ''the girl with the ponytail who stole my heart.''

At Wingate University, Mrs. McGee, an art lover, took a keen interest in the new fine arts center. She helped lead the fund-raising campaign for a new George A. Batte Fine Arts Center and assisted with its interior decoration. As the wife of the President, Mrs. McGee attended numerous dinners, graduations and special functions at Wingate, that she was not required to attend. But she shared her husband's commitment to the University and was honored to participate.

In the community, Mrs. McGee was tireless in her efforts to serve. She helped launch English as a second language program in the Union County schools. Mrs. McGee was on the Board of Directors at the Union County Players, and she helped in restoring the M.B. Dry Memorial Chapel on campus.

Most recently, the McGees were in Tortola in the British Virgin Islands where Dr. McGee was on a three month sabbatical to relax and spend more time with his wife. In remarks Dr. McGee released, he said, ''She was the mother, wife, daughter and sister that everyone dreams of—one of the easiest people to love who ever lived.'' Hannah McGee will be missed. I ask my colleagues to join me in honoring a remarkable woman.

CELEBRATING THE 15TH ANNIVERSARY OF THE SECURUS HOUSE IN CLAYTON COUNTY, GEORGIA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. COLLINS. Mr. Speaker, I rise today to celebrate and commemorate the anniversary of the Securus House in Clayton County, Georgia. In 1983, three members of the Clayton County/Henry County Women's Council of Realtors, Tricia Capps, Jane Cox, and Betsy Ramsey discussed options for a community project with Anne Plant, Director of Family and Children Services. These concerned citizens joined together to establish a badly needed facility for battered women. On March 9, 1999, the Securus House will celebrate fifteen years of work to ease and overcome family violence.

With well over 82,000 men, women, and children requesting assistance from this community project, the Securus House is a daily, working example of what local communities are capable of accomplishing.

Every day, the Securus House makes strides toward the elimination of domestic violence. Although it has sheltered over 3,400 women and children, tragically, between 1988 and 1998 in Clayton County, one hundred and seventeen women, children, and men died as the result of domestic violence. Their lives will be remembered in a candlelight vigil as part of the anniversary commemoration.

I congratulate and commend the Securus House and Clayton County for their tremendous efforts on behalf of the community and for the difference they make every day.

MARY MCAFEE NAMED THE MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the honor bestowed upon Mary McAfee, Principal of Zuni Elementary Magnet School, Albuquerque, New Mexico. Ms. McAfee has been named to receive the 1998 Milken Family Foundation National Educator Award.

Mary McAfee is one of 160 outstanding educators from around our great country selected for this honor. The criterion for this award includes exceptional educational talent and promise and distinguished achievement in developing innovative educational curricula, programs and/or teaching methods. Within her school, Zuni Elementary, Ms. McAfee provides leadership and models the behaviors identified in the criteria. By providing the example she raises the standard for all teachers at Zuni Elementary, supporting a team environment for children to learn.

This Award is the reflection of the many lives Mary McAfee has touched. With all of the talk about how to improve education, Mary McAfee is actually making those improvements for the children of Zuni Elementary and for our great community of Albuquerque, New Mexico. Please join me in thanking and honoring Mary McAfee for those contributions.

IN HONOR OF DEPUTY MAYOR ANGELO CORTINAS AND COUNCILMAN ANSELMO MILLAN, FOR THEIR DEDICATION TO THE HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the late Honorable Angelo Cortinas and the Honorable Anselmo Millan for their dedication and commitment to the Hispanic Community.

In his days as a detective for the Office of the Sheriff, Deputy Mayor Angelo Cortinas worked tirelessly for the citizens of Essex County. Responsible for more than 2,000 arrests during his 26 years on the force, Mr. Cortinas was committed to the safety and well being of the community. More specifically, Mr. Cortinas devoted his life and career to the betterment of Latinos and the Hispanic Community.

Through hard work and perseverance, Mr. Cortinas' grassroots efforts provided many services to the Latinos in my district. He served as founding member on the Hispanic Emergency Council, the Hispanic Chamber of Commerce, and the Hispanic Law Enforcement Society of Essex County. He also served as Chairman of Club Espana, Vice President of the National Association of Latino Trustees, Honorary member of the Cuban American Association, and as a member of the State Democratic Hispanic League of Voters. In addition, Mr. Cortinas served as the Chairman of the College Board since 1993, making him the first Hispanic in the state to attain this distinguished position.

After retiring from an impressive career with the Sheriff's Office, Mr. Cortinas used his years of experience to further serve the community by entering into politics. Since January, 1998, Mr. Cortinas had served as Deputy Mayor of Newark until his recent passing. Mr. Cortinas will be greatly missed by the Latino Community, the City of Newark, and the 13th Congressional District.

Anselmo Millan was elected in 1995 as the first ever Hispanic Councilman in the Town of Harrison. He has been a source of leadership to the jurisdiction, as well as to the Hispanic Community. Mr. Millan has coordinated citizenship drives, clothes drives for survivors of Hurricanes Mitch and Hortense, and helped organize the Coalicion de Sociedades Espanolas. He has also been a leader for Latino vote-USA, an organization that is devoted to including Latinos in the democratic process.

Mr. Millan continues to serve the community by maintaining memberships on many committees and boards. From the Boy Scouts of America and the Harrison PTA, to Club Espana and Casa Galicia, Mr. Millan has solidified his position in the community as a youth advocate and Hispanic Leader.

And his efforts have not gone unnoticed. Mr. Millan has won numerous awards including the Award of Honor Al Merito for Commitment to the Hispanic Community and awards of support from the Uruguayan, Portuguese, and Equatorian communities.

In addition to the leadership and support Mr. Millan has provided to the Latinos of Harrison, he has also served the larger community through his environmental concerns. Acting as Chairman to a number of environmentally conscious organizations such as Clean Communities, the Beautification Committee, and the Brownfields Committee, Mr. Millan helped shine a light on environmental issues both in the 13th District as well as the state of New Jersey.

These two men exemplify leadership and dedication to both the Hispanic Community and the community at large. For these tremendous contributions to New Jersey and their incredible example as public servants, I am very happy to honor these individuals for their achievements. I salute and congratulate both of them on their extraordinary accomplishments.

CONGRATULATING DANIEL DIRNBERGER OF ORAN, MO: SECOND PLACE NATIONAL WINNER IN THE VFW 1999 VOICE OF DEMOCRACY PROGRAM

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mrs. EMERSON. Mr. Speaker, on Sunday, February 28, 1999, the Veterans of Foreign Wars announced that Daniel Dirnberger, a senior at Oran High School in Scott County, Missouri, was the second place National winner of the ''1999 Voice of Democracy Program.'' Daniel was sponsored by Morley VFW Post 5368 and its Ladies Auxiliary. He is the son of Mr. and Mrs. Leonard Dirnberger, and he plans on attending Southeast Missouri University next school year.

Daniel's essay, entitled ''My Service to America,'' captures the very essence of what it means to be an American. In a self-governing nation such as ours, each and everyone of us serves our country when we ''simply be the best we can be, fight the good fight, and be someone who is strong and proud to call themselves an American. We do that and everything that our elders bled, fought, and died for will be truly honored.'' I have enclosed a copy of Daniel's essay for the record. I hope that my colleagues will take a few minutes to read his words, and to share his essay with young people in their districts. Daniel exemplifies the energy, the optimism, and the dedication to country that compelled our Founding Fathers in their drive to create one nation, under God, indivisible with liberty and justice for all.

MY SERVICE TO AMERICA

(By Daniel Dirnberger)

As I stood in the darkness of the theater watching the end of the war movie ''Saving Private Ryan'' my eyes welled up with tears as the older Private Ryan stood at the grave of his friend. This scene made me think about how much these brave men and women have had to suffer and sacrifice so that our freedom may endure to this day. From where I stood I could see many of the reactions of the people in the audience. Some wept, others held their heads low, and still others seem so shocked that emotional reaction was impossible for them to express. What attracted my attention, however, was the reaction of the war veterans who had come to see the movie that day.

The veterans sat in a group on the top row. None of them had shown any emotion during the movie until Private Ryan saluted the grave of his friend. At that moment the entire group of veterans stood up silently. Each one took off his hat, and all bowed their heads. This simple, quiet act touched me deeply and almost drove me to tears. It filled me with a deep sense of pride and admiration for these men and women who had endured so much for our country.

As I walked out of the theater I felt ashamed. These people have given so much and I have given so little. Then I began to think about my service to America, what was I doing to try and make this country a better place? I could not think of any major task that I had accomplished to make me worthy of the freedom that was given to me. Then I thought of a very different service that I had been performing since I was young. I have always tried to do well in school, be an upright citizen, and obey the laws but these things were so minor, so insignificant that they could not possibly matter in this big country of ours.

I know now that I was wrong about these small services to America. These services are not insignificant: they are the most important services that we as Americans today can do for our country. Just think what would happen if everyone tried just a little harder to do better, work together, and be the best they can be. Our country would be just a little bit better place to live and work. There are the pessimists who say that this view is nothing but a utopian philosophy that can never come true but these people have miscalculated their predictions of the future. They have forgotten about the power of the human spirit. This power can overcome any obstacle or challenge that is presented to it. All the spirit needs is a catalyst to push it on.

Too many Americans have lost their faith in the human spirit. The media's negative news and the magazines slanderous articles break down the structure of society. These things lead our entire society to believe that the world is a horrible place filled with the monsters that used to haunt us as children. I believe that the human spirit can be reborn. If we all do our part or if even just a few of us do a little, the human spirit will shine through the negativity that surrounds us and we can defeat the monsters that the media has led us to believe exist in our society.

Your service to America can be large or small, depending on the type of person you are. It does not take much to help your country or another person. Voting, volunteering, or simply picking up a piece of trash on the ground can help all of us. Don't say you don't have enough time to do something good and helpful. You have exactly the same number of hours per day that were given to Helen Keller, Pasteur, Michelangelo, Mother Teresa, Leonardo da Vinci, Thomas Jefferson, and Albert Einstein. (H. Jackson Brown, Jr.) Remember, if you don't do it, you'll never know what would have happened if you had done it.

My service to America and my suggestions may seem small but in reality they are larger then you can imagine. By doing these little things we are contributing to a larger body of people who, like me, believe that the human spirit is the most powerful thing of all once it is driven on. The war today my friends is not on the battlefield of a foreign country but on the very land or our own country. My service, indeed all our services, to America is simply to be the best we can be, to fight the good fight, and be someone who is strong and proud to call themselves an American. We do that and everything that our elders bled, fought, and died for will truly be honored. We will be one nation, under God, indivisible, with liberty and justice for all!

TRIBUTE TO NICK MADDOX ON WINNING ASSOCIATED PRESS PLAYER OF THE YEAR FOR NORTH CAROLINA

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HAYES. Mr. Speaker, it is my distinct honor and pleasure to rise today to pay special tribute to an outstanding student-athlete from North Carolina's Eighth Congressional District. Nick Maddox, a senior at A.L. Brown High School in Kannapolis, North Carolina, has proved through his play on the field that he is one of the top tailbacks in the country.

For the past two years, Nick Maddox has been honored with many awards for his athletic talents, including: Parade All-American and Associated Press Player of the Year for North Carolina. Mr. Maddox demonstrated that with a great deal of hard work, dedication to his teammates, and a strong sense of commitment, you can realize your dreams.

Mr. Maddox has been humble in the spotlight, giving credit to his fellow teammates and coaches. The A.L. Brown High School Wonders finished the 1998 football season with an undefeated regular season with an record of 11–0 and made it to the North Carolina High School Athletic Association division AAA football play-offs.

The 5-foot-11, 190-pound Maddox had 45 total touchdowns while rushing for 2,574 yards last season. Maddox finished his high-school career with more than 6,600 rushing yards and a state record 114 touchdowns. Mr. Maddox will be continuing his football career in the Atlantic Coast Conference at Florida State University.

Mr. Speaker, I congratulate Nick Maddox for his accomplishments on and off the field. I urge all of my colleagues to join me in paying special tribute to an outstanding student-athlete.

ANTI-SEMITISM IN RUSSIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. HOYER. Mr. Speaker, I rise today to bring to the attention of this House most disturbing developments in Russia. Anti-Semitism rears its ugly head in public statements blaming Russia's current problems on the ''Yids''—statements not being made by neo-Nazi organizations or fringe groups, but rather by members of the Russian parliament.

In November and December of last year, two prominent Communist Party members of the Duma, Albert Makashob and Viktor Ilyukhin, blamed ''the Yids'' and president Yeltsin's ''Jewish Entourage'' for Russia's current problems. Duma Defense Committee Member Ilyukhin alleged that President Yeltsin had committed ''genocide against the Russian people'' with the help of Jewish advisors. Equally as disturbing is the fact that the chairman of the Communist Party did not rebuke his party members for their actions, rather, he made excuses for their remarks.

Sadly, Mr. Makashov continues on his rabid crusade. I have received reports that on February 22, while addressing a meeting of Cossacks in the southern Rostov region of Russia, Duma Deputy Makashov declared that an organization which he heads, the Movement in Support of the Army, was really the ''Movement against the Yids,'' and called Jews ''impudent and repulsive people.''

In December of last year, CURT WELDON, myself and others met with our colleagues in the Duma and expressed our great dismay about the anti-Semitic statements. In fact, many members of the Duma, as well as President Yeltsin, have condemned Makashov and Ilyukhin. Unfortunately, many Members have simply made excuses. What kind of message does this send to the Russian people at such a critical time?

Mr. Speaker, these comments by leaders of the Russian people are despicable and must be condemned. I have joined with Chairman CHRIS SMITH and other members of the Helsinki Commission in introducing H. Con. Res. 37, which does exactly that, and I urge my colleagues to support it.

Mr. Speaker, looking for scapegoats will not resolve Russia's current crisis. More importantly, the promotion of hatred, anti-Semitism and xenophobia will not further the development of a peaceful, just and prosperous society for the Russian people. Democracy is not built on racism.

INTRODUCTION OF THE BEACH BILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PALLONE. Mr. Speaker, I rise today to introduce the Beaches Environmental Assessment, Closure, and Health Act of 1999—also known as the BEACH bill.

The BEACH bill is straightforward. It seeks to establish uniform criteria for monitoring the quality of our coastal recreation waters, and to require sufficient notification of the public when those waters pose a risk to human health. As my colleagues know, I have championed this legislation for years, continuing the efforts of our friend Bill Hughes.

In the 105th Congress, the Subcommittee on Water Resources and Environment of the Transportation and Infrastructure Committee held a hearing on the BEACH bill. During that hearing, Gary Sirota of the Surfrider Foundation remarked that as a life-long surfer he is often asked ''What will you do if you see a shark.'' Mr. Sirota said that he always replies ''It's the ones you don't see that you have to worry about.'' This exchange provides an excellent analogy to the problem of contaminants in our coastal recreation waters. Families visiting the sand and surf cannot see toxic dangers that might be lurking in the water. And what they can't see can hurt them.

Beach-going is part of our national identity. For those of us who live in coastal states, a trip to ''the Shore'' is a yearly summer event. Almost every American can remember a family pilgrimage to the beach—escaping the oppressing heat with a swim in the ocean. Coastal tourism is also big business. Members from coastal districts may be surprised to know that beaches are the number one tourist destination in the United States, receiving more visitors than even our national parks and recreation areas. Every summer, over 180 million Americans spend $74 million during visits to ocean, bay, and Great Lakes beaches.

Both novice and experienced beachgoers are familiar with jellyfish and understand the need to avoid their painful stings. Unfortunately, other hazards, such as disease-causing bacteria, cannot be so easily avoided. These microorganisms can carry gastroenteritis and dysentery, which may bring on symptoms including fever, vomiting, nausea, headache and stomachache. The consequences may be even more severe for children, the elderly, and those with weakened immune systems.

Currently, there is no national beach monitoring program and no uniform standards for beach closings and advisories. According to the National Resources Defense Council's July 1998 report ''Testing the Waters,'' only eight states comprehensively monitor their beaches. Even though the Environmental Protection Agency (EPA) has recommended water testing standards, the lion's share of our states do not monitor their beaches on a comprehensive basis. EPA's BEACH program, while a step in the right direction, does not actually require monitoring and notification. I commend EPA's efforts to address this important issue. In the past, the agency has supported the BEACH bill to give it the authority it needs to make testing and notification mandatory.

People have the right to know if the waters that they and their families swim in are safe. That is why I continue to champion the BEACH bill to establish uniform standards and procedures for beach water testing, monitoring, and public notification. When standards are not met, beaches should be closed and potential bathers should be adequately alerted. The sheer volume of visitors to our beaches dictates that our coastal recreation waters should be tested regularly, and that beachgoers should be notified of any potential health risks. Establishing uniform criteria for testing and notification is responsible economic and public policy.

The BEACH bill requires EPA to set minimum water quality standards to protect the public from disease-causing pathogens in coastal recreational waters and to establish procedures for monitoring coastal recreational waters. It requires states to alert the public whenever beach water quality standards are violated.

Mr. Speaker, the BEACH bill had bipartisan support in the 105th Congress, and I look forward to working again with my colleagues on a bipartisan basis to make the public protections provided by this bill a reality.

INTRODUCTION OF THE MEDICARE PRESERVATION AND RESTORATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. KLECZKA. Mr. Speaker, today I am reintroducing the Medicare Preservation and Restoration Act, which will repeal the Medicare private contracting provision of the Balanced Budget Act of 1997 and clarify that private contracts are prohibited under Medicare for Medicare-covered services.

The legislation is simple. First, it requires that providers submit a Medicare claim whenever Medicare-covered services are provided to a beneficiary. Second, it requires that a provider, when treating a Medicare beneficiary, charge no more than Medicare's balance billing limits allow. My legislation will settle the issue of private contracting once and for all. It will explicitly prohibit providers from circumventing the Medicare system, preserve beneficiary billing protections, and restore the promise of quality and affordable health care for every American senior citizen. My legislation has been endorsed by the National Committee to Preserve Social Security and Medicare and the National Council of Senior Citizens. The Medicare Rights Center also has spoken out in opposition to Medicare private contracts.

Mr. Speaker, this legislation is the only way we can continue to guarantee every senior citizen in America the right to affordable health care under Medicare. The private contracts allowed under the Balanced Budget Act of 1997 represent a dangerous first-step towards dismantling the Medicare program as a whole. They are ill-conceived and unnecessary. These contracts will allow doctors to disregard Medicare's most important protection—balanced billing limits. These limits guarantee that all seniors regardless of their income or their health status will have access to affordable health care. Private contracts destroy these protections and allow doctors the ability to decide patient-by-patient which senior will be forced to pay more than Medicare's set rates for needed medical care.

During debate on the budget bill in 1997, Senator JON KYL of Arizona included this private contracting provision to allow any doctor to treat Medicare patients outside of the program and bill the patient privately at any rate the doctor sets. During negotiations on the final package, the provision was altered to protect beneficiaries and to prevent physicians from moving back and forth between billing some patients privately and others through the

Medicare program. The final bill stated that if the doctor wanted to treat seniors under private contract, then the doctor had to forgo Medicare participation entirely for two years.

This two-year restriction was designed to protect the program against fraud, guard against a massive exit of physicians from the Medicare program, and ensure that doctors would not create a two-tiered Medicare system—one waiting room for private pay patients who are served first, and one for non-private Medicare beneficiaries who are served last. In the 105th Congress, attempts were made to remove this two-year limitation and give doctors the right to decide not only patient-by-patient, but procedure-by-procedure, which services will be billed through Medicare and which will be billed privately. Fortunately, we have been successful so far in thwarting these efforts, but the campaign of misinformation continues.

Many of you have probably seen the mailings certain interest groups have been sending to our senior constituents in an attempt to distort the facts about private contracts. These mailings are falsely scaring seniors and attempting to trick them into giving up Medicare's balanced billing protections.

Let's retain Medicare's balanced billing limits for all Medicare beneficiaries by eliminating these dangerous private contracts. These billing limits are the only way we can guarantee that all seniors receive the health care they need at reasonable and fair prices.

I urge my colleagues to cosponsor the Medicare Preservation and Restoration Act—a sensible and responsible proposal which will guarantee Medicare for all elderly Americans.

REQUIRING A TWO-THIRDS VOTE ON FAST TRACK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. TRAFICANT. Mr. Speaker, Article I, Section 8 of the Constitution of the United States of America states: ''Congress has the power to lay and collect . . . Duties and to regulate Commerce with foreign Nations.'' Article II, Section 2 of the Constitution of the United States of America states: ''Treaties with foreign government shall be confirmed by a two-thirds majority of the Senate.'' However, over time, Congress has given away its Constitutional authority and responsibilities to the Executive Branch.

Take fast-track authority, for example. Fast-track proponents claim that this legislative authority is needed to expedite the negotiating process as well as consideration of the implementing legislation through the establishment of deadlines for various legislative stages, a prohibition on amendments, a limit on debate, and a requirement for an up-or-down vote. There are several myths and untruths associated with this argument, however.

The big myth is that the President needs fast track to negotiate trade agreements. The President already has the Constitutional power to conduct foreign affairs and negotiate international trade agreements. However, because Congress must approve any changes to U.S. law that result from trade agreements, fast track proponents purport that fast track is needed to strengthen the President's stance during trade negotiations and expedite consideration of the implementing legislation. The truth is, the President needs fast track so he can ignore the opinions of the vast majority of Members of Congress.

Fast-track authority, in theory, protects Congress from the delegation of Constitutional authority through the notifications and consultations the President must provide to Congress prior to, and during, trade negotiations. In practice, however, Congress has handed over its Constitutional powers on a silver platter. The President has ignored the directives of large minorities in Congress regarding environmental protection, labor standards and American jobs, then bought the votes of a few with personal promises to gain the simple majority needed for passage.

The fact is, the archetype fast-track legislative authority was designed to give the President additional authority to negotiate customs classifications only. Experience has shown item-by-item consideration of the tariff schedule by Congress to be an arduous process, so the President was granted the ability to negotiate the small points. The bottom line is, the original fast-track was never intended to grant the President the broad authority over a vast array of nontariff issues he enjoys today.

Another myth claims that fast-track process is needed not only to negotiate, but to simply get the trade agreement through the legislative process. Converse to popular thought, however, the fast-track procedure has rarely been implemented. Over 200 trade agreements have been enacted without fast track authority while only five trade agreements have been enacted under this procedure.

Clearly, fast-track authority has digressed from the original intentions of Congress. The President now has broad authority, while Members' hands are tied. Consultations are with a privileged few and merely a formality for the body as a whole. I have introduced legislation to authenticate fast-track legislative authority.

The Trade Act of 1974 recognizes the fast track mechanism as an ''exercise of the rulemaking power of the House . . .'' and maintains the ''constitutional right of either House to change its rules at any time, in the same manner and to the same extent as any other rule of the House.'' In other words, the House may change its rules as it sees fit. The erosion of fast-track legislative intent is more than enough reason for the House to change its rules.

The Traficant resolution amends the rules of the House to require a two-thirds majority vote on any legislation that either authorizes the President to enter into a trade agreement that is implemented pursuant to fast-track procedures, or that implements a trade agreement pursuant to such procedures. By requiring a two-thirds vote rather than a simple majority, the President will no longer be able to ignore the concerns of the vast majority of Members during negotiations and sweeten the agreement later. Trade agreements will take a consensus of both the legislative and executive branches to negotiate—a constitutionally sound solution of which the Founding Fathers would be proud. I urge my colleagues to support this resolution.

TRIBUTE TO GEN. CHARLES KRULAK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to General Charles Krulak who is preparing for retirement from the Marine Corps. For the last four years General Krulak has been the commandant of the Marine Corps.

For 70 years, a member of the Krulak family has worn the eagle, globe and anchor. General Charles Krulak continued the tradition set by his father, when he graduated from the Naval Academy in 1964. General Krulak has spent a total of 35 years in the Corps which culminated on July 30, 1995 when he became the 31st commandant.

Mr. Speaker, General Krulak is a shining example of what is best about the Marine Corps. I agree with the former Secretary of Education, William Bennett, when he said, ''The Marine Corps is the only institution in the nation that holds to its standards.'' General Charles Krulak epitomized the respect many of my colleagues here in Congress have for the men and women who serve our nation.

It has been both an honor and a pleasure to work alongside General Krulak in addressing the needs of our Nation's finest soldiers. I would like to thank him for his hard work and his dedication to the Corps in which he has proudly served. I would also like to wish him continued success and happiness in his retirement.

THE ''AT HOME WITH ARTS.'' PROGRAM

HON. STEVE R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to a project in my home state of New Jersey that deserves recognition: the ''At Home with the ARTS'' program. This acronym stands for Alzheimer's Recognition Therapy Service (ARTS). A problem in our society today is the increased presence of Alzheimer's disease. Thanks to a three-year $217,000 grant by The Robert Wood Johnson Foundation of Princeton, the ARTS program has expanded to assist more families with the crippling effects of Alzheimer's Disease.

The ''At Home with the ARTS'' program serves two purposes. First, it helps to improve the quality of life for the individual with Alzheimer's, and secondly, it helps the caregiver cope with the effects of the disease. The program assigns a recreational therapist, who is trained in recreation, music, art, or activity therapy, to a patient with Alzheimer's. The therapist and the patient meet once a week for 12 weeks, during which time the therapist tries a variety of activities to see which is best at securing the patient's attention. The most challenging aspect of this program is finding what activity interests the patient.

This program has been successful in helping people such as Beverly Cohen of Teaneck, whose mother is suffering from Alzheimer's. Since her mother was hard of hearing and did not enjoy watching television, Ms.

Cohen tried giving her small tasks to complete—but, her mother was not interested. However, after several weeks of meeting with a recreational therapist, Ms. Cohen discovered that her mother enjoyed arranging dried flowers and pasting magazine pictures on coffee cans. Ms. Cohen said the therapist helped her figure out the things her mother enjoyed doing, and Ms. Cohen feels that both she and her mother have profited greatly from the program.

The success of the ''At Home with the ARTS'' Program has gained the attention of the Robert Wood Johnson Foundation, and their grant of $217,000 has helped to create an offshoot program in Hudson and Essex counties. Volunteers of the Foundation's offshoot program serve as companions to Alzheimer's patients, and are trained to provide an additional four hours of recreational therapy per week. This added time greatly improves the changes of providing those who suffer from Alzheimer's with a more active and fulfilling daily routine.

Since it was started in 1995, ARTS has served more than 132 families, and the offshoot program has served 85. Both the program creators and its patients believe the sessions help to reduce the depression and behavioral disorders associated with Alzheimer's. Fred Brand, Manager of Family Service Programs for the Association said that ''Recreational activities won't stop the course of the disease, but (the therapy) is something that brings back memories, brings back a sense of pleasure, and brings back a dormant type of abilities.'' Finally, all of the program's initiatives are not directed solely towards the patient. At the end of each visit, a half hour is spent with the caregiver so they may learn how to do the activities developed by the therapist themselves.

I want to commend the people involved with the ARTS program and those who volunteer their time for the offshoot program. They truly make a daily difference in many people's lives. I also commend the Robert Wood Johnson Foundation for providing the vital financial support to this program and others across the nation.

SOCIAL SECURITY GUARANTEE INITIATIVE

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 2, 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to speak on behalf this resolution, which expresses our firm belief that we should work in a bipartisan manner, along with the President, to ensure that the benefits of social security will still be here for our future generations.

This resolution is a compelling one because it recognizes the importance of the Social Security program to America. Social Security is the most successful anti-poverty program currently funded by our federal government. It currently helps support over 44 million people, many of whom depend on it as their sole source of income as they reach the age of retirement.

Even for those who have pension plans and retirement accounts, social security monies are crucial. Many retirement plans do not include extended health care coverage, and even those that do rarely include dollars for prescription medication. For those people, social security keeps Older Americans from having to make the difficult choice between eating, and taking medication that is medically necessary for their life and well-being.

The benefits of social security are even more crucial to women. This is because women tend to live longer than men, and because, as a whole, women work fewer years because they often must stay home part of their careers to help raise their families. Even for those women that manage to have long and full careers, most face one form or another of gender discrimination—which means they often have less money to put in the bank at the end of their work week.

I am also happy to support this resolution because it recognizes the impact and importance of Social Security to the minority community. Like women, minorities rely more heavily on social security because they disproportionately earn less money, and have fewer benefits, than do white workers. As a result, minorities tend to struggle more with their families as they reach the age of retirement—a time where medical expenses tend to go up rather than down.

For these reasons, preserving social security is simply the right thing to do for all of America. I look forward to working with all of you here in the House to enact a plan that will extend the life of this life-saving program another 30 years, and hope that together, we can resolve this issue for our children, and our children's children.

THE PERKINS COUNTY RURAL WATER SYSTEM ACT OF 1999

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. THUNE. Mr. Speaker, I rise today to introduce the Perkins County Rural Water System Act of 1999. This legislation authorizes the construction of the Perkins County Rural Water System, which when completed, will provide water to over 3,500 people in an area covering 2,866 square miles. This area is larger than each of the states of Rhode Island and Delaware. The project addresses a basic need not currently being met in many areas of my state of South Dakota. That need is for water.

Much like other areas of South Dakota, Perkins County frequently experiences problems involving both the quality and quantity of available water. The present water supply consistently fails to meet standards set by the Environmental Protection Agency for total dissolved solids and sulfates. Additionally, the sodium and fluoride levels have been found to be exceedingly high as determined by the State of South Dakota and numerous medical practitioners in the area. The water of Perkins County impacts not just the quality of life for these South Dakotans, but also their health.

The Perkins County Rural Water System is not a new concept. As testimony before the House Resources Committee last year indicated, the project dates back to 1982 when a group of farmers and ranchers were contacted by the Southwest Pipeline Project in North Dakota to see if they were interested in obtaining water to serve Perkins County. By 1992, Southwest Pipeline had grown to the point that Perkins County could have been included in engineering design work. However, the legislation did not specifically authorize the construction of the Perkins County System. And since 1982, the states of North Dakota and South Dakota recognized Perkins County as a future extension of the Southwest Pipeline project. In fact, the original congressional legislation authorizing the Southwest Pipeline project referred to the potential for a future connection for Perkins County. The current legislation authorizing the construction of this water system recognizes and builds upon this past history.

This legislation was originally introduced during the 104th Congress, and I later reintroduced the measure in the 105th Congress. Since its introduction, the proposal has been the subject of several hearings, and extensive discussions and negotiations between the project sponsors, the Administration, and the committees of jurisdiction. These actions were instrumental in the Government Accounting Office, the Congressional Research Service, and the Administration's recognition of the need Perkins County has for safe water. Last Congress, this legislation passed unanimously out of both the House and Senate with amendments. Unfortunately, the amended legislation was not taken up in the final days of the last Congress.

Given the progress achieved on the Perkins County Rural Water System during the last Congress, I am hopeful this body can move forward with this vital initiative for South Dakota.

We all recognize the water needs the people of Perkins County have. It is time for Congress to move beyond looking at only the symptoms of poor drinking water and move forward with the solution this bill provides. Supporting the legislation authorizing the construction of the Perkins County Rural Water System embodies not only the commitment to support initiatives such as the Safe Drinking Water and the Clean Water Act, but also the authority of Congress to continue its historical support of working to meet various water needs. I look forward to working with my colleagues to ensure the people of Perkins County can meet the most basic of needs: access to clean, safe drinking water.

CONGRATULATIONS TO MASTER SERGEANT GOGUE

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. UNDERWOOD. Mr. Speaker, as I was visiting military facilities in Okinawa a couple of years ago, I had the pleasure of crossing paths with a former student, Arnold Gogue. Years ago, as an administrator at George Washington Senior High School in Guam, I had been acquainted with Arnold's amazing ability to get himself in trouble. This kid was a school teacher's nightmare—a major problem.

Although I could use up all this time to recount anecdotes which I am sure Arnold would rather not discuss, I have decided to talk of how he has made me real proud of his achievements.

After high school, Arnold enlisted with the United States Marine Corps. He reported as a private on May 31, 1977 to the Marine Corps Recruit Depot, San Diego, California, and completed Recruit Training in August of that year. He later received technical training at Camp Lejuene, North Carolina Court House Bay for MOS 1371 Combat Engineer School.

Upon completion of the basic course on November 8, 1977, Arnold was transferred overseas and was assigned to Charlie Company 3rd Combat Engineer Battalion, 3rd Marine Division, Okinawa, Japan. Promoted to the rank of Private First Class on December 1, 1977 and assigned temporary additional duty with 3rd Battalion 4th Marines as a Combat Engineer, Arnold was then deployed on Operation Quick Jab to Tinian and Saipan.

On March 2, 1978, he was promoted to the rank of Lance Corporal. Assigned temporary additional duty to 2nd Battalion 4th Marines, he was deployed to Pohang, South Korea. He attended Mountain Warfare School in the Republic of Korea and was selected Marine of the quarter.

Arnold was promoted to the rank of Corporal on July 2, 1978. He was later transferred to Charlie Company, 8th Engineer support battalion, Camp Lejeune, NC, and assigned as 1st Platoon Sergeant. He was assigned temporary additional duty on April 6 to July 11, 1979 to attend Journeyman's Combat Engineer course at Court House Bay, Camp Lejeune, North Carolina. He was then selected as Marine NCO of the Quarter.

Promoted to the rank of Sergeant on December 1, 1979, Arnold reenlisted and made a lateral move to MOS 2111. He was assigned temporary additional duty on February 28 to April 1, 1980 to attend the Basic Small Arms repair course. Afterwards, he was transferred to Marine Barracks, Guam on June 1980 as a Small Arms Repairman.

On July 22, 1982, he was transferred to Headquarter's Battery, 2nd Battalion, 10th Marines, 2nd Marine Division, and served as the NCOIC. He was promoted to the rank of Staff Sergeant on July 1, 1983 and assigned as the Ordnance Chief. While in this capacity, he was deployed on two different occasions to Fort Bragg, North Carolina for regimental exercises.

He was then transferred to the 3rd Maintenance Battalion, 3rd Force Service Support Group on September 17, 1984 and assigned as Quality Control Senior Non-Commissioned Officer in Charge. He was given temporary additional duty on January 24 to May 30, 1985 to Brigade Service Support Group-9, Operation Team Spirit and, once again deployed to Pohang, Korea—this time as the Maintenance Chief.

On October 6, 1985, Arnold served as an Instructor at the USMC Admin Detachment, Aberdeen Proving Ground, Maryland. He attended the Instructor Training course and attained the level of Senior Instructor. He was then transferred to the 2rd battalion, 12th Marines, 3rd Marine Division on May, 1988, as the Ordnance Chief, and later moved to Bravo Company, Marine Corps Logistic Base, Albany, GA on July 26, 1989 as a Quality Control Inspector and Reserve Technical Assist Team.

Promoted to the rank of Gunnery Sergeant on Aug. 1, 1991, he was transferred to the Ordnance Maintenance Company, Brigade Service Support Group–1 Marine Corps Air Station, Kaneohe Bay, HI on Feb. 17, 1992 as the Ordnance Chief. He was assigned temporary additional duty on September 5 to October 17, 1994 to attend the Ordnance Chief Course at Aberdeen Proving Ground, MD. He was then transferred to the 3rd Maintenance Battalion, 3rd Force Service Support Group–1 on November 28, 1994 as Infantry weapons repair shop chief. On May, 1995 he was reassigned to the Maintenance Management Section and on November, 1996 assigned again as the Infantry weapons repair shop chief.

Arnold was promoted to his present rank of Master Sergeant on June 1, 1997. He served as the OIC (Officer in Charge) for the Infantry Weapons Repair shop. On May, 1998 he was assigned to Ordnance Company as Ordnance Chief and on November, 1998 reassigned back to the Infantry weapons shop and OIC.

During his service with the Marine Corps, Arnold was awarded the Meritorious Service Medal (MSM), the Marine Corps Commendation medal, and the Marine Corps Achievement medal.

Wherever they happened to be stationed Master Sergeant Gogue and his wife, Rita, have always promoted island culture. They coordinated Liberation day festivities, promotion and farewell parties, christenings, and novenas. The Gogues opened their homes, shared their hospitality and welcomed families in the traditional Chamorro fashion.

Master Sergeant Gogue is slated to retire from the United States Marine Corps this month. Although Arnold's well-earned break would be a loss to the military community in Okinawa, his eventual return to the island of Guam would be most welcome. I am sure that, as a resident of Sinajana, he would be most active and productive.

I have always considered myself an educator—holding the teaching profession with high regard. It is ironic that after working within the Guam school system and the University of Guam for over 20 years in what I consider a most honorable profession, I never earned the title ''Honorable ROBERT UNDERWOOD'' until I was elected to public office. However, I am sure my colleagues in the teaching profession will agree that the true measure of honor in our chosen field would be the accomplishments of our students.

Students, like Arnold Gogue, have, over the years, made me proud to have been a teacher. I commend him for his achievements and congratulate him on his retirement. On behalf of the people of Guam and the many families that he and his wife have assisted while in the Marine Corps, I convey my appreciation for their share in promoting Chamorro culture and values. Si Yu'os Ma'ase' Arnold and Rita.

GOOD LUCK TO THE LADY TIGERS OF MANSFIELD HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. FROST. Mr. Speaker, I rise today to congratulate a group of tremendous student athletes from a great school that I am pleased to represent in Congress. I want to recognize the Lady Tigers of Mansfield High School, who have advanced for the first time ever to the Texas girls basketball state championship tournament in Austin. The Lady Tigers will take on Dallas Bryan Adams on Friday for the right to move onto the championship game on Saturday.

The Lady Tigers have electrified everyone in the town of Mansfield and throughout North Texas in their path to the championship tournament. It seems you can't pick up a newspaper in my district without reading about how the community is rallying around the Lady Tigers. This past Saturday in the regional final, the Mansfield team used their stifling defense and solid depth to upset the number one team in Texas and the entire country, the Copperas Cove Lady Bulldogs.

I want to take this opportunity to thank Mansfield coach Samantha Morrow and the courageous Mansfield student athletes for giving so much excitement to everyone in the 24th Congressional District. Through your example you've inspired younger female athletes in your community. Hopefully this will be the first of many trips to the state championship for the Mansfield Lady Tigers.

Good luck Lady Tigers, we will all be rooting for you to bring home the state championship this weekend. But whatever the result, you already have our gratitude for an inspiring and exciting season.

CHARITABLE GIVING INCENTIVES

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. SOUDER. Mr. Speaker, today I am reintroducing the ''Giving Incentive and Volunteer Encouragement Act'', the GIVE Act, to provide an increased incentive for charitable giving. The vast majority of Americans agree that charitable organizations and the nonprofit sector are more efficient and effective in the use of donations than the federal government is with additional tax revenue. The goal is to decrease the cost of giving and allow more Americans to give more generously to those charities they feel are making the greatest impact in the lives of their neighbors and communities. In addition to increasing the power of charitable donations, the bill increases flexibility, once again provides lower income taxpayers the opportunity to deduct charitable deductions, and the bill would eliminate the cap on charitable giving which hinders additional giving by those most able to give. Specifically, the legislation would:

Allow individuals to deduct 120% of the value of their charitable donations.—This will encourage additional giving to private organizations and increase the total amount of charitable giving. Experts agree that the key factors in determining the amount of charitable giving are income and price. This provision will increase charitable giving by decreasing the effective cost to the giver.

Allow non-itemizers who give more than $1,000 to charity (or $2,000 filing jointly) to deduct their donations.—There's simply no reason why the government should encourage philanthropy only among the better-off. Before the 1986 tax bill, all taxpayers were able to deduct their charitable donations, not just those who make enough to itemize deductions. Restoring this provision to the tax code will empower everyone, not merely people of

means, to give back to their community through charitable donations.

Exclude charitable giving from the overall limitation on itemized deductions.—By reducing allowable deductions to 3% of the taxpayer's income over $100,000, the 1990 tax bill placed unnecessary hurdles in front of those taxpayers most able to give. A person in need doesn't care what his benefactor's tax bracket is, and neither should the government.

Extend the deadline for making charitable donations until April 15.—Most taxpayers take note of allowable deductions only when they fill out their tax returns. They often realize, in retrospect, that they could have given more to charity in the previous year. Current law already allows deductions for contributions to IRA's up until filing time. By extending similar treatment to charitable contributions, we can (1) assist taxpayers' planning, (2) increase the incentive for taxpayers facing penalties for underwithholding, and (3) help advertise the value of the charitable giving tax incentive. We can also encourage those whose giving is curtailed at the end of the year by the holiday cash crunch.

I am grateful for my twenty colleagues which have joined me as original cosponsors and invite other members to join me by cosponsoring this important incentive for increased charitable giving and to allow more Americans the privilege of contributing greater to charity. We must continue to encourage the tremendous charitable efforts which enrich our communities and improve our society while providing significant tax relief for American taxpayers.

TRIBUTE TO RETIRING MARIES COUNTY COLLECTOR EUGENE HOLLIS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. SKELTON. Mr. Speaker, it has come to my attention that a distinguished government career is coming to an end in Missouri. The Honorable Eugene Hollis, Maries County Collector, is retiring after serving the citizens of Maries County for 52 years.

Mr. Hollis served in the Navy during World War II, where he performed as a landing boat coxswain in the Pacific campaign. The highlight of his military service was leading the landing boats during the amphibious assault against Okinawa.

After the war, Mr. Hollis returned to Missouri. He was elected Maries County Treasurer in 1946, and served in that post until 1954. Mr. Hollis was elected Maries County Collector in 1954, serving from January 1, 1955 until his retirement on March 1, 1999.

Mr. Hollis married the former Lucille Woody on August 2, 1947. Mrs. Hollis was instrumental to Eugene's success in elected office with her active participation in his election campaign, service as a democratic committee member, and her involvement in civic organizations.

Mr. Hollis also serves his community during his free hours. He remains active in the VFW and the American Legion, an organization he has been a member of for over 50 years. He is a past President of the Maries County Fair Board, which he currently serves as gate chairman. Mr. Hollis is also the past President of the Missouri Collectors Association and a member of the Legislature Co-Chairman Collectors Association.

Mr. Speaker, Eugene Hollis served the people of Maries County for 52 years with pride and integrity. I know the Members of the House will join me in extending our heartfelt gratitude and best wishes in the years ahead to Eugene and his family.

INTRODUCTION OF THE ENDANGERED SPECIES RECOVERY ACT OF 1999

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. GEORGIE MILLER of California. Mr. Speaker, I and 67 co-sponsors, are reintroducing the Endangered Species Recovery Act of 1999. Similar to legislation I sponsored in the last Congress, the goal of this bill is to recover and delist endangered and threatened species. This was the original intent of the law, but it has not been the outcome. It is time the original goals were met.

When the ESA was first enacted in 1973, stopping extinction seemed pretty straightforward. DDT was wiping out our nation's symbol, the bald eagle. Most species of the great whales had been hunted to near extinction. Foreign species like the African elephant were bordering on destruction after more than a century of uncontrolled commercial hunting. Congress responded, passing legislation to provide for the conservation and protection of endangered species.

Unfortunately, resolving today's threats to imperiled species are not as simple as banning DDT or stopping the trade in elephant ivory. It is unlikely the ESA's authors could have foreseen the far more complicated environment which now exists where the preservation of habitat needed for species survival and recovery must constantly be balanced against the growing demands of development and urban sprawl.

As a result, instead of recovering species and moving them off the endangered list, the law does little more than maintain animal populations in their devastated state in perpetuity or, at best, slow the inexorable slide towards extinction. Recovering endangered species and removing them from the list should be the ESA's real goals, but we have had very little success because federal agencies consistently allow activities to occur that undermine the recovery of the very species we are ''protecting.''

In fact, while the U.S. Fish and Wildlife Service and the National Marine Fisheries Service spend tens of millions of tax dollars every year to recover species, they spend even more approving scientifically indefensible conservation plans and permits that are not consistent with—and in some cases actually undermine—they recovery of the same species they are trying to recover. That is the main reason why, a quarter of a century after the enactment of the ESA, we have moved only a handful of species off the endangered list.

This bill will amend the ESA to fix the fundamental flaw in the Act by requiring that incidental take permits, habitat conservation plans, and federal actions to be consistent with recovery. This is the only way we will recover species, get them off the list, and get landowners out from under lifelong regulatory control.

In addition, it provides incentives for both small and large landowners through the implementation of tax credits, deferrals and deductions for habitat protection. It provides assurance to landowners that wish to engage in activities that may damage habitat, while ensuring that taxpayers are not left to pay the costs of mitigating that damage. It also encourages ecosystem planning on a regional basis through the development of multiple landowner, multiple species conservation plans.

This bill is endorsed by more than 300 environmental, religious, fishing, consumer, and scientific organizations representing millions of people across the country who overwhelmingly support the recovery of endangered species. It is only through this kind of modification that land owners, developers and others will receive the assurances under the ESA that they require to make long term business decisions. If we do not make these changes to the law, we might save the Act, but we won't save species.

OLDER AMERICANS ACT REAUTHORIZATION BILL

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. MARTINEZ. Mr. Speaker, the Older Americans Act has been reauthorized 12 times since its enactment in 1965. However, this historically bipartisan initiative, which provides vital services to millions of needy seniors across the country, has been held hostage to partisan politics the last several years and as such, has not been authorized since 1995. However, I hold much hope for its reauthorization during the 106th Congress.

Last week, I joined my colleagues—Mr. CLAY, Mr. GOODLING, Mr. MCKEON, and Mr. BARRETT—in introducing a bipartisan Older Americans Act reauthorization bill. This bill, I am confident, is the first step in a joint process to strengthen and improve the Older Americans Act.

Although I do not doubt that Members will have differences of opinion as we proceed with the process of reauthorizing the many programs and services provided under the Older Americans Act, I am encouraged by this very bipartisan beginning and by the commitment demonstrated thus far to working through those differences keeping the best interest of those who are served by the Act—the seniors—in the forefront.

McDONALD COUNTY, MISSOURI CELEBRATES SESQUICENTENNIAL

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. BLUNT. Mr. Speaker, today begins a year long celebration of McDonald County, Missouri's sesquicentennial.

McDonald County is tucked away in the very southwest corner of my congressional district, bounded on the south by our good neighbors in Arkansas and our friends in Oklahoma on the west. McDonald County is noted for its friendly folks and scenic beauty. Clear streams and majestic limestone bluffs have long been attractions for sightseers and were prominent in the stories of early settlers. Add to that the booming economy and you have an All-American place to raise a family, start a business and put down or carefully nurture ''roots.'' The population in McDonald County, now over 20,000, is growing at more than 14% a year making it one of Missouri's fastest growing counties in its 150th year.

Only a few hundred people called McDonald County, Missouri home when it was organized on March 3, 1849. It was named after Revolutionary War hero Alexander McDonald, a sergeant in the Continental Army. This year a series of events and observances will mark the county's milestone. March 3 is McDonald County History Day observed at all county buildings. Students will participate in art and history exhibits, and there are picnics, parades and festivities planned throughout the year.

The county seat at Pineville celebrates ''Jesse James Days'' in August by reliving the 1938 filming of ''Jesse James,'' a movie production that brought stars Henry Fonda, Tyrone Power and Randolph Scott to McDonald County. In October the limestone bluffs and clear streams become the backdrop for some of North America's best fall foliage.

McDonald County is a place for families and small towns. Nearly 70 percent of the households are married families; half of those have children at home. the largest towns in McDonald County—Pineville, Anderson, Lanagan, Noel, Jane and Southwest City—had fewer than 2,000 people each at the last census.

McDonald County schools are meeting the growth in population with the construction of new schools all over the county—and they are doing it without federal handouts or new taxes (something Washington could learn from). The school system is financially stable and is ''paying as it goes.'' County and city governments are also keeping up with the growth with a positive eye on the future. Economic development and infrastructure needs are constantly scrutinized and considered.

The economy is strong. A number of new businesses are springing up. A $53-million poultry industry makes McDonald County the leading livestock producing county in Missouri. Many of its residents work in McDonald County, but some commute to work in other places in a growing Southwest Missouri.

McDonald County is in America's heartland. Within a hundred miles there are lakes and streams like Table Rock Lake and Roaring River, as well as the Mark Twain National Forest and live entertainment in Branson. There is a diversity of good jobs and professions, churches of many faiths and institutions of higher learning that abound in the region. McDonald County is a great place to live and work.

Happy Sesquicentennial, McDonald County, Missouri.

CONGRATULATING SANTA CLARA COUNTY HUMAN RELATIONS AWARD RECIPIENTS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. LOFGREN. Mr. Speaker, it is a great honor to congratulate the exceptional people and groups in Santa Clara County who have earned the Human Relations Award. The award, presented last week by the Santa Clara County Human Relations Commission, recognizes their exceptional service to the community in the area of human and civil rights.

The honorees are a diverse group—people of different ages, nationalities, languages, colors, and cultures—united by their efforts to improve the lives of those in need. They make an important difference in the community and are an inspiration to us all.

The Human Relations Award recipients are:

Mary Bernier, a full-time volunteer who works to make the community aware of major social and economic issues.

Cathy Bouchard, who assists people with developmental disabilities reach their potential and realize their dreams.

Meg Bowman, a true community activist, educator, and untiring advocate on behalf of women.

Don Burt, M.D., a doctor who volunteers regularly at the Rota Care Clinic in Morgan Hill and works to promote better relationships between various cultural and ethnic groups.

Rita and Larry Demkowsky, who serve the poor and needy through Loaves and Fishes.

Dzung C. Do, an attorney at Asian Law Alliance who has helped over 16 different language groups work toward citizenship.

Barbara Emerich, who advocates for children and quality public education as an active member of the 6th District PTA, League of Women Voters, and Violence Prevention Council.

Cliff M. Eppard, who works to assure that basic food, safety, and financial needs are offered to seniors and others.

Nancy Flanagan, who has united the board and staff of Alliance for Community Care, a consolidation of three major mental health agencies.

Experanza Garcia-Walters, who has made significant contributions through her years of community involvement with the Latino Nurses Association, Planned Parenthood, and the Hispanic Foundation.

Victor Garza, who has long shown true dedication to the community in a number of roles. He is a former member and Chair of the Human Relations Commission; founder and Chair of La Raza Roundtable; Vice Chair of the Mexican Heritage Corporation; and volunteer with the American GI Forum, America Heart Association, and E.O.P. Advisory Board of the Evergreen Valley-San Jose Community College District. Victor is always ready to work towards building a community of respect and concern for all.

Andrew Gonzales, the past president of La Raza Lawyers Association, has established a scholarship banquet for incoming law students at SCU, works closely with new law students, participates in career days, and works with community organizations.

Sparky Harlan, Executive Director of the Bill Wilson Center, has worked on behalf of homeless youth for over 25 years.

Dr. Robert Hersch has served on the board and worked with every aspect of Live Oak Adult Day Services.

Delia U. Jurado is a leader of Filipino community volunteers who works on behalf of seniors, new immigrants, and community groups.

Lor Layso, a leader in the local Cambodian community, has helped hundreds of Cambodian refugees adjust to life in America and eventually apply for citizenship.

Alette Lundeberg has helped Santa Clara County and the community assist welfare recipients from welfare to work.

Elizabeth Menkin, M.D., serves the community over and above her professional duties by volunteering with the Mother's Milk Bank, MADD, and child-care and hospice programs.

Ann Holland McCowan and John Holland McCowan. Six-year-old John worked with his mother, Ann, to found Kids Cheering Kids, an organization to better the lives of children with special needs in Santa Clara County.

Judy Nakano volunteers with the San Jose Buddhist Church Betsuin and Girl Scouts, bringing the two groups together.

Dr. T.J. Owens, Dean of Students at Gavilan Community College in Gilroy, has devoted most of his life to education and community services. He is a former member of the Human Relations Commission and is the past president of the Friends of the Human Relations Commission.

Rolanda Pierre-Dixon, a Santa Clara County Deputy District Attorney, promotes a ''no excuse for domestic violence'' theme at court, community meetings, conferences, and task forces.

Robert Riordan plays the role of ''grandpa'' in the lives of many young people who do not have grandparents nearby.

Jerry Rosenblum, a senior partner in a San Jose law firm, uses his legal expertise to serve the community at places like Live Oak Adult Day Services.

Father Mateo Sheedy, Pastor of Sacred Heart Church in San Jose, is an inspiration to us all. In the words of Santa Clara County Supervisor Blanca Alvarado, ''Everybody loves him; he is one of the best human beings.''

Lillian Silberstein, Executive Director of the National Conference for Community and Justice, has initiated many civil rights programs and promotes understanding and respect among all races, cultures, nationalities, and religious affiliation.

Vicci Smith, a student at San Jose State University, volunteers as co-director of the university's Women's Resource Center.

George Soto, interim Director of Employment Benefit Services of the Santa Clara County Social Services Agency, brings honesty, integrity, fairness, and commitment to the human concerns of all.

Deborah Stinchfield has been a volunteer at the Mid-Peninsula Hospital Foundation for 21 years, where she promotes awareness of end-of-life issues and hospice care.

Colette and Frank Swaringen have developed the ''Script for Safe Kids,'' a video used across the county to alert to the common lures used by child abductors.

Joseph R. Tembrock is a founder of Sacred Heart Community Services, the Rotating Shelter in Cupertino, and the Interfairth Hospitality Network.

Florence Trimble, known as the Mother Teresa of Gilroy, has dedicated her time and love to recruiting volunteers to address the needs of the homeless.

Forrest W. Williams provides valuable service to programs for young people. He has been a mentor for many years and serves on the San Jose Planning Commission and the United Negro College Fund Executive Advisory Board.

In addition, I would like to congratulate the six community groups who received the Human Relations Award. The groups are: AAUW Committee on Homeless Women and Children—Los Gatos/Saratoga Branch; Adelante Mujer Hispana of Santa Clara County; Almaden Council Pacific Bell Pioneers; Dispute Resolution Program Services Volunteers, Office of Human Relations; Filipino Youth Coalition; and Mountain View Diversity Forum.

SUPPORT AMERICAN STEEL

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. MCNULTY Mr. Speaker, I want to express my deep concern about the crisis facing our American steel industry. The continued dumping of steel is causing tremendous harm to the industry and forcing huge lay-offs of hard-working U.S. steel workers. Over 10,000 steel workers have been laid off in the past year as a result of the flood of under-priced steel coming into the United States.

As we all know, America was built on the backs of laborers. We cannot turn our backs on them now.

Although the actions taken by the steel industry and the Administration have caused the amount of dumped steel to drop, more needs to be done. We need to be firm and make it very clear to our competitors that we will not tolerate illegal dumping of any kind.

American Steel companies and organized labor have worked very hard over the last decade to restructure and to restore the integrity of this important industry. We cannot allow these sacrifices to be in vain.

I am a co-sponsor of Rep. VISCLOSKY's bill to reduce steel imports to 25% of the U.S. market. That is the level that prevailed in July 1997—before the illegal dumping began. I hope the House will adopt this measure in the near future.

Given the nation's strong economy, now is the time to deepen our commitment to ensuring that working families keep the well-paying jobs they deserve.

RECOGNITION OF THE COMMITMENT OF MR. WILLIAM C. ''BILLY'' SULLIVAN TO YOUTH ATHLETICS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to recognize the lifelong commitment to youth athletics in Western Massachusetts of Mr. William C. ''Billy'' Sullivan. For the past fifty years, Billy Sullivan has been a fixture on the sidelines of playing fields throughout the Greater Springfield area. As a football, basketball, and baseball player, Billy displayed an unmatchable drive to succeed. his dedication to fair play and high quality athletics has been evident since he was a young man, and has continued to this day.

Billy Sullivan's dedication to athletics as a coach, manager, and organizer is unparalleled. He has coached local youth teams for well over thirty years, including a stint as manager of the Sacred Heart Semi-pro baseball team. He has been a sitting member on the Catholic Basketball League Board of Directors, the Springfield Pee Wee Baseball Leagues Board of Directors, the Basketball Hall of Fame Tip-Off Committee, and the Basketball Hall of Fame Board of Trustees. He has been Chairman of John L. Sullivan Day at Pynchon Park, the NCAA Division II Elite 8 Basketball Championships, the Springfield Civic Basketball Committee, and the Springfield Peach Basket Festival Committee. His public service resume includes time as a Member of the Massachusetts General Court, City Clerk of the City of Springfield, and Mayor of the City of Springfield.

Billy Sullivan's commitment to youth athletics will be on display on the weekend of March 26–28, 1999. Over 1,500 children, ages 7–17, will descent upon Western Massachusetts to participate in the 40th annual New England Catholic Youth Organization Basketball Tournament. Proceeds generated by the tournament will be donated to Brightside for Families and Children in care of the Vinny Del Negro Endowment Fund. Billy Sullivan and Vinny Del Negro are the co-chairman for this popular event.

Mr. Speaker, allow me to pay tribute to the service, commitment, and character of Mr. William C. Sullivan. He has proved himself to be an indispensable member of his community, as a leader, an organizer, and an advocate of youth athletics in Western Massachusetts.

PERSONAL EXPLANATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. PASTOR. Mr. Speaker, due to President Clinton's visit to the 2nd District of Arizona on February 25, 1999, I was unable to cast a vote on rollcall votes No. 27 and No. 28. Had I been present, I would have voted ''yea'' on rollcall vote No. 27 and ''yea'' on rollcall vote No. 28.

TRIBUTE TO RICADO ICAZA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. BERMAN. Mr. Speaker, my colleagues, Mr. WAXMAN, Mr. SHERMAN and I rise today to pay tribute to our very good friend, Ricardo Icaza, President of United Food and Commercial Workers Local 770. This year Ricardo is receiving the International Humanitarian Award from the Israel Humanitarian Foundation. Having traveled outside the United States many times as a representative of the AFL–CIO, advocating on behalf of working people, it is no exaggeration to say that he is a perfect choice for this prestigious honor.

Ricardo joined Local 770 in 1956, when Dwight Eisenhower was President of the United States and Elvis Presley had his first hit records. In the ensuring 43 years, the fortunes of organized labor have ebbed and flowed, along with those of the American economy as a whole. Through it all Ricardo's commitment to the Union, its policies and its goals, has never wavered. He is too busy fighting for the rights of workers to worry about whether the role of unions is diminishing, or to fret over the standing of the labor movement in public opinion polls.

Ricardo has held many important positions with Local 770, including Research Assistant, Organizer, Business Representative and Secretary-Treasurer. He has been President of Local 770 since 1981.

Many of his duties have involved helping his brothers and sisters in foreign countries. In 1979, for example, he represented the Retail Clerks International Union as an advisory committee member in a delegation that went to Portugal, Spain and Brussels. He has also traveled to China, Geneva and Germany as a representative of the AFL–CIO. In 1998, Ricardo represented labor in Mayor Riordan's delegation that visited Japan for the purpose of encouraging business with the City of Los Angeles.

Ricardo's involvement with labor does not stop with Local 770. He is also President of the Los Angeles County Federation of Labor, Treasurer of the Food and Drug Council and Vice President of the Labor Council for Latin American Advancement and trustee of the Southern California United Food and Commercial Workers Unions.

We ask our colleagues to join us in saluting Ricardo Icaza, a man of integrity, compassion and justice. His unshakable commitment to improving the lives of working men and women inspires us all.

HONORING THE STUDENTS RESPONSIBLE FOR THE FOUNDING OF THE CHARITABLE ORGANIZATION ''CLOTHES, FOOD, AND EDUCATION FOR THE POOR AND NEEDY''

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today in honor of some distinguished South Florida students: Abhishek Gupta, Adam & Diana Deitsch, Connie & Hakeem Campbell, Shaun Krueger, Edward & Monique McDuffie, Laurel Stephenson, and Samantha Voehringer. Every one of these students in between the ages of 7–17 years old, and their outstanding community service has truly benefited both the South Florida community as well as the world at large.

During this past Thanksgiving break, my constituent, Abhishek Gupta, read several articles in local newspapers describing the unfortunate situation of many poor and needy families in his local community and around the world. The eleventh grade student set himself the lofty goal of raising $50,000 in order to promote and combat this cause. With encouragement from his parents and help from several local students, Abhishek created a nonprofit organization called ''Clothes, Food & Education for the Poor & Needy'' to help less fortunate families.

Finding corporate sponsors to pay for operational expenses, Abhishek appealed to an received contributions from the local community members who responded with both enthusiasm and compassion. In the end, their goal was exceeded by raising $60,000 in just a few weeks. The money was donated to the Sun-Sentinel Children's Fund, the Miami Herald Wishbook in Southeast Florida, and to victims in Central America affected by Hurricane Mitch. In a very short time, the once bold idea developed not only a reality, but into an overwhelming success.

In December 1998, Lynn Stephenson, R.N., and Abhishek Gupta were invited to accompany a medical team on a mission of mercy to Honduras and Nicaragua from 12/26/98 through 12/31/98. In their possession were 120 boxes of food, clothing and medical supplies for distribution. In the three days the team of doctors was in Central America, they were met by an overwhelming number of patients to whom they provided badly needed medical treatment. By the end of the three days, they had seen a total of 594 patients.

Mr. Speaker, ''Clothes, Food and Education for the Poor and Needy'' is committed to supporting needy families and education in South Florida and around the world. The organization will continue to seek contributions for this worthy cause. Their vision is to make this an effort that continues throughout the year, thus creating the possibility of having a positive effect on the lives of people who are less fortunate.

H.R. 436, THE GOVERNMENT WASTE, FRAUD & ERROR REDUCTION ACT

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. DEGETTE. Mr. Speaker, Congress acted responsibly to reduce government waste last week, voting 419–1 to pass H.R. 436, the Government Waste, Fraud & Error Reduction Act.

This common-sense measure empowers federal agencies to collect delinquent debt and it bars individuals from receiving aid or participating in federal programs if they have refused to pay back money borrowed from the government. This tough-on-debt approach is justified for individuals who knowingly seek the assistance of the Federal Government, but choose to defraud taxpayers by not paying back their debts. On a yearly basis, Congress will receive reports from federal agencies detailing debt collection procedures and outstanding debts of $1 million or more. With reinvigorated, streamlined debt collection mechanisms in place, the Federal Government will be able to use hard-earned taxpayer money more efficiently.

One important provision of H.R. 436 will allow social security benefits to be scaled back for individuals who owe large amounts of child support. For many working and single-parent families, child support payments are essential ingredients for success in raising children. I believe this bill will ease the burden on working families.

I was pleased to support this legislation and make good on my pledge to reduce government waste whenever possible.

IN SUPPORT OF THE WIRELESS PRIVACY ENHANCEMENT ACT OF 1999

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. ESHOO. Mr. Speaker, I'd like to submit for the RECORD that I would have voted ''yes'' if I'd been present for the vote on the Wireless Privacy Enhancement Act of 1999.

This important legislation strengthens and clarifies prohibitions on electronic eavesdropping.

Mr. Speaker, specifically, this legislation makes it illegal to intentionally intercept calls or to intentionally divulge the content of private calls. Additionally, it increases the penalties for violators and requires the FCC to investigate violations.

This legislation is essentially the same wireless scanner legislation that the House of Representatives overwhelmingly approved last session.

As an original co-sponsor of the Wireless Privacy Enhancement Act of 1999, I'm pleased my colleagues saw fit to pass the legislation by a 403 to 3 vote margin. As I stated before, had I been present for this vote, I would have joined my colleagues in their near unanimous support for this legislation.

TRIBUTE TO CHIEF RANDALL W. GASTON

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 3, 1999

Ms. SANCHEZ. Mr. Speaker, I rise today to pay tribute to the career of Chief Randall W. Gaston of the Anaheim Police Department. On February 25, 1999, at age 54, Chief Gaston passed away at the Anaheim Memorial Medical Center. Chief Gaston is survived by his wife Linda and has four grown children, Allison, Bryan, Aaron and Debbie and two grandchildren.

The Anaheim Police Department is said to have been run as a family under the leadership of Chief Gaston. As a 9-year old, I remember becoming a part of this family when I was named Anaheim Police Chief for the day. I toured the station, met the officers and saw firsthand the inner workings of the department. I remember I felt very welcome.

Chief Gaston began working for the Anaheim Police Department in 1965. Randy rose quickly through the Department and was promoted to Lieutenant in 1973. In 1982, Randy graduated from the FBI National Academy in Quantico, Virginia and was later promoted to Captain in 1983. On January 11, 1994, Randy was appointed Chief of Police.

During his tenure, crime rates fell 12% over the span of 2 years in Orange County. This tremendous achievement has been made possible only through the hard work, dedication to duty and personal sacrifice inspired by Chief Gaston.

Randy is remembered as an honest man who often laughed at himself and who enjoyed staying out of the limelight. Yet his community policing program is recognized as a model for American police forces and for safer communities around the world. He will take with him a remarkable ability to integrate local community volunteers into the police force structure to help combat crime.

I submit for the record an article from February 26, 1999, of the Los Angeles Times which further describes Chief Gaston's outstanding achievements.

While Chief Gaston's leadership will be missed at our Police Department, all citizens of Orange County should take comfort that the Anaheim Police Department will evoke his spirit and legacy through their continued efforts to better our community.

I want to thank Chief Gaston for his service to our fine city, and for his bravery and selfless dedication to his career and his community. This man was a genuine community leader. He not only did his job well, he loved it, and the community he served. We are safe because of his sacrifice.

[From the latimes.com, Neighborhood News, Feb. 26, 1999]

ANAHEIM POLICE CHIEF GASTON DIES

(By Jason Kandel, Nancy Wride)

OBITUARY: A 30-YEAR VETERAN OF THE DEPARTMENT, HE COLLAPSES WHILE JOGGING WITH HIS FELLOW OFFICERS

Anaheim Police Chief Randall Gaston, a 30-year veteran of the department he led for more than five years, died Thursday of an apparent heart attack as he was jogging on his lunch hour. He was 54.

Gaston was on a group run in Pearson Park with members of the Anaheim Police Department's special weapons and tactics team when he became ill and dropped out, then collapsed. He was given cardiopulmonary resuscitation by colleagues but could not be revived. An emergency rescue team transported him to Anaheim Memorial Medical Center, where he died at 12:55 p.m. Gaston had filled a vacancy created by the death of Chief Joseph T. Molloy, who also died of a heart attack while exercising. He too was 54.

Shocked and grieving associates remembered Gaston as a highly respected law-enforcement officer and community leader. ''As a leader and professional, Chief Gaston was a model public servant,'' Anaheim Mayor Tom Daly said. ''His dedication to the community has been remarkable, and he will be difficult to replace.'' Scores of uniformed officers and staff workers gathered Thursday afternoon at the Police Department for a flag-lowering ceremony in Gaston's memory. A photo of the chief was displayed in the lobby, surrounded by red, white and blue flowers.

Police Capt. Roger Baker, appointed interim chief by City Manager James D. Ruth, said of Gaston: ''He was highly respected by the Anaheim Police Department and the community and will be greatly missed.''

Former La Habra Police Chief Steve Staveley was a friend of Gaston for more than 30 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 4, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 5

9:30 a.m.
YEAR 2000 TECHNOLOGY PROBLEM
To hold hearings on internetional Y2K computer problem issues.
SD–192

Joint Economic Committee
To hold joint hearings on the employment-unemployment situation for February.
SD–562

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on emerging threats to vital United States national security interests.
SR–222

MARCH 8

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD–342

MARCH 9

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings on S.335, to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter.
SD–342

10 a.m.
Judiciary
To hold hearings to examine interstate alcohol sales.
SD–226

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on issues relating to post election Cambodia.
SD–419

10:30 a.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings on the International Monetary Fund.
SD–538

MARCH 10

9:30 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the condtion of the services' infrastructure and real property maintenance programs for fiscal year 2000.
SR–222

Health, Education, Labor, and Pensions
To hold hearings on education research issues.
SD–430

Indian Affairs
To hold oversight hearings on the Bureau of Indian Affairs Capacity and Mission.
SR–485

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings to examine strategic and tactical lift requirements versus capabilities.
SR–232A

MARCH 11

9:30 a.m.
Environment and Public Works
To hold hearings on S.507, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States.
SD–406

2 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense focusing on the defense health program, and the future years defense program.
SR–222

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–628

MARCH 16

10 a.m.
Small Business
To hold hearings on the President's proposed budget request for fiscal year 2000 for the Small Business Administration.
SR–428A

2 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee To resume oversight hearings on the President's proposed budget request for fiscal year 2000 for the Forest Service, Department of Agriculture.
SD–366

MARCH 17

9:30 a.m.
Indian Affairs
To hold hearings on S.399, to amend the Indian Gaming Regulatory Act.
SR–485

10 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Disabled American Veterans.
345 Cannon Building

MARCH 18

2 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings on the readiness of the United States Air Force and Army operating forces.
SH–216

MARCH 24

9:30 a.m.
Indian Affairs
To hold oversight hearings on the implementation of welfare reform.
SR–485

10 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Ex-Prisoners of War, AMVETS, Vietnam Veterans of America, and the Retired Officers Association.
345 Cannon Building

APRIL 14

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the published scandals plaguing the Olympics.
SR–253

Indian Affairs
To hold oversight hearings on the implementation of welfare reform for Indians.
SR–485

SEPTEMBER 28

9:30 a.m.
Veterans Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building

Daily Digest

HIGHLIGHTS

House Committees ordered reported six sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S2159–S2236

Measures Introduced: Sixteen bills were introduced, as follows: S. 513–528. **Pages S2208–09**

Education Flexibility Partnership Act: Senate began consideration of S. 280, to provide for education flexibility partnerships, agreeing to the committee amendment, and taking action on the following amendment: **Pages S2177–S2201**

Adopted:

Wellstone Amendment No. 33 (to Amendment No. 31), to prohibit waivers with respect to serving eligible school attendance areas in rank order. **Page S2201**

Kennedy Amendment No. 34 (to Amendment No. 31), to ensure that increased flexibility leads to improved student achievement. **Page S2201**

Rejected:

Wellstone/Kennedy Amendment No. 32 (to Amendment No. 31), to preserve accountability for funds under title I of the Elementary and Secondary Education Act of 1965. (By 55 yeas to 42 nays (Vote No. 30), Senate tabled the amendment.) **Pages S2197–S2201**

Pending:

Jeffords Amendment No. 31, in the nature of a substitute. **Pages S2177–S2201**

During consideration of this measure today, the following also occurred:

By voice vote, Senate agreed to the motion to proceed to the consideration of the bill. **Pages S2160–77**

A unanimous-consent agreement was reached providing for further consideration of the bill and an amendment to be proposed thereto, on Thursday, March 4, 1999. **Page S2234**

Appointments:

Commission on Online Child Protection: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105–277, announced the appointment of the following individuals to serve as members of the Commission on Online Child Protection: Jerry Berman, of Washington, D.C.—Representative of a business making content available over the Internet; Srinija Srinivasan, of California—Representative of a business providing Internet portal or search services; and Donald N. Telage, of Massachusetts—Representative of a business providing domain name registration services. **Page S2235**

Board of Visitors of the U.S. Coast Guard Academy: The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appointed the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: Senator McCain, ex officio, as Chairman of the Committee on Commerce, Science and Transportation; and Senator Ashcroft, Committee on Commerce, Science, and Transportation. **Page S2235**

Board of Visitors of the U.S. Merchant Marine Academy: The Chair, on behalf of the Vice President, pursuant to Title 46, Section 1295(b), of the U.S. Code, as amended by Public Law 101–595, appointed the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: Senator McCain, ex officio, as Chairman of the Committee on Commerce, Science, and Transportation; and Senator Snowe, Committee on Commerce, Science, and Transportation. **Page S2235**

Twenty-first Century Workforce Commission: The Chair, on behalf of the Majority Leader, pursuant to Public Law 105–220, announced the appointment of the following individuals to serve as members of the Twenty-first Century Workforce Commission: Susan Auld, of Vermont, Katherine K. Clark, of Virginia, Bobby S. Garvin, of Mississippi, and Randel K. Johnson, of Maryland. **Page S2235**

Nominations Confirmed: Senate confirmed the following nominations:

73 Air Force nominations in the rank of general.

1 Marine Corps nomination in the rank of general.

Routine lists in the Air Force, Army, Marine Corps, Navy. Pages S2233–36

Messages From the House: Page S2207

Measures Referred: Page S2207

Measures Placed on Calendar: Page S2207

Communications: Pages S2207–08

Statements on Introduced Bills: Pages S2209–24

Additional Cosponsors: Pages S2224–25

Amendments Submitted: Pages S2225–27

Notices of Hearings: Page S2227

Authority for Committees: Pages S2227–28

Additional Statements: Pages S2228–33

Record Votes: One record vote was taken today. (Total—30) Page S2200–01

Adjournment: Senate convened at 9:30 a.m. and adjourned at 6:37 p.m., until 9:30 a.m. on Thursday, March 4, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S2234–35.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies concluded hearings on proposed budget estimates for fiscal year 2000 for the Department of Education, after receiving testimony from Richard W. Riley, Secretary of Education.

NATIONAL DEFENSE BUDGET

Committee on Appropriations: Subcommittee on Defense concluded hearings on the President's proposed budget for fiscal year 2000 for the Department of Defense, after receiving testimony from John J. Hamre, Deputy Secretary, and William J. Lynn, III, Under Secretary (Comptroller)/Chief Financial Officer, both of the Department of Defense.

APPROPRIATIONS—CAPITOL POLICE BOARD/ARCHITECT OF THE CAPITOL

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 2000 for the U.S. Capitol Police Board, after receiving testimony from James W. Ziglar, Senate Sergeant at Arms, Alan M. Hantman, Architect of the Capitol, and Gray L. Abrecht, Chief, U.S. Capitol Police, all on behalf of the Capitol Police Board.

Also, Subcommittee held hearings on proposed budget estimates for fiscal year 2000 for the Office of the Architect of the Capitol, receiving testimony from Alan M. Hantman, Architect of the Capitol, who was accompanied by several of his associates.

APPROPRIATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel concluded hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on recommendations pertaining to military retirement, pay and compensation, and the Future Years Defense Program, and certain provisions of S. 4, to improve pay and retirement equity for members of the Armed Forces (passed Senate on 2–24–99), after receiving testimony from Christopher Jehn, Assistant Director, National Security Division, Congressional Budget Office; Rudy deLeon, Under Secretary of Defense for Personnel and Readiness; Patrick T. Henry, Assistant Secretary of the Army for Manpower and Reserve Affairs; Carolyn H. Becraft, Assistant Secretary of the Navy for Manpower and Reserve Affairs; Ruby B. DeMesme, Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment; James R. Hosek and Beth J. Asch, both of the Rand Corporation, Washington D.C.; and MCPO Joseph Barnes, USN (Ret), Fleet Reserve Association, COL Steven P. Strobridge, USAF (Ret), Retired Officers Association, and Sydney T. Hickey, National Military Family Association, all of Alexandria, Virginia.

AUTHORIZATION—DEFENSE

Subcommittee on Armed Services: Subcommittee on Airland concluded hearings on proposed legislation authorizing funds for fiscal year 2000 for the Department of Defense, focusing on Army modernization, and the future years defense programs, after receiving testimony from Richard Armitage, and Gen. Robert W. Riscassi, USA (Ret.), both former Members, National Defense Panel; Lt. Gen. Paul J. Kern, USA, Military Deputy, Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology; Lt. Gen. Randall L. Rigby, Jr., USA, Deputy Commanding General, Army Training and Doctrine Command; Brig. Gen. Michael J. Squires, USA, Deputy Director of the Army National Guard; Thomas W. Rabaut, United Defense LP, Arlington, Virginia; and Arthur J. Veitch, General Dynamics Land Systems, Warren, Michigan.

SEAPOWER OVERVIEW

Committee on the Armed Services: Subcommittee on Seapower concluded hearings on the 21st century seapower vision overview and maritime implications of 21st century threats, after receiving testimony from Richard Danzig, Secretary of the Navy; Paul M. Lowell, Deputy Director of Naval Intelligence;

Vice Admiral Conrad C. Lautenbacher, Jr., USN, Deputy Chief of Naval Operations for Resources; and Lt. Gen. John E. Rhodes, USMC, Commanding General, Marine Corps Combat Development Command.

YEAR 2000 BUDGET

Committee on the Budget: Committee concluded hearings to examine the Congressional Budget Office's analysis of the President's proposed budget for fiscal year 2000, after receiving testimony from Dan L. Crippen, Director, Congressional Budget Office.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported S. 96, to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date, with an amendment in the nature of a substitute.

DEPARTMENT OF THE INTERIOR BUDGET

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on the President's proposed budget request for fiscal year 2000 for the Bureau of Reclamation and the Power Marketing Administrations, after receiving testimony from Patricia J. Beneke, Assistant Secretary for Water and Science, and Eluid L. Martinez, Commissioner, Bureau of Reclamation, both of the Department of the Interior; and Michael L. Telson, Chief Financial Officer, Charles A. Borchardt, Administrator, Southeastern Power Administration, Michael A. Deihl, Administrator, Southwestern Power Administration, Michael S. Hacskaylo, Administrator, Western Area Power Administration, and Stephen Wright, Senior Vice President, Bonneville Power Administration, all of the Department of Energy.

SAFE DRINKING WATER ACT

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife and Drinking Water concluded oversight hearings on the Environmental Protection Agency's implementation of the 1996 amendments to the Safe Drinking Water Act, after receiving testimony from J. Charles Fox, Assistant Administrator, Office of Water, and Norine Noonan, Assistant Administrator, Office of Research and Development, both of the Environmental Protection Agency; Gerry C. Biberstine, Colorado Department of Public Health and Environment, Denver, on behalf of the Association of State Drinking Water Administrators; Merril Bingham, Provo City Water Resources, Provo, Utah, on behalf of the American Water Works Association; Erik D. Olson, Natural Resources Defense Council, Washington, D.C.; Gurnie Gunter, Kansas City Water Services Department, Kansas City, Missouri, on behalf of the Association of Metropolitan Water Agencies; Steven Levy, Atlantic State Rural Water Association, Norwich, Connecticut, on behalf of the National Rural Water Association; and Andrew M. Chapman, Elizabethtown Water Company, Elizabethtown, New Jersey, on behalf of the National Association of Water Companies.

EDUCATION TAX PROPOSALS

Committee on Finance: Committee concluded hearings to examine education savings incentives, education financing, school construction financing proposals, and S. 211, to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, after receiving testimony from Senators Coverdell, Graham, Schumer, Sessions, and McConnell; Dennis Zimmerman, Specialist in Public Finance, Congressional Research Service, Library of Congress; Esthelda R. Parker Selby, Rehoboth Elementary School, Milton, Delaware; James T. McCarthy, Merrill Lynch Pierce Fenner and Smith, Inc., Princeton, New Jersey; Alexis Garland, Hewlett Packard Company, New Castle, Delaware; Shirley Hughes, Ceridian Corporation, Bloomington, Minnesota, on behalf of the National Association of Manufacturers; William E. Manning, Red Clay Consolidated School District Board of Education, Wilmington, Delaware; and Octavio J. Visiedo, OV Education Concepts, Miami, Florida.

CASPIAN SEA EXPORT ENERGY PIPELINE

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings on the commercial viability of a Caspian Sea export energy pipeline, after receiving testimony from Richard L. Morningstar, Special Advisor to the President and Secretary of State for Caspian Basin Energy Diplomacy; Nancy E. Frame, Deputy Director, Trade and Development Agency; Jeffrey L. Miller, Group Manager, Structured Export Finance, Export-Import Bank of the United States; Audrey Zuck, Regional Manager, New Independent States, Overseas Private Investment Corporation; Edward M. Smith, Pipeline Solutions Group International, London, England; J. Michael Stinson, Conoco, Inc., Houston, Texas; and Maureen Greenwood, Amnesty International, Washington, D.C.

INDEPENDENT COUNSEL ACT

Committee on Governmental Affairs: Committee concluded hearings on the future of the Independent

Counsel Act, after receiving testimony from Robert S. Bennet, Skadden, Arps, Slate, Meagher, and Flom; Nathan Lewin, Miller, Cassidy, Larroca and Lewin; Henry Ruth, former Special Prosecutor of the Watergate Special Prosecution Force; and Robert B. Fiske, Jr., Davis, Polk, and Wardwell, all of Washington, D.C.; and George Beall, Baltimore, Maryland, former United States Attorney for the District of Maryland.

OLDER AMERICANS ACT

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging concluded oversight hearings on the implementation of and proposed authorizations for the Older Americans Act, after receiving testimony from Jeanette C. Takamura, Assistant Secretary of Health and Human Services for Aging; Ray Bramucci, Assistant Secretary of Labor for Employment and Training; William D. Bechill, Maryland Commission on Aging, Kensington; Geneva Shedd, Indiana Bureau of Aging and In Home Services, Indianapolis, on behalf of the National Association of State Units on Aging; Neetu Dhawan-Gray, Baltimore City Commission on Aging Retirement Education, Baltimore, Maryland, on behalf of the National Association of Area Agencies on Aging; and C. Susan Oliver, Meigs County Council on Aging, Inc., Pomeroy, Ohio.

BUSINESS MEETING

Committee on Indian Affairs: Committee completed its review of those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 2000, and agreed on recommendations it will make thereon to the Committee on the Budget.

INDIAN TRUST MANAGEMENT

Committee on Indian Affairs/Committee on Energy and Natural Resources:

Committee held joint oversight hearings to examine the Department of the Interior's implementation of the Indian Trust Fund Management Reform Act, receiving testimony from Bruce Babbitt, Secretary of the Interior; Edward K. Thomas, Central Council of Tlingit and Haida Indians Tribes of Alaska, Juneau, on behalf of the Advisory Board to the Special Trustee for American Indians on Trust Fund Reform; Charles Tillman, Osage Nation of Oklahoma, Tulsa, on behalf of the Inter-Tribal Monitoring Association on Indian Trust Funds; and Paul M. Homan, Homan and Associates, Washington, D.C., former Special Trustee for American Indians.

Hearings recessed subject to the call.

House of Representatives

Chamber Action

Bills Introduced: 23 public bills, H.R. 950–972; 6 resolutions, H. Con. Res. 40, and H. Res. 92–96 were introduced. **Pages H955–57**

Reports Filed: Reports were filed today as follows:

H.R. 707, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, amended (H. Rept. 106–40); and

H. Res. 91, providing for consideration of H.R. 707, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance (H. Rept. 106–41). **Page H955**

Guest Chaplain: The prayer was offered by the guest Chaplain, the Rev. Michael E. Robinson of Washington, D.C. **Page H893**

Aviation Incidents and Death on the High Seas Act: The House passed H.R. 603, to amend title 49, United States Code, to clarify the application of the Act popularly known as the "Death on the High Seas Act" to aviation incidents by a yea and nay vote of 412 yeas to 2 nays, Roll No. 32. **Pages H900–03, H913–14**

Earlier, agreed to H. Res. 85, the rule that provided for consideration of the bill by voice vote. **Pages H898–99**

Stage 3 Noise Levels and Supersonic Transport Aircraft: The House passed H.R. 661, to direct the Secretary of Transportation to prohibit the commercial operation of supersonic transport category aircraft that do not comply with stage 3 noise levels if the European Union adopts certain aircraft noise regulations. **Pages H903–07**

Earlier, agreed to H. Res. 86, the rule that provided for consideration of the bill by voice vote. **Pages H899–S900**

Peace Corps Reauthorization: The House passed H.R. 669, to amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003

to carry out that Act by yea and nay vote of 326 yeas to 90 nays, Roll No. 31. **Pages H907–13**

H. Res. 83, the rule that provided for consideration of the bill was agreed to on February 25. **Pages H807–08**

Board of Trustees of Gallaudet University: The Chair announced the Speaker's appointment of Representative LaHood to the Board of Trustees of Gallaudet University. **Page H914**

Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development: The Chair announced the Speaker's appointment of Representative Young of Alaska to the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development. **Page H914**

Board of Trustees of the JFK Center for the Performing Arts: The Chair announced the Speaker's appointment of Representative Porter to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. **Page H914**

Commission on Security and Cooperation in Europe: The Chair announced the Speaker's appointment of Representative Smith of New Jersey as Chairman of the Commission on Security and Cooperation in Europe. **Page H914**

Senate Messages: Messages received from the Senate today appear on page H893.

Referrals: S. 314, to provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, was referred to the Committee on Small Business. **Page H951**

Quorum Calls—Votes: Two yea and nay votes developed during the proceedings of the House today and appear on pages H913 and H913–14. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 5:34 p.m.

Committee Meetings

AGRICULTURAL BIOTECHNOLOGY

Committee on Agriculture: Subcommittee on Risk Management, Research, and Specialty Crops held a hearing on agricultural biotechnology. Testimony was heard from August Schumacher, Under Secretary, Farm and Foreign Agricultural Services, USDA; Jim Murphy, Assistant U.S. Trade Representative, Agricultural Affairs; and public witnesses.

AGRICULTURE, RURAL DEVELOPMENT, FDA APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Marketing and Regulatory Programs. Testimony was heard from the following officials of the USDA: Michael V. Dunn, Under Secretary, Marketing and Regulatory Programs; Craig A. Reed, Administrator, Animal and Plant Health Inspection Service; Enrique Figueroa, Administrator, Agricultural Marketing Service; and James R. Baker, Administrator, Grain Inspection, Packers and Stockyards Administration; and Stephen B. Dewhurst, Budget Officer.

COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and Judiciary held a hearing on Legal Services Corporation and on Secretary of Commerce. Testimony was heard from the following officials of the Legal Services Corporation: Douglas Eakeley, Chairman; John Erlenborn, Vice Chairman; and John McKay, President; and William M. Daley, Secretary of Commerce.

DEFENSE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Defense held a hearing on fiscal year 2000 Department of Defense budget. Testimony was heard from the following officials of the Department of Defense: William S. Cohen, Secretary; and Gen. Henry H. Shelton, USA, Chairman, Joint Chiefs of Staff.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Recreational Fees. Testimony was heard from Barry T. Hill, Associate Director, Energy, Resources, and Science Issues, GAO; and the following officials of the Department of the Interior: Donald J. Barry, Assistant Secretary, Fish and Wildlife and Parks; Maureen Finnerty, Associate Director, National Park Service, Park Operations and Education; John Rogers, Deputy Director, U.S. Fish and Wildlife Service; Nina Rose Hatfield, Deputy Director, Bureau of Land Management; and Denny Beschor, National Director, Forest Service, Recreation, Heritage, and Wilderness Resources, USDA.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on National Institute of Neurological Disorders and Strokes, the National Institute on Aging, and the National Institute on Mental Health, and on National Institute of Diabetes, Digestive and Kidney Diseases, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and the National Center for Research Resources. Testimony was heard from the following officials of NIH, Department of

Health and Human Services: Gerald D. Fischbach, M.D., Director, National Institute of Neurological Disorders and Strokes; Richard J. Hodes, M.D., Director, National Institute on Aging; Steven E. Hyman, M.D., Director National Institute of Mental Health; Phillip Gorden, M.D., Director, National Institute of Diabetes, Digestive, and Kidney Diseases; and Stephen I. Katz, M.D., Director, National Institute of Arthritis and Musculoskeletal and Skin Diseases; and Judith L. Vaitukaitis, M.D., Director, National Center for Research Resources.

TREASURY-POSTAL SERVICE APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on Office of National Drug Control Policy and on U.S. Postal Service. Testimony was heard from Barry McCaffrey, Director, Office of National Drug Control Policy; and William J. Henderson, CEO and Postmaster General, U.S. Postal Service.

VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, Independent Agencies held a hearing on the Court of Veterans Appeals and on the Selective Service System. Testimony was heard from Frank O. Nebeker, Chief Judge, Court of Veterans Appeals; and Gil Cornado, Director, Selective Service System.

NATIONAL DEFENSE AUTHORIZATION

Committee on Armed Services: Continued hearings on the fiscal year 2000 National Defense authorization budget request. Testimony was heard from the following officials of the Department of Defense: Adm. Dennis C. Blair, USN, Commander in Chief, U.S. Pacific Command; and Gen. John Tilelli, USA, Commander in Chief, U.S. Forces Korea.

SERVICE AVIATION AND MODERNIZATION

Committee on Armed Services: Subcommittee on Military Procurement and the Subcommittee on Military Research and Development held a joint hearing on service aviation modernization plans. Testimony was heard from the following officials of the Department of Defense: Maj. Gen. Peter C. Franklin, USA, Deputy for Systems Management and Horizontal Technology Integration, Office of the Assistant Secretary of the Army (Research, Development and Acquisition); Rear Adm. John B. Nathman, USN, Director, Air Warfare, Office of the Chief of Naval Operations; Lt. Gen. Gregary S. Martin, USAF, Principal Deputy Assistant Secretary of the Air Force (Acquisition); Maj. Gen, Leslie F. Kenne, USAF, Program Executive Officer, Joint Strike Fighter; and Lt. Gen. Frederick McCorkle, USMC, Deputy Chief of Staff, Aviation, Headquarters, U.S. Marine Corps.

HEDGE FUNDS

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities, and Government Sponsored Enterprises held a hearing on hedge funds. Testimony was heard from William J. McDonough, President, Federal Reserve Bank of New York; Brooksley Born, Chair, Commodity Futures Trading Commission; Lew Sachs, Deputy Assistant Secretary, Government Financial Policy, Department of the Treasury; and public witnesses.

HUD'S FISCAL YEAR 2000 BUDGET

Committee on Banking and Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on HUD's fiscal year 2000 budget. Testimony was heard from Saul N. Ramirez, Jr., Deputy Secretary, Department of Housing and Urban Development; Judy England-Joseph, Director, Housing and Community Development Division, GAO.

SOCIAL SECURITY PROPOSAL—MARKET IMPACT

Committee on Commerce: Subcommittee on Finance and Hazardous Materials continued hearings on the Market Impact of the Administration's Social Security Proposal. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; and Lawrence H. Summers, Deputy Secretary, Department of the Treasury.

EDUCATION FLEXIBILITY PARTNERSHIP ACT

Committee on Education and the Workforce: Ordered reported amended H.R. 800, Education Flexibility Partnership Act of 1999.

FIGHTING CRIME IN THE TRENCHES

Committee on Government Reform: Held a hearing on Fighting Crime in the Trenches, Part l, National Problems, Local Solutions: Federalism at Work. Testimony was heard from Rudolph W. Giuliani, Mayor, City of New York; John F. Timoney, Commissioner, Department of Police, Philadelphia, Pennsylvania; and a public witness.

COMMITTEE FUNDING

Committee on House Administration: Met and considered committee funding requests for the following Committees: House Administration; International Relations; Standards of Official Conduct; Science; Budget; Veterans Affairs; Transportation and Infrastructure; and Banking and Financial Services.

FOREIGN ASSISTANCE BUDGET REQUEST

Committee on International Relations: Held a hearing on the Administration's Foreign Assistance Budget Request. Testimony was heard from J. Brian Atwood, Administrator, AID, U.S. International Development Cooperation Agency.

SOUTH ASIA; CHALLENGES IN U.S. POLICY

Committee on International Relations: Subcommittee on Asia and the Pacific held a hearing on South Asia: Challenges in U.S. Policy. Testimony was heard from Karl F. Inderfurth, Assistant Secretary, South Asian Affairs, Department of State; and public witnesses.

REASSESSING THE EXPORT ADMINISTRATION ACT

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on a New World Order: Reassessing the Export Administration Act. Testimony was heard from Representatives Cox and Dicks; William Reinsch, Under Secretary, Bureau of Export Administration, Department of Commerce; Richard Hogland, Assistant Commissioner, Investigations, U.S. Customs Service, Department of the Treasury; and public witnesses.

ANTI-DRUG EFFORT IN AMERICAS

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on the anti-drug effort in the Americas and implementation of the Western Hemisphere Drug Elimination Act. Testimony was heard from Senator DeWine; Tom Umberg, Deputy Director, Office of Supply Reduction, Office of National Drug Control Policy; L. Rank Beers, Assistant Secretary, Bureau of International Narcotics and Law Enforcement Affairs, Department of State; Donny Marshall, Deputy Administrator, DEA, Department of Justice; Rear Adm. Raymond Riutta, USCG, Assistant Commandant, Operations, U.S. Coast Guard, Department of Transportation; and Bonni Tischler, Assistant Commissioner, Investigations, U.S. Customs Service, Department of the Treasury.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 15, Otay Wilderness Act of 1999; H.R. 154, amended, to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units; H.R. 449, Gateway Visitor Center Authorization Act of 1999; H.R. 509, amended, to direct the Secretary of the Interior to transfer to the personal representative of the estate of Fred Steffens of Big Horn County, Wyoming, certain land comprising the Steffens family property; and H.R. 510, to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

DISASTER MITIGATION AND COST REDUCTION ACT

Committee on Rules: Granted, by voice vote, an open rule providing 1 hour of debate on H.R. 707, Disaster Mitigation and Cost Reduction Act of 1999. The rule waives clause 4(a) of Rule XIII (requiring a three-day layover of the committee report) against consideration of the bill. The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for purpose of amendment, which shall be open for amendment by title. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule further authorizes the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representative Fowler.

OVERSIGHT—BUDGET AUTHORIZATION REQUESTS

Committee on Science: Subcommittee on Energy and the Environment held an oversight hearing on Fiscal Year 2000 Request: Department of Energy Office of Science; Environment, Safety, and Health; and Environmental Management. Testimony was heard from the following officials of the Department of Energy: Martha A. Krebs, Director, Office of Sciences; Dan M. Berkovitz, Deputy Assistant Secretary, Planning, Policy and Budget, Office of Environmental Management; and David M. Michaels, Assistant Secretary, Environment, Safety and Health; and Victor S. Rezendes, Director, Energy, Natural Resources, and Science Issues, Resources, Community, and Economic Development Division, GAO.

OVERSIGHT—AERO-SPACE TECHNOLOGY BUDGET

Committee on Science: Subcommittee on Space and Aeronautics held a oversight hearing on Fiscal Year 2000 Budget: Aero-Space Technology. Testimony was heard from the following officials of the Office of Aero-Space Technology, NASA: Sam Armstrong, Associate Administrator; and Gary Payton, Deputy Associate Administrator (Space Transportation Technology).

PRIVATE MARKET—INVESTING SOCIAL SECURITY

Committee on Ways and Means: Subcommittee on Social Security held a hearing on Investing Social Security in the Private Market. Testimony was heard from Lawrence H. Summers, Deputy Secretary, Department of the Treasury; and public witnesses.

BIOLOGICAL WARFARE THREATS AND CAPABILITIES

Permanent Select Committee on Intelligence: Held a hearing on Biological Warfare Threats and Capabilities. Testimony was heard from John Lauder, Special Assistant to the Director, Nonproliferation, CIA; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MARCH 4, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings on proposed budget estimates for fiscal year 2000 for the Office of National Drug Control Policy, 9:30 a.m., SD–138.

Subcommittee on VA, HUD, and Independent Agencies, to hold hearings on proposed budget estimates for fiscal year 2000 for the Federal Emergency Management Agency, 9:30 a.m., SD–192.

Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 2000 for the Department of Transportation, 10 a.m., SD–124.

Committee on Banking, Housing, and Urban Affairs: business meeting to mark up proposed legislation to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings on S. 97, to require the installation and use by schools and libraries of a technology for filtering or blocking material on the Internet on computers with Internet access to be eligible to receive or retain universal service assistance, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider pending calendar business, 9:30 a.m., SD–366.

Full Committee, to hold hearings on the nomination of Robert Wayne Gee, of Texas, to be an Assistant Secretary of Energy (Fossil Energy), 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings on the nomination of Gary S. Guzy, of the District of Columbia, to be an Assistant Administrator of the Environmental Protection Agency, 9 a.m., SD–406.

Committee on Finance: business meeting to mark up S. 331, to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and S. 494, to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid program, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on International Operations, to hold hearings on the proposed budget request for fiscal year 2000 for foreign assistance programs, 2 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings on proposed budget reform measures, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety and Training, to hold hearings on S. 385, to amend the Occupational Safety and Health Act of 1970 to further improve the safety and health of working environments, 9:30 a.m., SD–430.

Committee on the Judiciary: business meeting to mark up S. 249, to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act; and S. 461, to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy, 10 a.m., SD–226.

Committee on Veterans Affairs: to hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association, 9:30 a.m., 345 Cannon Building.

House

Committee on Agriculture, Subcommittee on General Farm Commodities, Resource Conservation, and Credit, to review the Loan Deficiency Payment Program, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Commodity Futures Trading Commission, 1 p.m., 2362-A Rayburn.

Subcommittee on Commerce, Justice, State, and the Judiciary, on The Federal Judiciary, 10 a.m., 2359 Rayburn.

Subcommittee on Defense, executive, on U.S. Pacific command, U.S. Forces Korea, 9:30 a.m., and on Personnel Issues/Medical Programs, 2 p.m., H–140 Capitol.

Subcommittee on Energy and Water Development, on Department of Energy 9:30 a.m., 2362-B Rayburn.

Subcommittee on Foreign Operations, on Members of Congress and Outside Witnesses, 12:30 p.m., H–144 Capitol.

Subcommittee on Interior, on Bureau of Land Management, 9 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on National Institute of Allergy and Infectious Diseases, 10 a.m., on the National Eye Institute,

and on Director, NIH and on Office of Director Panel, 2 p.m., 2358 Rayburn.

Subcommittee on Military Construction, on Air Force Construction, 9:30 p.m., B–300 Rayburn.

Subcommittee on Transportation, on National Railroad Passenger Corporation (Amtrak), 9:45 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on National Archives, 9 a.m., H–309 Capitol.

Subcommittee on VA, HUD, and Independent Agencies, on NSF, 9:30 a.m. and 1:30 p.m., H–143 Capitol.

Committee on Armed Services, Subcommittee on Military Personnel, hearing on pilot retention—issues and possible solutions, 10 a.m., 2118 Rayburn.

Subcommittee on Military Procurement, hearing on the Department of Energy fiscal year 2000 budget request, 1 p.m., 2118 Rayburn.

Subcommittee on Military Readiness, hearing on military training capabilities and shortfalls, 10 a.m., 2212 Rayburn.

Committee on Banking and Financial Services, to mark up the Financial Services Act of 1999, 10 a.m., 2128, Rayburn.

Committee on the Budget, hearing on the CBO analysis of the Administration's fiscal year 2000 budget, 10 a.m., 210 Cannon.

Committee on Commerce, to mark up H.R. 540, Nursing Home Residents Protection Amendments of 1999, 10:30 a.m., 2123 Rayburn.

Subcommittee on Telecommunications, Trade, and Consumer Protection, to mark up H.R. 851, Save Our Satellites Act of 1999, 2 p.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on the Census, to mark up H.R. 683, Decennial Census Improvement Act of 1999, 9:15 a.m., 311 Cannon.

Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing on Oversight on U.S.-Mexico Counternarcotics Efforts, 10 a.m., 2247 Rayburn.

Subcommittee on Postal Service, hearing on H.R. 22, Postal Modernization Act of 1999, 1 p.m., 2154 Rayburn.

Committee on House Administration, to continue to consider Committee funding requests, 10 a.m., 1310 Longworth.

Committee on International Relations, to mark up the following measures: Security Assistance Act of 1999; H.R. 825, United States-Macau Policy Act; H. Res. 32, expressing support for, and calling for actions in support of, free, fair, and transparent elections in Indonesia; and H. Con. Res. 28, expressing the sense of Congress that the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet at the annual meeting of the United Nations Commission on Human Rights; and to consider Committee's Budget Views and Estimates for fiscal year 2000 for submission to the Committee on the Budget, 10 a.m., 2172 Rayburn.

Subcommittee on International Operations and Human Rights, hearing on Foreign Relations Authorization for Fiscal Year 2000–2001: Public Diplomacy Programs, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, oversight hearing on the ''The 'Know Your Customer' Rules: Privacy in the Hands of Federal Regulators''; followed by a markup of the following bills: H.R. 462, to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; and H.R. 916, to make technical amendments to section 10 of title 9, United States Code, 10 a.m., 2141 Rayburn.

Subcommittee on Courts and Intellectual Property, hearing on H.R. 850, Security and Freedom Through Encryption (SAFE) Act, 10 a.m., 2226 Rayburn.

Subcommittee on Immigration and Claims, oversight hearing on issues arising from past designations of temporary protected status and fraud in prior amnesty programs; and to consider other pending committee business, 10 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, oversight hearing on fiscal year 2000 budget request of the United States Fish and Wildlife Service, 10 a.m., 1334 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Forest Service Roads Moratorium, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Technology, oversight hearing on Soaring into the Future? Funding Requirements for FAA Research and Development, 10:30 a.m., 2318 Rayburn.

Committee on Ways and Means, Subcommittee on Trade, to continue hearings on the Importance of Trade Negotiations in Fighting Foreign Protectionism, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Fiscal Year 2000 Budget: The DCI's Perspective, 1 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans Affairs, to hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of the Veterans of World War I of the USA, Non-Commissioned Officers Association, Paralyzed Veterans of America, Jewish War Veterans, and the Blinded Veterans Association, 9:30 a.m., 345 Cannon Building.

Joint Economic Committee: to hold hearings on issues relating to economic growth through tax cuts, 9:30 a.m., SD–562.

Next Meeting of the SENATE

9:30 a.m., Thursday, March 4

Senate Chamber

Program for Thursday: After the recognition of seven Senators for speeches and the transaction of any morning business (not to extend beyond 11 a.m.), Senate will continue consideration of S. 280, Education Flexibility Partnership Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, March 4

House Chamber

Program for Thursday: Consideration of H.R. 707, Disaster Mitigation and Cost Reduction Act (open rule, 1 hour of debate); and

Consideration of a concurrent resolution expressing the condolences of the Congress on the death of the Hon. Morris K. Udall, former United States Representative from Arizona.

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