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Senate

(Legislative day of Friday, February 23, 1996)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Alfred, Lord Tennyson said, ''Come my friends. 'Tis not too late to seek a newer world.''

Let us pray:

O God, Lord of new beginnings, the Savior who gives us a fresh start, You have promised, ''Behold, I make all things new.''

Father, re-create us within so that we will sense again the excitement of being partners with You in bringing Your very best for our Nation. Banish the boredom of doing the same old things the same old way. Give us that wonderful conviction that You have chosen us to be strategic in Your plans for our Nation. We want to attempt great things for You and expect great power from You. Grant us revived enthusiasm, renewed gusto, and regenerated hope. Make us resilient with newness as we seek a newer world closer to Your purpose and plan. Fill this Chamber with Your presence and each Senator with supernatural power to discern and do Your will, to listen to Your voice consistently, and to speak Your truth courageously. In the Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. For the information of all Senators, this morning there will be a period for morning business until the hour of 10:30 a.m. At 10:30, the Senate will resume consideration of the conference report to accompany H.R. 2546, which is the D.C. appropriations conference report. The time between 10:30 a.m. and 12:30 p.m. will be equally divided in the usual form on the conference report. At the hour of 12:30, the Senate will stand in recess until 2:15 p.m. for the weekly party conference luncheons.

ORDER FOR CLOTURE VOTE

I now ask unanimous consent that the vote to invoke cloture on the D.C. appropriations conference report occur at 2:15 p.m. today with the mandatory quorum waived.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senators should now be on notice that there will be a vote at 2:15 today. The Senate will also be asked to turn to any other legislative items that can be cleared for action.

DR. OGILVIE'S REPUTATION FOR EXCELLENCE

Mr. LOTT. Mr. President, in the 1 year he has served as our Chaplain, Dr. Lloyd John Ogilvie has earned the respect and admiration of every Member of this Chamber. He has truly had a spiritual impact on this institution. And before Dr. Ogilvie leaves the Chamber this morning, I wish to call my colleagues' attention to the fact that Dr. Ogilvie's reputation for excellence extends far beyond the Capitol. This week, Baylor University announces its list of the 10 most effective preachers of the English-speaking world. The list was drawn from a survey of 341 seminary professors and editors of religious periodicals. Included on the list, along with the likes of Dr. Billy Graham, is our Chaplain, Lloyd Ogilvie.

Mr. President, I know that every Member of the Senate joins me in congratulating Dr. Ogilvie on this honor and to say how proud we are to have him with us as our Chaplain.

Thank you, Dr. Ogilvie.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 10:30 a.m., with Senators permitted to speak therein for 5 minutes each.

The Senator from Ohio is recognized.

NATIONAL EYE DONOR MONTH

Mr. DEWINE. Mr. President, next month, March 1996, is National Eye Donor Month. The purpose of National Eye Donor Month is to alert individual Americans to a terrific opportunity each one of us has to make a real difference in someone else's life.

Many Americans do not realize that they have it in their power to give someone else the ability to see, but it is true; each one of us does. If we declare now that after our passing, we want our eyes to be donated to an eye bank, then these eyes can become someone else's gift of sight. What a great opportunity. Indeed, what a great responsibility, one that all of us and our families should take very seriously.

According to the most recent statistics, over 6,000 Americans are waiting for corneal transplants—6,000 today awaiting an operation that can restore the gift of sight. These Americans

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

could have this operation today if only there were enough donated eyes available.

The purpose of National Eye Donor Month is simply to remind all Americans that we can make those corneas available. Every year thousands of Americans donate their eyes to eye banks. In 1994, over 95,000 eyes were donated and over 43,000 transplants were actually performed.

Mr. President, these numbers need some explaining. Those figures seem to reflect a pretty substantial disparity, but there is a good reason for it—a very strict screening process that keeps out those who test positive for HIV, those who have hepatitis, and those with unhealthy cells on their corneas. Those are just a few of the reasons why many corneas are unsuitable for transplantation. But the corneas from these donors are, in fact, actually used for a good purpose. They are used in other very important ways. They are used for research in surgical training and other medical education. It is because of this screening process I have just described that eye transplant operations have such an incredible success rate—better than a 90-percent success.

This screening process and this rate of success, however, require a greater number of donations. If we could increase the number of eyes donated to eye banks, we could take care of the 6,668 patients who are still waiting for corneal transplants today as well as the 40,000-odd people who join their ranks every single year.

As I said, this kind of surgery really does work. In the 35 years since the founding of the Eye Bank Association of America, EBAA member eye banks have made possible over half a million corneal transplants.

There simply are not enough eye donors. The only solution is public education—making the American people aware of what we can do to help. That is what National Eye Donor Month is all about. In March 1996, let us recommit ourselves as a nation to giving the gift of sight to some of our fellow citizens who stand in need.

Let me conclude on a personal note. In August 1993, our 22-year-old daughter Becky was killed. My wife and I and our children had never discussed the issue of organ donation, and when Fran and I were at the hospital and were asked to donate Becky's eyes, we said ''yes.'' We said ''yes'' because we knew that is what our daughter would have wanted us to do. Becky was a loving and caring person. She cared very deeply about other people.

I encourage all families to discuss with their family members this very important issue because by donating the eyes of a loved one or making arrangements that your own eyes can be donated, some good can come out of what to us was life's most horrible tragedy.

Again I call the Members' attention to National Eye Donor Month, which is March of this year, and ask that we all renew our dedication to increasing the number of donations, the number of eyes that are available so that more people could see. Thank you very much, Mr. President.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I commend my distinguished colleague from Ohio on his very moving, very touching appeal, certainly one that I think is extremely important for all of us. While our hearts and our sympathies go out to him and his lovely wife in their loss, we do commend them for using this opportunity to assist others.

(The remarks of Mr. BOND pertaining to the introduction of S. 1574 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

TRIBUTE TO GARY MUNSEN—A BASKETBALL COACHING MILESTONE

Mr. PRESSLER. Mr. President, during the cold and snowy winter months in South Dakota, many of my constituents enjoy the excitement of the basketball courts as a reprieve from the cold. This year, a very heated basketball season is melting the snow off the city of Mitchell, SD. Mitchell's basketball coach, Gary Munsen, has reached a milestone in South Dakota high school basketball—he has recorded 500 career wins.

Gary Munsen's achievement represents his long, dedicated service to the game of basketball in South Dakota, and more important, his players and his community. Gary is living proof that hard work and a strong commitment are the foundation of South Dakotans' success. Gary's success also comes from his understanding that coaching is more than teaching kids how to put an orange ball through an iron hoop. Coaching is about teaching young people the importance of teamwork, discipline, hard work, and individual effort. Gary Munsen has made many sacrifices during his career as a basketball coach. But Gary's incredible effort, determination and commitment have made him a brilliant coach. I extend my congratulations to him for his outstanding record.

Mr. President, I ask unanimous consent that the complete text of an article highlighting Gary Munsen's career be printed in the RECORD.

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

[From the Argus Header, Sioux Falls (SD), Feb. 4, 1996]

MUNSEN HANGING TOUGH—MITCHELL COACH'S ROAD TO 500 WINS HASN'T ALWAYS BEEN SMOOTH

(By Stu Whitney)

Gary Munsen doesn't need numbers to prove his perseverance. His stubborn survival as South Dakota's master of March could never be that simple or pure.

But some numbers are too significant to ignore, and they are used to measure Mitchell's basketball mentor against other mortals.

Victory is a comfortable criteria for Munsen. He shines every time.

After Saturday's triumph over Washington, he needs one more win to become the second coach in state history to claim 500 boys basketball victories. Gayle Hoover compiled 577 in 34 seasons at Parker.

The milestone might be reached Tuesday in Brookings, but Munsen is more concerned about keeping this year's Kernels on course. They are 11–1 and ranked No. 1 in Class AA.

''I'm not one of those guys who set out to coach 30 years and get my plaque,'' says Munsen, whose 499–161 record includes six state championships. ''I'm also not on some kind of mission to break Hoover's record.''

To assert this, Munsen talks about walking away. He turns 53 on March 12, so early retirement from Mitchell's school system could come in 1998.

''I've spent all my life doing this, and maybe it hurt my family sometimes,'' says Munsen, who grew up 35 miles west of Mitchell in White Lake.

''I might get out of education altogether, if I can afford it. We've got a great athlete in (sophomore guard) Mike Miller, and I told him when he goes, I'll go with him.''

Munsen has coached Mitchell's girls to a 141–21 record and three state titles since 1989, but he plans to drop that extra responsibility after next season. He almost did it at last season's state tournament in Rapid City.

''Before the finals against O'Gorman, I decided I was going to get out of girls basketball if we won,'' recalls Munsen. ''It just seemed like a good time to get out.''

When Mitchell was upset by the Knights, however, Munsen was stuck for another year. Such is the burden he has built for himself.

Critics can mention Munsen's alcohol abuse, his family struggles, but never can they deny that he wins the big games. Even on the high school level, it is that portion of one's reputation that often prevails.

''There are probably some people who don't like him, but I think a lot of people respect him,'' says son Scott, 30, who coaches track and cross country at the University of South Dakota.

''Coming through at the state tournament has always been his style and his strength. I think he figured, 'Well, I might not be the smartest guy in the world, but I can outwork them. I can be better prepared.' ''

But how does Munsen prepare for the end? If retirement means losing the one thing that defined him as a winner, what part of his reputation will ultimately rise?

''I was talking to (former Dakota Wesleyan coach) Gordie Fosness about that,'' says Munsen. ''And he said, 'When it's time to get out, you get out. You'll know when it's time.'

''I still have a love for the game. I'm not as young as I was, but the fire is still there. When the fire's gone, I'm gone.

STARTING OUT

When Munsen started his coaching career at Marion High School in 1966, it might have seemed laughable that history would match him with Hoover.

Just eight miles down the road, Hoover's hard-working Parker squads had established a sure-shooting reputation. They beat Munsen every time the schools met.

''He drilled me a few times,'' concedes Munsen, whose collegiate playing career started at Dakota Wesleyan and ended unceremoniously at Dakota State.

''But he also showed me how to coach the game. I admire him for the years he stayed all in one place.''

But Hoover remembers thinking that Munsen would not stay in Marion. When the young coach ranted and raved, there was something extra in those eyes.

''He was truly enthusiastic about basketball,'' recalls Hoover, who remains Parker's athletic director. ''And I figured he didn't want to stay at a small school. But I don't think Gary knew exactly what he wanted at that time.''

After three seasons, the decision was made for him. A school board member, unhappy with his son's playing time, pushed through an unpleasant ultimatum.

''They basically said, 'Do it this way or you'll be the assistant coach,' '' says Munsen. ''A lot of people in the community wanted me to stay, but that really wasn't much of a choice.''

MOVING TO MITCHELL

Whether classified as a resignation or a firing, Munsen's departure was basically a beginning.

In 1969, he was hired to teach business at Mitchell's middle school—which included ninth-grade coaching duties in basketball, football and track.

He also served as an assistant to varsity basketball coach Tim Fisk, whom he met during a brief stay at Wesleyan in 1961.

''The tough part was getting the people in Mitchell to hire him after what had happened in Marion,'' says fellow White Lake native Jerry Miller, who was Mitchell's wrestling coach at the time.

''But once he started coaching, Gary was destined to be a good one. He's got a real knack.''

When Fish left coaching in 1972, Munsen inherited the program. That first season, the Kernels introduced their new coach to what would become familiar territory.

''I had never been to the state tournament—and we got there,'' says Munsen, whose 18–7 team took third and watched Huron beat Yankton in the finals.

''The kids we had that year really played above their level of capability. Our biggest kid was 6-foot-4 and we had a 5–5 guard, but somehow we found a way.''

Still, Munsen did not enjoy sudden success at the state level. Yankton had some powerful teams, and getting past the semi-final round became a constant struggle.

''It wasn't all roses during the first seven or eight years,'' says Munsen, who saw championship-caliber teams stumble at the 1976 and '78 tournaments.

''We had some tough times where it seemed like we couldn't get over the hump. I don't know if my job was ever in jeopardy, but maybe people were saying we couldn't win the big one. I was given a good chance to succeed, though, and I hung in there.''

TIME FOR SUCCESS

Munsen finally broke through in 1984, when all-state guard Kyle Adams led the Kernels past Washington 54–48 for the school's first title in 20 years.

''We were so thankful to finally get there that we made the most of the opportunity,'' says Scott Munsen, who was a backup point guard on that team. ''I think (Munsen) felt like if he stuck it out long enough, something good was going to happen.''

Once Munsen had conquered the state tournament, his appetite for victory became voracious.

The Kernels, sparked by Bart Friedrick and Chad Andersen, went 27–0 the next season to forge their reputation as a perennial postseason power.

When Mitchell rose again in 1986—the first year of the three-class system—it became the first South Dakota school to win three straight boys basketball titles since 1924.

''Maybe it's easier to get to the state tournament now, but it's not always easy to win it,'' says Munsen, who rose again with a dramatic double-overtime win over Lincoln in 1990 and added titles in '91 and '94.

''We always talk about getting back to the tournament and trying to finish higher than the year before. If we won it the previous year, we talk about doing it again.''

Munsen calls tournament time ''the most exciting part of the game,'' and he speaks from experience. His Mitchell teams—boys and girls—have reached the postseason party 25 times.

His boys teams have compiled a 37–17 record in 18 state tournaments and have finished lower than fifth only twice.

''There's something unique about what happens to Gary's teams at tournament time,'' says Miller, now the athletic director at Roosevelt.

''And it doesn't happen by accident. It's got to be a mental edge at that point, and what he does to get those kids ready is really something.

HANGING TOUGH

As magnificent as Munsen the coach has been, his mystique has been marred by the real-life struggles of Munsen the man.

His father, Charles, died of cancer in 1987. And his first wife, Cheri, was diagnosed with the same illness in 1989.

All the hard work in the world couldn't erase that reality, so Munsen looked to escape.

''That's when the drinking became heavy,'' he told the Argus Leader in December 1991. ''I had some struggling moments, some tough times. I knew it was a problem, but I just wasn't able to cope.''

In the fall of 1990, Munsen underwent a month-long alcohol rehabilitation in Aberdeen. He was separated from Cheri when she passed away in 1991.

''I didn't handle that very well,'' says Munsen, whose youngest son, Sam, is a Mitchell freshman. ''But it's over and done with. I never, ever lost focus of the program during that time.''

But problems with his second wife, Pam, also arose. Munsen was arrested for misdemeanor assault Oct. 3, 1994, after she accused him of striking her and knocking her to the floor.

Davison County State's Attorney Doug Papandick dropped the charge on the condition that Munsen seek counseling, and the couple has reconciled.

Though this side of Munsen's reputation has been wasted by weakness, a person without strength could never have survived. Even those with frailties can fight, and sometimes they even win.

In the very near future, Munsen will win for the 500th time and solidify his status as one of the finest coaches in the history of South Dakota basketball.

It is a status that has grown sturdy through the years, so sturdy that restless rumors and rival reputations cannot possibly steal it away. Munsen knows how sturdy the vision of victory can be. He couldn't even destroy it himself.

''He is a strong person,'' says Scott Munsen. ''Whenever he has struggles, he becomes convinced that you have to believe in yourself and become more committed to what you're doing.''

Until retirement comes, Munsen will commit to the cause that has defined his existence over the past 30 years. After a while, you become accustomed to carrying on.

''When someone has a bumpy road but still hangs in there, that's a pretty good quality,'' says Jerry Miller.

''Maybe only a guy from White Lake, South Dakota, could do that. When you've been in a small town and lived through some trials and tribulations, you learn how to bite the bullet. You learn to hang in there.''

SOUTH DAKOTA: SPORTSMAN'S SANCTUARY

Mr. PRESSLER. Mr. President, When I was growing up on a farm in Humboldt, SD, I knew and participated in one of my home State's best kept secrets: hunting. Almost every year I have returned to my State to hunt pheasants in the fall. I did so again, with great success, just last fall. South Dakota is a sportsman's sanctuary, a heaven on earth. It's becoming less and less a secret. Hunting-related tourism has boomed in my State. People from around the world travel hundreds—even thousands—of miles to experience a special piece of South Dakota. The tourism industry has become an integral part of South Dakota's continued prosperity and economic growth.

I have many fond memories of growing up in South Dakota. A recent article in the Wall Street Journal articulated many of the sentiments I feel about South Dakota hunting. Sun-filled, crisp blue skies; fields thick with pheasants—indeed, South Dakota is filled with many such days of splendor. I encourage my colleagues and all Americans to share in this unique South Dakota experience. I extend a warm invitation to visit my State.

Mr. President, I ask unanimous consent that the full text of the Wall Street Journal article, ''Where Pheasants Swarm as Thick as Locusts,'' be printed in the RECORD.

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

WHERE PHEASANTS SWARM AS THICK AS LOCUSTS

(By Michael Pearce)

GETTYSBURG, SD.—A half-dozen gunners and a pair of dogs, we quietly eased into a grassy field that was the picture of prairie tranquillity. During the first few minutes signs of life were rare, save the occasional flushing meadowlark and the lone redtail hawk that rode the same gentle wind that pushed rippling waives across the grass and rattled the skeletal remains of wild sunflowers.

But the serenity vanished one-third of the way through the field when a gaudy rooster pheasant flushed inches in front of a pouncing golden retriever. And within seconds pheasants were rising like popping corn; first one, then another, followed by a pair, another single and then a trio. Throughout the rest of the hike pheasants rose in numbers that rivaled swarms of locusts of biblical proportions.

The result was a pleasant pandemonium. Hunters fumbled to reload as rooster after rooster lifted skyward, towing tails as long as their brilliantly plumed bodies. There were countless shotgun fusillades, shouts of ''good shot,'' ''rooster coming your way'' and ''hen, don't shoot'' amid the roar of beating wings.

Though no exact count was taken, estimates of pheasants flushed from the field ranged from 200 to 400. Days, weeks and months after the final flush of the one-hour hunt the gunners would use every superlative imaginable as they vainly tried to describe the experience to family and friends. But to a true wingshooting aficionado they only needed to say ''a good day in South Dakota.''

First introduced in the waning years of the last century, the varicolored Asian imports

have thrived in this state, creating an autumn tradition as popular as gridiron rivalries and the World Series for many. Longtime locals still talk of Depression-era days when they flushed rising clouds of ringnecks from weed patches to feed their families through the long winter ahead. It was about the same time affluent sportsmen from around the world began coming to the prairies to experience the incredible sport.

But as with much of America's wildlife, South Dakota's pheasant population has risen and fallen at the whims of Mother Nature. Worse yet, it suffered at the hands of modern agriculture, which steadily replaced needed nesting and winter cover with sprawling inland seas of corn and wheat. But the tide has turned. South Dakota's pheasant hunting has been nothing short of phenomenal lately.

''Thanks to several things—mild winters, the cover of the Conservation Reserve Program, and private habitat programs—our pheasant population has been incredible the last few years,'' said Paul Nelson, president of Paul Nelson Farm, the Gettysburg outfitter who hosted the hunters mentioned above. ''Most of our guests have simply never seen anything like it, or compare it to the glory days of the 1950s. It's not uncommon for our guests to flush 200 pheasants from just one field.''

Not surprisingly, the mind-boggling bird numbers have again brought sportsmen from around the world to the place where pheasants outnumber people many, many times over. ''Pheasant hunting is really, really big in South Dakota. People come from all over the world,'' said Mark Kayser, outdoor promotions manager, South Dakota Department of Tourism. ''We estimate we had 100,000 hunters afield on opening day. A lot of them have been coming for years. It's like a homecoming for them.''

According to Mr. Kayser, the visiting hunters come from all walks of life. Air strips are lined with private jets, and parking lots hold everything from new Suburbans to rusted old pickup campers that seem to spew low-income sportsmen like clowns from a tiny circus car.

But no matter how they arrive, the visiting sportsmen are spending much-needed money in pursuit of South Dakota's state bird. ''Our Game, Fish and Parks Department estimated that pheasant hunting adds about $55 million to the South Dakota economy,'' said Mr. Kayser, a lifelong resident and avid sportsman. ''Some think that's on the conservative side. But there's no question that it's very big for a lot of small-town economies that are otherwise just dependent on agriculture.''

So it appeared during a recent trek through the central part of the state. Every convenience store held a full selection of ammo, orange hats, gloves and licenses. Signs advertising church-sponsored dinners and bird-cleaning services were as common as mile markers on some highways.

Accommodations ranged from tents, back bedrooms in the homes of landowners who allow hunters to roam their land and bunk for a nominal fee. In recent years a number of businesses have blossomed that cater to sportsmen who want the creme de la creme of wingshooting action and worldly accommodations, such as Mr. Nelson's legendary establishment.

Picked up in a nearby Pierre, guests are taken along a back-road maze that soon places them at the huge lodge that features a country opulence and is rated among the best in the nation. Served by a hand-picked staff from across the state, Mr. Nelson's guests feast on five-star cuisine as they talk business or simply relax.

But there is no time for total relaxation when taken afield by Mr. Nelson's guides and dogs. Proof that agriculture and wildlife can coexist, Paul Nelson Farm's thousands of acres spew birds like bees from a shaken hive. The wingshooting is indeed so good that Mr. Nelson had to seek special regulation that allows gunners to take more than the state-regulated three-bird-per-day limit.

Still, the action is hot enough that most guests are back at the lodge by late afternoon, where they can bang a round of sporting clays or simply sit quietly on a balcony, favored drink in hand as they watch scores of gaudy cockbirds sail into a small sanctuary just yards from the lodge. Mr. Nelson reports that few who depart fail to leave a deposit for another all-inclusive hunt, which will cost around $2,000 for three days.

After a morning at Mr. Nelson's, I joined Bob Tinker, of Tinker Kennels, near his home in Pierre. Walking upland prairie pastures toward endless horizons, we followed his stylish English setters as they found, pointed and retrieved prairie chickens and sharptail grouse.

The next morning I traded walking boots for waders and made a predawn trudge into a marsh that actually smelled of ducks with Mike Moody, a guide from Herrick. The first flock of mallards that passed over our decoys was easily 100 yards from first duck to last. Never were there not ducks in the air. Totally addicted, I was with Mr. Moody the following morning for another incredible day. At one point some 200 beautiful mallards landed amid our decoys, like leaves cascading from an autumn maple.

As we walked from the marsh at midmorning, bags of decoys on our backs and limits of tasty ducks in our hands, I learned the best duck hunt of my life could be just the beginning. ''A lot of times we'll take our ducks, then walk the C.R.P. [Conservation Reserve Program grasses] for pheasants in the afternoon,'' said Mr. Moody. ''And if the geese are in and you fill out on pheasants in time, you could even . . . .''

HONORING THE JACKSON'S FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor Woodrow and Billie Dove Jackson who on February 23 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Jackson's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

HONORING THE LETTMAN'S FOR CELEBRATING THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, these are trying times for the family in America. Unfortunately, too many broken homes have become part of our national culture. It is tragic that nearly half of all couples married today will see their union dissolve into divorce. The effects of divorce on families and particularly the children of broken families are devastating. In such an era, I believe it is both instructive and important to honor those who have taken the commitment of ''til death us do part'' seriously and have successfully demonstrated the timeless principles of love, honor, and fidelity, to build a strong family. These qualities make our country strong.

For these important reasons, I rise today to honor William and Stella Lettman who on February 14 celebrated their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Lettman's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

IT FINALLY HAPPENED: FEDERAL DEBT BURDEN EXCEEDS $5 TRILLION

Mr. HELMS. Mr. President, on January 8, 1835, in the 58th year of our Republic, a distinguished native of North Carolina, Andrew Jackson, hosted a banquet to celebrate the Nation's deliverance from economic bondage. The national debt had been paid. There was cause for great celebration, because the payment of the national debt was considered to be a triumph of republican government.

President Jackson delivered the following toast: ''The Payment of the Public Debt—Let us commemorate it as an event which gives us increased power as a nation, and reflects luster on our Federal Union, of whose justice, fidelity and wisdom it is a glorious illustration.''

Fast-forward 161 years, Mr. President: Today it is my sad duty to report that on this past Friday, February 23, 1996, the Federal debt passed the $5 trillion mark—a new world record. Never before in history had a nation encumbered itself with a debt so enormous.

The sheer arithmetic of the Federal debt is so immense that it boggles the mind. Consider these figures: As of the close of business this past Friday, February 23, 1996, the Federal debt stood at $5,017,056,630,040.53.

Let me run that by once more a bit more slowly—5 trillion, 17 billion, 56 million, 630 thousand, 40 dollars and 53 cents. The enormity becomes more clearly in focus when one bears in mind

that there are a million million dollars in a trillion—so the Federal debt of the United States has now passed five million million dollars.

Let's look back 23 years. The day I was first sworn in as a U.S. Senator, on January 3, 1973, the Federal debt stood at less than one-tenth of today's total Federal debt. On April 18, 1973, for example, the April 15 tax deadline had just passed; the taxpayers' money was flowing into the Internal Revenue Service; and the Federal debt stood at 455 billion, 570 million, 163 thousand, 323 dollars and 85 cents. I should add that the Federal budget deficit that year was about $15 billion—one-tenth of the present Federal deficit.

Mr. President, one of the first pieces of legislation I offered in early 1973 was a resolution to require the Senate to balance the Federal budget. I did that several times in the weeks and months to follow. I lost every time. Then I offered a resolution stipulating that the salaries of Senators and Congressmen be reduced by the same percentage that Congress failed to balance the budget. As I recall, I got seven votes for that proposition and a lot of angry expressions.

Since then, the Federal debt has exploded tenfold.

I recently reviewed a publication entitled ''Historical Tables of the Fiscal Year 1995 Budget.'' Guess what this document revealed about one significant aspect of the Federal debt. It showed that the interest on the money borrowed and spent by the Congress of the United States, over and above income, during the fiscal years 1973 through 1993, cost the American taxpayers $3,006,417,000,000.00.

Three trillion dollars just to pay the interest on excessive spending authorized and appropriated by the Congress of the United States over a period of a couple of decades.

Just suppose Congress had agreed back in 1973 to discipline itself and hold fast to a balanced Federal budget. We would be on Easy Street today.

But, Mr. President, it is so easy to spend somebody else's money. As a result of all this Federal deficit spending, the share of every man, woman and child in America averages out to be roughly $19,043. Every child born today will be taxed $187,000 during his or her lifetime to pay just the interest on the Federal debt.

Think of what has been done to our children and grandchildren. The burden of a $5 trillion debt is a weight on the shoulders of future generations, as well as on our economy today. The Federal Government annually spends approximately 15 percent of its budget paying the interest on the Federal Government's debt.

Last year the Federal Government spent approximately $1.5 trillion, much of it entirely unnecessary, duplicative, or just plain wasteful. We must return fiscal sanity to the Federal Government and discard the foolish notion that all problems can be solved by more intrusive Government programs and yet more spending. It's time, Mr. President, to make some hard choices. We can make the tough decisions now, or leave them for someone else to make later, when they'll be even tougher. The honorable, sensible policy is to cut spending and cut it now. Only when we reign in the out-of-control spending of the taxpayers' money can we, like President Andrew Jackson, who was born in Union County, NC, get about the business of returning the luster to our Federal Union which has become so dim.

Mr. BOND. 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.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair now lays before the Senate the conference report to accompany H.R. 2546, the D.C. appropriations bill.

The Senate resumed consideration of the conference report.

Mr. JEFFORDS. Mr. President, I believe that under the present order there are 2 hours allowed on the bill. I have 1 hour of that time, is that correct?

The PRESIDING OFFICER. The time is equally divided until 12:30. So, yes, you have 1 hour.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Steve Greene, a fellow serving on the Committee on Labor and Human Resources, be extended the privilege of the floor during the consideration of the conference report on H.R. 2546.

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

Mr. JEFFORDS. Mr. President, I rise to present this conference report to the Senate today, at long last. It has been some 90 days that we have been trying to reach agreement. I hope my colleagues will listen very closely to what I have to say, and I hope very strongly that we will be able to pass this conference report. I do so with the confidence that this is the best compromise we can achieve at this time. It is important that we enact this bill and provide the D.C. city government with a remainder of the Federal payment and bring to an end the uncertainty about fiscal year 1996 appropriations. We are already partially through the year, and we still have not met our commitment to the city.

This bill contains some very important and long overdue educational reforms. However, it contains a couple of provisions that were very contentious. I will explain those briefly. I think we have reached an accommodation on one. There is an abortion provision in there that says, ''No funds, Federal or local, covered in this appropriations bill can be used for abortion, except to save the life of the mother or in cases of rape or incest.''

Also, there is a provision which was not intended to be controversial—I want to clear that up—with respect to Davis-Bacon. There is no intention in this bill to waive the Davis-Bacon Act, except with respect to donated services to repair school facilities. I wanted to make it clear that they were not covered by the Davis-Bacon Act. It appears that in so doing, we perhaps created an interpretation that would say it also applied beyond what we intended. There is no intention to do that. So we will fix that at the appropriate time.

The controversial provision I am referring to is the portion that permits the use of taxpayer dollars to pay tuition vouchers at private and religious-affiliated schools. I urge you to pay close attention to what we have done here. The conference agreement allows for two different types of vouchers—one to be used for tuition, which is the controversial part. The other is to be used for after-school enrichment programs. Keep this latter one in mind. There is no controversy over this at all. There are some 20,000 D.C. students right now who are in need of remedial help. We have a 28-percent dropout rate in the city right now. We need to do something about that.

Also, as is true nationwide, about 50 percent of the kids who graduate from high school are functionally illiterate. I do not intend to allow that to continue. I do not think anybody in this body wants to do that. So we allow for the vouchers to be used—or scholarships, as some prefer to call them—to help the kids after school who are having remedial problems. However—and this is critical—in no case can any Federal funds be allocated for any voucher program until the D.C. Council approves of such expenditure. Schools participating in the voucher plan are required to comply with Federal civil rights laws. There is total local control here and no Federal mandate that they must be used.

This agreement reinforces the fundamental principle of local control and allows the D.C. Council to determine if vouchers are appropriate for the District of Columbia public schools and to determine the appropriate split between tuition vouchers and the noncontroversial after-school vouchers.

Mr. President, I do not want to let the voucher piece overshadow the other educational provisions that are contained in the bill. The conference agreement includes a number of education initiatives designed to improve the public education and help all the children in the public schools in the District of Columbia by making it possible for them to compete in the future

work force. This is a critical problem in the District of Columbia and a critical problem in this Nation.

The District of Columbia public schools have a proud academic tradition. They have produced prominent Americans and local leaders. Our former colleague, Senator Edward Brooke, graduated from Dunbar High School, as did Dr. Charles Drew, the founder of the blood bank; and current D.C. Delegate ELEANOR HOLMES NORTON is also a graduate of the D.C. public schools. Space shuttle astronaut Col. Fred Gregory; former police chief Maurice Turner; former president of Howard University, Franklyn Jenifer; Gloria Steinem; and Austin Kiplinger, publisher of the Kiplinger's Personal Finance magazine, are all graduates of the D.C. public schools.

I do not intend for our heritage to be the destruction of the public schools in the Nation's Capital, but rather to provide the framework for its return to a tradition of excellence.

When this bill left the Senate, we had provided the most important components for that framework. We included a provision that would establish a Commission on Consensus Reform to review, comment, and advise District officials on the long-term education reform plan, public school budgets, and other activities of the board of education and the superintendent.

The Consensus Commission is made up of local citizens and D.C. school officials. Its mandate is to ensure that the reform plan that is agreed upon and developed by the public schools and officials is implemented. The decline of the quality of the District of Columbia's public schools has been punctuated by study after study, reform plans, and good intentions, but none of these studies has been notable in any followthrough or have resulted in any significant improvement of the schools.

The long-term reform plan provided for in this agreement will be implemented. The Consensus Commission will fulfill the necessary step of monitoring and oversight of school officials' actions. If city officials do not listen to its directives, the Commission will turn to the District control authority to implement the required action, and it will be implemented.

There is an important relationship between the Consensus Commission and the city's financial recovery which must be understood. When we first started discussing control board legislation a year ago, we asked the General Accounting Office and Congressional Research Service to talk to those in other cities and States that have gone through financial crises. As part of the results of those findings, GAO and CRS reported that in each city those involved volunteered that one of the great impediments to economic recovery and community development efforts which would lead to financial health was the poor state of public education in the city school system of those cities. That is true of this city, and it is true of our Nation generally.

The District must be no exception. If we do not improve the quality of education in this city, we cannot hope to attract people and businesses into the city. That means that the District will become a ward of the Federal Government. During the process of retrenchment at the Federal level, we cannot afford to allow the city to become more dependent upon us.

Mr. President, the bill provides for the improvement of the overall D.C. educational system by requiring the superintendent of schools to create a District-wide reform plan. But broad plans are of little value if we fail individual children. The bill encourages a system to ensure that each child has a chance to succeed and no child is overlooked. To do this, we need to both help out teachers and hold them accountable for the achievement or deficiency of each student, and we need to hold the parents and students accountable so we can move forward to provide an education that is good for every child. We cannot do this unless we find a way to assess each student in his or her development.

There are provisions in the bill to establish up-to-date performance-based District-wide assessments that will identify every student in the District of Columbia public schools who does not meet minimum standards in reading, writing, and mathematics and will provide the kind of remedial help necessary in order to bring that student back into the position they ought to be in.

Once we have that assessment, we can apply the resources in this bill to those in need to get help after school, on weekends, or during the summer. We can no longer be content with knowing that the average number of students are performing satisfactorily. We must know that each child is succeeding and that none is left to fall through the cracks.

Also important is the creation of the public charter schools in the District that provides an alternative for parents as competition for the public school system. The expected result is a choice in public education and an improvement in the public schools by creating an incentive to change.

In contrast to the tuition vouchers, these public charter schools will be available to every student in the District regardless of income, academic achievement, or behavior problems.

The operators of charter schools must be nonsectarian, nonprofit and will receive the same per-pupil funding from the D.C. government as each D.C. public school receives.

The conference agreement also includes a $2 million additional appropriation for Even Start programs in the District. Even Start is that program which allows us to work both with the parents and with the child, that are all illiterate, to bring them into literacy and into a better future.

Also included are funds to begin planning for a residential school for the District. Other school districts are experimenting with the concept of a residential school, and the superintendent believes if you can remove the influences of the mean streets it would make it easier to reach some of these kids. These funds will allow the superintendent to begin the planning process towards the establishment of a residential school.

The creation of a business partnership is designed to leverage private-sector funds to purchase state-of-the-art technology for the D.C. public schools. Face it, when our local grocery stores have more computer technology than our schools, we must make improvements. Our world is already dominated by technology, and that trend will only increase. If our children do not have access to technology, they will be hamstrung in functioning and competing successfully in the business and academic world after high school. Not only is technology essential to remain competitive now and in the next century, it also is the gateway to new experience and knowledge for school children.

In closing, Mr. President, I want to acknowledge the hard work and dedication of the chairmen of the other side, Representative JIM WALSH of the D.C. subcommittee and Representative BOB LIVINGSTON of the full committee, for helping to bring this bill to this point. We have had many conversations and it has been a tough fight, but I believe we have a good bill. I also want to express special appreciation to Representative STEVE GUNDERSON, whose hard work and dedication was instrumental in forming the House education reform package.

On our side, our distinguished ranking member, the Senator from Wisconsin, has been supportive and helpful in each stage. At the full committee, I could ask for no more cooperation and support than I have received from the Appropriations Committee chairman. Senator HATFIELD has convened and attended meetings with me in an attempt to reach an agreement. His help was indispensable. His counterpart on the minority side, the Senator from West Virginia, Senator BYRD, offered an amendment contained in this conference agreement and improves the bill in the important area of discipline.

Mr. President, I am sure that some Senators can find things in this bill to oppose. However, we have spent 90 days in conference on this bill. I can assure my colleagues that unlike Vermont cheddar cheese, this agreement will not get better with age. It is time to move on, to give the District the remainder of the payment for the cash that they need in its strapped condition now and allow it to focus on implementing the meaningful education reform that the majority of the bill provides. I urge my colleagues to support this conference report.

I yield the floor. I reserve the balance of my time.

Mr. KOHL. Mr. President, let me begin by commending Senator JEFFORDS for his leadership on this important piece of legislation. I greatly admire his enthusiasm and his skill in putting together this difficult bill—especially as it regards education. Senator JEFFORDS is a long-time advocate of quality education for all our Nation's children, and in the Senate-passed D.C. appropriations bill, he brought some of his best ideas to the children of the Nation's Capital.

For example, the chairman has created a consensus commission that will remove obstacles to much needed reform of the District's public school system. The agreement also includes funds for the expansion of Even Start programs for District schools, authorizes establishment of charter schools, and encourages partnerships with business, to facilitate technology assessment and job training initiatives.

Unfortunately, the House conferees were adamant in their opposition to the inclusion of any education provisions in the conference agreement—and, for that matter, adamantly opposed to any conference agreement at all—unless a House-sponsored provision related to education vouchers was included in the bill. I did not support this action in conference, and I cannot now support an agreement that includes vouchers.

As former chairman of the D.C. Appropriations Subcommittee, I take this step with great regret. Senator JEFFORDS is an able, effective and dedicated chairman. Under difficult circumstances, he has labored long and hard to craft a measure that will put the District on the road to recovery. I believe that by removing the voucher provision—and by amending the provisions regarding reproductive health and Davis-Bacon—this report could be adopted by unanimous consent.

In my opinion the concept of public funding for private schools is fundamentally flawed. Private schools have selective admissions policies, in some cases enrolling only those students of a particular religion or gender. Public schools do not discriminate: they are charged with educating all children. Our first priority must be to help public schools meet their goal. Unfortunately, this bill does not reflect that priority, and therefore, I will vote against cloture and I encourage my colleagues to do the same. I have a longer statement detailing my objections to the voucher provision that I will include in the RECORD. Mr. President, I hope that we can act quickly to resolve this matter and produce a report which will be acceptable to all Members of the Senate. The District is in dire financial straits and the situation is deteriorating rapidly. It is my understanding that the District will run out of cash within the next several weeks, if this matter is not resolved. Unless Congress releases the balance of the Federal payment, the city will be unable to meet payrolls, pay bills or provide basic services. I therefore urge my colleagues on the other side to stop holding the Nation's Capital hostage in order to debate a subject that would be better resolved on an education bill.

Mr. President, it is my understanding that pursuant to the unanimous-consent agreement governing this matter, time for debate has been equally divided between the majority and the minority. For purposes of addressing the issue of vouchers, I have agreed to yield to Senator KENNEDY such time as he may consume. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Danica Petroshius and Sam Wang, legislative fellows in my office, be granted privileges of the floor for the duration of the debate.

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

Mr. KENNEDY. Mr. President, I yield such time as I might use.

Mr. President, just some obvious facts that should be evident to all the Members as we come back to the legislative process and consider the D.C. appropriations conference report. First of all, I want to commend my friend and colleague, Senator KOHL, for his statement. He has, since the time of the conference report, visited with a number of us on this issue. He has taken great interest and great diligence during the period of the conference. He has a real grasp and understanding about the public issues and policy issues raised by this conference report.

As a Member of the body and the Education Committee, I want to commend him for all of his good work and for raising these very, very important issues in a way which I think will gain broad support. I thank him for his attention and involvement in the issues.

Second, Mr. President, I want to acknowledge the very strong dedication and commitment to education and adequate funding of education from the Senator from Vermont, my friend, Senator JEFFORDS. His words carry great weight in this body, as they should, on any issue, but particularly on education issues and on the issues involving education in the District of Columbia. He has not only been tireless in his commitment to enhancing educational opportunities in the District through public policy, but also he has committed himself personally in the Everybody Wins Program, a special program to provide literacy training to the students in the District of Columbia. Through his intervention, the Members of this body are much more familiar with that program. Because of Senator JEFFORDS' leadership, Members in this institution and the House of Representatives, in the various Cabinet offices, and many of the others in the community reach out and work with young people, in training and enhancing their literacy capability. So he brings a very considerable credibility to the positions that he takes.

Even though he and I generally agree on most educational issues, on this conference report I reach a different conclusion, not only because of the position on vouchers, but for other reasons as well. I think the Senator from Wisconsin pointed out very clearly that if the amendments had not been included, those dealing with the issues of a woman's right to choose, those issues involving Davis-Bacon, as well as the issues on vouchers, this legislation would go through unanimously.

What we are faced with here, with this conference report, is what we have been faced with in other types of appropriations, is riders that are not directly relevant to the appropriations matters at hand. Davis-Bacon rider waives labor protections and denies workers on federally funded construction project the right to be paid locally prevailing wages. Consideration of these issues falls under the jurisdiction of the Labor and Human Resources Committee. We have had hearings on them. We have reviewed various proposals. To undermine the committee's ability to deal with this and to tag it onto the D.C. appropriations is quite unacceptable.

I do not know what the majority has against workers with an average income of $26,000 a year—that is what the average worker receives under the provisions of Davis-Bacon. I just left a hearing of the Judiciary Committee. Because of an oversight in drafting, $4.6 billion are going to go to a handful of pharmaceutical companies—$4.6 billion. In this bill, we face a rider that will undermine the ability of construction workers to be paid the prevailing wage in the District. This undermines their ability to receive a fair compensation. It just once again reminds us, or should remind us and remind the American people, about who is on whose side.

I must say, Senator CHAFEE is working with Senator PRYOR to try to alter that oversight. Hopefully they will be successful.

Nonetheless, we have the inappropriate rider on Davis-Bacon in this bill. We have the inappropriate rider on a woman's right to choose. Harris versus McRea asserts that the use of State funds to provide abortions for poor women is a State, not a Federal, decision. But not in this D.C. legislation. It decides how local funds will be used. We are not letting the people in the District of Columbia, as we permit in every other State, to make a judgment. The restrictive language in this bill will cause a very serious hardship, particularly among the poorest and most needy people in our society.

The majority imposed a measure affecting protections for income levels for workers. The majority decided to superimpose their judgment on a woman's right to choose. And the majority has imposed a private school voucher program that was rejected a number of years ago by an 8-to-1 majority in the District of Columbia.

The Congress refuses to say on this issue that the local people know best.

How many times have we heard that rhetoric here on the floor of the U.S. Senate? Oh, no, not with regard to the District of Columbia, they do not know best. They do not know how they want to allocate their resources. But, we in the Congress, we know best what is in their local interests even though they have clearly rejected that proposal a number of years ago. Vouchers also have been rejected in a number of States on statewide ballots. 16 States have rejected it.

While I support various kinds of public school choice, that is not what is at stake today. Today, the most important question is whether we are going to take scarce education funds away from children who attend the public schools to provide those resources to private schools. That is the core issue.

So, I strongly subscribe to the position that was taken by the Senator from Wisconsin who said that without these riders that are not germane to the underlying core issue this would go through on a voice vote.

Mr. President, having expressed my strong view about the commitment of the Senator from Vermont on this issue, I question the seriousness of this Congress on its commitment to supporting public schools. We saw a year ago the cutting back of some $28 million from D.C. public schools. This year, it is about $11 million. We know under the Republican proposals in the House of Representatives there will be a 22-percent reduction in all support for elementary/secondary legislation on appropriations. Let us understand what we are looking at in a broader context. This Congress is pushing significant reductions in funding for public schools generally, and significant reductions in funding for D.C. public schools.

During this debate and discussion, we find individuals who say, ''We have the answer. We do not have to provide the funding for public schools. We do not have to listen to what the Governors of this country, Republican and Democrat alike, recommended to the Nation when they met down in Charlottesville, VA.'' And that is that children, in order to be able to learn, have to go to school ready to learn. That means they need an adequate breakfast and to be able to come from a home atmosphere free from substance abuse, family violence. They must be free from being preyed upon by gangs in the schoolyard and a whole host of different kinds of challenges.

We hear that the answer to all the problems in the school districts is vouchers. Proponents of the voucher program say that D.C. has the choice of whether or not to implement a private school voucher program. That decision really lies with a newly created Scholarship Corporation. The D.C. Council only has veto power over proposals submitted by the Corporation.

Of course, if the council does not agree, do you think the local school district will be able to spend that $5 million for the benefit of all the children? Absolutely not. If they do not spend it on vouchers, they cannot spend it at all. You talk about intimidating or attempting to intimidate the local school. If they do not go along with this oversight body, they lose the $5 million. It is that kind of intimidation, it is that kind of wrongheaded policy, it is that kind of paternalistic attitude that ought to be rejected today. Again, we could pass D.C. appropriations in a matter of seconds if we freed ourselves from these riders.

It is important to understand the number of children we are talking about. Even if we were able to provide the full range of funding, $5 million, to children, we would fund only 2 percent of the D.C. school population. Vouchers take money away from what is available to children generally in the school system to try to provide some help and assistance, whether it is to enhance their math and science skills, whether it is to support reading and literacy, whether it is to make some minor repairs in school buildings that are 100 years old.

And what will the fate be of that 2 percent? Many people think that these low-income students will be able to go to the private school of their choice because of the voucher provision in this bill. But the private schools can decide whether to accept a child or not. The real choice is given to private schools, not parents or students.

Private schools choose a hand-picked group of students who are much more likely to have college educated parents and to come from high-income families than their public school counterparts. Public schools can't be selective. They must take the children of the homeless and children of limited English proficiency. The public schools take children with disabilities. They must take all students and try to teach all students no matter how disadvantaged their background. They don't have the luxury of closing their doors to students who pose a challenge.

Little Johnny wants to be able to go to private school. He is able to qualify for that voucher, but the school says no. That is the difference. This is not competition. This is not letting the parents or the children make the choice. This permits the school to make the choice. The school can turn him down. They have a limited number of positions and they take the children that will fit into those particular slots.

Now, are we going to insist that they take all students? Are the proponents of the voucher system going to say, ''OK, if they do not take them, they should take them,'' so that we have an equal playing ground in public and private schools and have a real choice? Are they proposing that? Of course not. Nothing of the sort.

Those who support the voucher system are not creating a level playing field. What they are doing is taking the money, scarce resources out of the public school system and giving it to children that may or may not gain entrance into the private school system. We should not take the money out of the public schools and put it into the private.

There is no evidence that voucher programs work. In Milwaukee, which has had a voucher program for 5 years, test scores of voucher students did not rise. One third of parents and students who began participating in the voucher program there have opted out of it. In the last month, 2 of the 17 schools that participate in the choice program have closed and 2 more are being audited because of serious financial difficulties.

Mr. President, I see colleagues here on this issue, and I will yield at this time to permit them to speak and come back to this issue.

In summary, this is the wrong answer for a central challenge. We must invest in children at the earliest possible age. That is why 2 years ago we changed the Head Start Program to include younger children and provide programs for parents to learn parenting skills for children to get them involved in school. The recent Carnegie Commission report suggests that we must be serious about investing in young children. We do not want to abandon public schools by taking scarce resources out of them and putting them into private schools. We are effectively turning thumbs down on the public school system. We are abandoning them. We are not giving them close enough attention.

This voucher proposal will fund the few at the expense of the many. It gives scarce Federal dollars to the schools that can exclude children. It also ignores the fact that in 16 States and the District of Columbia this concept was rejected. And it raises the important constitutional issues which were raised in a Milwaukee case that now stands before the Supreme Court. It is unwise policy. It is unjustified. And if we really care about children we ought to be looking at what is necessary and essential as a nation to adequately invest in those children, in those teachers, in their classrooms, and in the latest technologies for them to have a more complete education system.

Mr. President, I think Senator SIMON was here first, and I yield to him such time as he may want.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I ask unanimous consent that Janette Benson, who is an American Psychological Association Congressional Science Fellow in my office, be permitted floor privileges for the duration of the debate on the D.C. appropriations conference report.

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

Mr. SIMON. Mr. President, we have a very fundamental policy decision here. Vouchers are being tried right now in Wisconsin, Minnesota, Ohio, and perhaps elsewhere. That is the advantage

of the Federal system. I happen to think we have to be very careful as we approach this. Among other things, we have very limited resources the Federal Government is putting out, and we are talking now in this budget about cutting back. In fiscal year 1949, the Federal Government spent 9 percent of its budget on education. This year, as I have said in the Chamber, it is 2 percent, but my colleague from Vermont has corrected me and said we are down to 1.4 percent. And now we are talking about dissipating these resources. I do not think that is wise.

Second, while technically we do not mandate the D.C. schools to do this, what we say is here is some money and if you spend it for this, you can have it. And if you do not spend it for this, you cannot have the money, for a strapped D.C. school system.

Third, as Senator KENNEDY pointed out, the participating schools do not have to take all students. So there is a creaming process that hurts the public schools. There is just no question about it. That is the difference between this and the student aid program that we have.

Then what we do is we fail to address the real problems of the D.C. public schools. Real candidly, I have only visited one school, the school both Senator JEFFORDS and I get over to as frequently as we can to read to a student, and that school I visit is, it is my guess, above average for the schools in D.C.

Last year, I visited schools in Chicago, on the west side, and the south side. I visited 18 schools. I did not take any reporters with me. I just tried to see what was going on. I saw some encouraging things; I saw some awfully discouraging things. We ought to be addressing the real problems of urban schools in America.

This does not move in that direction. I hope we will restrain our desire to move in and, with the minutest detail, tell the D.C. schools what they ought to do. We ought to be helping urban schools. We ought to be helping schools in our country in general much more than we are. This is not the right way to do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise today to oppose the District of Columbia appropriations bill. I oppose this bill for the same reasons that Senator SIMON and Senator KENNEDY have already discussed, because it includes a provision that permits publicly funded ''scholarships,'' to low-income students to attend private and religious schools in the District. I believe this is just another attempt to fund private schools with already scarce Federal dollars, too scarce.

I have consistently opposed attempts by Congress to encourage the use of Federal funds to support private schools whether in the form of tuition tax credits or vouchers. Including this provision would be the first step toward establishing a permanent voucher program for education in this country. Mr. President, if the public schools are not producing the product we want, we need to fix the system, not start siphoning additional money from its purposes and from what it is being used for now.

The system of public education in this country is available to all children. Every young person has a right to expect to get a good education out of the school system in this country.

If it is not producing the high level of achievement needed, we cannot abandon it, but rather we must find ways to make necessary improvements. Not only that, but this is a time when education programs are suffering from a disproportionate share of Federal budget cuts. Diverting Federal resources over to private schools rather than trying to strengthen the public school system of this country is just wrong.

Mr. President, I think most people are surprised when they find out what a small percentage of support comes from the Federal Government for elementary and secondary education. The Federal Government plays a very major role in higher education—Pell grants, loans, things like that. That help is really an aftermath of the success of the GI bill for education after World War II.

So the Federal Government has a very major role in higher education but plays a very minor role in elementary and secondary education; the highest we ever got up to was about 9 percent of the expenses for elementary and secondary. It gradually drifted down to 6 percent. If I heard Senator SIMON correctly a moment ago, I believe the current figure is only 1.6 percent, something like that. I do not know whether it is that low or not. I thought it was still around 5 or 6 percent, which is too low to begin with.

Elementary and secondary education is basically funded through State and local funding. It comes from an antiquated property tax we should have corrected many years ago. Go back to the early days of this country, and most of the wealth of this country was in property. We did not have NASDAQ and the big New York Stock Exchange and the international flow of funds and investments. We had property, and that was a fair measure of people's ability to support an educational system. So a property tax became the norm for supporting education in this country.

Now we are over two-thirds a service economy, and yet we stick with the property tax. As Lester Thurow pointed out in his book a couple years ago, we run our educational system not on a national basis like every other major industrialized country in the world; in this country we elect 15,000 independent school boards who are getting elected on the basis of, ''We will not raise your taxes.'' That is how we take care of one of the most important functions of our whole society—how we educate our kids for the future, how we educate our young people to be competitive in an increasingly competitive world.

I personally think we should be doing more on this at the Federal level. International competition is going to eat us up if we are not careful and do not get our kids the first-rate education that they deserve. I do not want to see money siphoned off from our system, supporting efforts to leave the public school system. So I will support the finest public school system in the world, in this country and vote to supply the money for that.

There is another concern about this that was mentioned on the floor a few moments ago. That is, this proposal does not require private schools receiving vouchers to accept students with learning disabilities, behavioral problems, homeless students, or those with limited English proficiency. You can siphon off the kids you want and not take the kids in wheelchairs, the kids with learning disabilities, the kids with dyslexia that are treatable and should be treated and should be part of our system that helps young people get a start in this world. There is no requirement for private schools receiving vouchers to accept students with these problems.

Public schools have the responsibility to educate all students. I certainly worry, with this legislation, that vouchers will skim the best students and leave public education with little Federal help and yet expect them to solve all the educational problems. That is just wrong.

I believe that providing vouchers to religious schools also is unconstitutional. There is no Federal or State court, as I understand it, that has ever upheld using vouchers for private or religious schools. In fact, in August, the Wisconsin Supreme Court issued an injunction against the expansion of Milwaukee's School Choice Program to include religious schools—an injunction against them.

Vouchers undermine any serious attempts being made to reform our public education in this country. With this voucher provision included, I will vote against the District of Columbia appropriations bill.

Mr. President, very briefly—I know other Senators are waiting—but while I have the opportunity, I want to mention my opposition to another provision in this conference agreement which was recently brought to my attention. That is section 2551(b)(6), which would waive Federal procurement laws for the GSA Administrator when he provides technical assistance and advisory services for the repair and improvement of D.C. schools.

I am told the sole reason this provision exists is to speed up the process of getting D.C. schools in shape in conjunction with a 2-year flash program.

While that may be an admirable goal to get these things taken care of speedily, both GSA and the D.C. government have been plagued with their share of problems over the last few decades. The District in particular is ripe with examples where contracting was not carried out properly, and to just waive all the rules and regulations and let them go because we need speed in this particular area, I think takes too big a chance.

We all know too well there is enormous potential for fraud and abuse in procurement. I am not willing to approve such broad authority without any assurances attached to it. There are reasons for these procurement laws, reasons throughout Government why GSA has a procedure. We just revised them. I was chairman of the Governmental Affairs Committee when we went through some of these procedures and changed the procurement laws for our whole Government to protect against fraud and abuse in these programs. To waive those things, particularly with the District of Columbia, that does not have a good track record in the area of contracting and fiduciary or financial responsibility, I think is just wrong.

This legislation does not even include a reporting requirement on contracts awarded under this provision. There is no evidence that they considered using one of the exceptions to full and open competition under the Competition in Contracting Act [CICA], such as unusual and compelling urgency or in the public interest. While these procurements would still be protestable, it would have been a much more palatable solution than broad waivers.

I have opposed blanket waivers of procurement laws in the past. Most recently I came to the floor to speak against the waiver of procurement laws with respect to the FAA. Although I continue to believe that the FAA waivers were a bad precedent to set, at least that legislation contained a very specific list of the laws to be waived. No such list exists in connection with this provision. A few laws, such as CICA and the Office of Federal Procurement Policy Act have been named, but the phrase, ''* * * or any other law governing procurements or public contracts * * *,'' leaves the rest of the field wide open to include labor, civil rights, and financial management laws.

The list in this bill, at the very least, should be as explicit in the D.C. appropriations bill as it is in the DOT appropriations law. This is a very dangerous precedent to set even for a limited period of time and for a limited purpose.

If the conference report is defeated, I hope the committee will consider this view and redraft, if not delete, this provision from the bill.

My basic objection, going back to where I started, is, to siphon off money from the public school system for private purposes is just flat wrong. If we have problems with our public school system, let us fix it. Let us vote the money for it, not siphon off what little money we have in it now.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I yield the Senator from Connecticut such time as he may want to use.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Vermont.

I rise to indicate my support for cloture on this D.C. appropriations bill. I do so because, as most Members in the Chamber, I would like to begin to see some money flow to the District generally for its operations, but I specifically want to speak to the reason why many of my colleagues will oppose the cloture motion, and that is their opposition to some of the education reform measures that have been attached to this appropriations bill. I strongly support those education reform provisions, including the scholarship program that has been referred to in this debate, which is a relatively small part of the overall District school reform proposals in this bill.

I must say that I approach this debate in a very different spirit. We have been through a lot of gridlock, again, in this Congress. Ideas that are new have been talked about. Not too many have made it forward. But I feel a sense of joy, frankly, to have this package of progressive and genuinely important reforms for the District of Columbia school system on this floor for consideration today. It would be a shame if passage of these provisions, which could do so much to help children and families in this Capital city of ours achieve their full potential and escape the cycle of poverty, is stopped because of opposition to this modest program of scholarships for poor children. That is what we are talking about. The education reform provisions in this bill were not imposed by our friends in the House from up on high. In fact, they had their origin with a locally based education reform commission that was established in the District.

While all of the attention and controversy in this debate and outside has been focused on these scholarship funds which will allow some children to leave the public school system and go to nonpublic schools, there are a wide variety of other provisions in this measure that deserve to be noted.

The so-called D.C. School Reform Act, which is now part of the bill before us, would, in fact, direct approximately $302 million out of the $324 million in new funds over 5 years provided for in this bill to benefit public school students, public schools in the District of Columbia.

Let me focus on two words. We are talking here about new money. We are not skimming money off that otherwise would go to the public schools. We are talking about new money and, in fact, all but $22 million of that will go to the public schools. It is just $22 million of the $324 million that are part of this innovative scholarship program.

What else does the reform act do? It permits charter schools, public charter schools, and encourages choice among public schools. It assists the D.C. public schools in establishing a strong core curriculum in basic academics, promotion standards based on a new curriculum and training for the over 5,000 teachers in the school system.

It protects public school teachers from losing their jobs due to any restriction in the number of full-time employees contained in this appropriations legislation.

It provides for a new per-pupil funding formula to be developed by the District that we think will establish the stability and predictability in the education budget as the District cuts its overall budget.

This measure provides so-called Even Start family literacy education programs in public schools for over 7,000 families, including 28,000 students and parents.

It provides state-of-the-art security measures for over 3,700 students and teachers at high-risk schools in the District.

It provides work force transition assistance to 27,000 seniors and juniors through the nationally proven Jobs for America's Graduates Program.

It establishes a high technology training and referral center in the District that will serve up to 4,000 18- to 25-year-olds.

And it establishes a national partnership with business to put in place computers and high-technology infrastructure in the schools, leveraging at least $40 million in public and private resources.

That is all that this measure does for public schools and students in public schools.

So what is all the fuss about? The fuss is literally the tail on the dog here. I gather that my colleagues are opposed to providing tuition scholarships to between 1,000 and 1,500 low-income District students in the first year to attend private schools of their choice, religious or nonreligious, and those schools, incidentally, have to be located in the District. Over 5 years, as many as 11,000 annual tuition scholarships could be provided.

Do my colleagues in the Senate really want to oppose legislation that will enable kids from families below the poverty line to receive full tuition scholarships of up to $3,000 a year to give them a better chance to develop their potential in safer schools? Do we really want to stop families that are between the poverty line and 185 percent of poverty who can qualify for half-tuition scholarships, up to $1,500 per year under this provision?

Do we really want to oppose parts of this bill that would provide 2,000 to 3,000 after-school scholarships in the

first year, 22,000 over 5 years to low-income students after school programs, including academic tutoring, nonacademic enrichment programs, or vocational and technical training?

Mr. President, I cannot believe that is really what the Senate wants to do and why we would block consideration of the overall D.C. appropriations bill.

My colleagues in the Senate are probably not surprised that I am speaking in favor of cloture on this bill and support of the scholarship provisions, because I have fought for several years now, usually alongside, my friend and colleague from Indiana, Senator COATS, who I notice is on the floor, to create a similar national demonstration program to be available to kids in poverty areas around the country to, once and for all, test this idea.

There is a lot of controversy about private school choice. There is no controversy about the fact that our public schools are just not working for millions of children in this country. There is no controversy about the fact that if you are not educated today, you are not going to be able to make it in the work force of today.

We are all preoccupied with the Presidential campaign and brother Buchanan's statements about economic insecurity. What is the root of economic insecurity, and what is the road to economic security? A better education. The kids in our poorest school districts are simply not getting that education. Senator COATS and I have offered the Low Income School Choice Demonstration Act in an effort, once and for all, to make scholarships, such as those provided in this bill for District of Columbia students, or vouchers as we call them, available at between 20 and 30 demonstration sites around the country.

Can anyone honestly say that we are so confident about what our public school system is doing that we do not want to test another way to see what effect it will have on the kids who have this choice, who get these scholarships, to see what effect it will have on the public schools?

Senator COATS and I are open to the results. In our bill, we have the Department of Education doing an evaluation which will help us understand the effect of this program. Are we so intent on protecting the educational status quo, the existing system, which we know is failing millions of our kids, that we are not even willing to test, as Senator COATS and I would do in 20 to 30 systems around the country, as this bill would do in the District, another way to see whether it will work, to see whether it teaches us anything about how we can improve our public schools?

Mr. President, just take a look at the front page of the Washington Post today. Coincidental, I guess. It is a story of a principal, Learie Phillip, obviously a fine man, working hard to provide an education at Roosevelt High School here in this city. The description is given of just the time he spends trying to maintain basic order, getting kids to go to the classroom, keeping children from marauding the halls, terrorizing other kids and teachers. There are descriptions of one teacher who attempted to get some kids to leave the halls and go to their classes, getting beaten up brutally—a teacher beaten up. Children are trapped; good children, wanting to learn, are terrorized in this school system.

Let me read a quote from the Washington Post from another story last fall about an emergency education summit Mayor Barry held at Dunbar Senior High School on October 8, 1995.

> It was a group of student leaders who came to dominate the summit's main session—students describing life in the public schools in the District as a world in which they constantly go without—without books, without caring teachers and principals, without the training they need to succeed in life. ''Today the mayor has asked us here because there is a crisis in our public schools,'' said Devon Williams, 15, a sophomore at Banneker Senior High School. He adds, ''When school first started in September, it dawned on me that many public schools did not have teachers. I did not have a global history teacher for 2 weeks. If I don't have a book, if I don't have a teacher, what can I learn?''

Here is a quote from another Washington Post editorial back on June 28 of last year:

> According to the Washington Teacher Union's nonscientific sampling of D.C. teachers, 45.2 percent of the teachers who responded said they had been victims of acts of violence. Almost 30 percent said threats of violence had kept them or their coworkers home from work. ''Serious disciplinary problems are causing teachers to lose 18.5 hours of teaching time per year for each class taught,'' according to the union president's written testimony. ''Disruptive students steal time away from students who come to school to learn,'' Ms. Bullock of the Washington Teacher's Union testified.

Mr. President, if this level of fear and violence applies to teachers, we really have to wonder and ask what life is like for the students in the schools who are there to learn. In some schools it must take a great deal of courage just to show up to class every day, much less to stand out by excelling academically. It has been an American tradition that one of the great strengths of our country has been that, with an education, you can work your way up out of poverty. But now, more than ever, there seems to be a vicious cycle in operation that has resulted in a concentration of poor kids trapped in inadequate, unsafe inner-city schools, without hope and without opportunity.

Families who have money around our country, who are faced with sending their kids to schools, such as the one I have described, would do just one thing: They would walk. They would use that money to exercise a choice and remove those kids to better schools. The sad reality is that families without money cannot do any of those things. Families that have the money have the ability to exercise a choice. Poor families are at the mercy of failing schools. I, for one, cannot, in good conscience, accept the continuation of that reality. I cannot accept what it means in terms of deepening the cycle of poverty and hopelessness for the children of our poorest areas of America.

I know that some of the opponents of this kind of scholarship or voucher program are concerned that it will harm public education by allowing the best students—the so-called advantaged students—to escape from public schools. Mr. President, in the case of this proposal, that is just dead wrong. These scholarships will be distributed according to a system worked out along with the D.C. City Council. In a broader sense, it misses the whole point of what the program is intended to do. We are trying to recognize that schools in some parts of the country—in this case, the District of Columbia—are not working for our kids. They are not performing their basic mission of educating our children. And so we have to give some of the kids an opportunity to seek a better way, until we have the ability to reform and improve the public schools. And maybe from the lessons we learn at these nonpublic schools, our public schools will learn how to make themselves better.

Opponents say we should work to improve the public schools. Of course we should. Senator COATS and I and Congressman GUNDERSON agree with that. We should devote more time and energy and resources to improving public schools everywhere. And that has been where most of our money and effort has gone. That is where most of it goes in this bill. In the meantime, the fact is that poor children, who are average, above average, and below average—it does not matter—will all have a shot at these scholarships in the District. They all deserve an equal opportunity at the American dream. Right now, trapped in these unsafe schools with inadequate resources, with teachers afraid to teach, they are not getting that opportunity.

Others oppose the program because it would allow the use of tuition scholarships at religious schools. This is an old argument. I happen to believe—according to what I take to be the prevailing Supreme Court decision of Meuller versus Allen in 1983—that this program is absolutely constitutional.

But what is the great fear? Does somebody fear that by giving a poor child a scholarship to go to a religious school, we are establishing a religion in this country? That is ridiculous. We are giving that child an opportunity to go to a school that his or her family wants him to go to, and that one of the reasons they want them to go there is that, in addition to a safe surrounding and a good education, they are also going to get some values. Maybe that is something we have to learn, as well, from this experiment.

The Rand Corp. did an important and revealing study in 1990. It showed that the performance of African-American

and Hispanic-American children at Catholic parochial schools was much better than that of a comparable group in public schools—not skimming, similar kids, similar backgrounds. It also showed that the gap in performance that exists between the minorities and other children dropped significantly in the parochial school system.

The study identified several factors in the success of the parochial schools they examined. Teachers in the schools are able to provide students with more personal attention. Those schools had a more rigorous academic curriculum. They do not teach down to the students. They tell them that they can reach up. They set higher standards for all the kids and, in fact, one of the results is that the kids get either to those standards, over them, or close to them. It was less of a stifling bureaucratic presence.

I must say that I have always felt that every time I visited a religious-based school, another key to the success of these schools is their sense of mission, sense of purpose and dedication to values that the teachers and the schools bring to the classroom and to their children. Maybe it is hard to measure that, but we see it.

Let me report briefly to my colleagues on a visit that Senator COATS and I were able to take to a school in the Anacostia area, Dupont Park School, affiliated with the Seventh-day Adventist Church. It is a very impressive place. The principal is a devoted woman. We asked her about the educational administrative bureaucracy there—she is it. There is no top-heavy bureaucracy. She directs the school and takes care of all of it.

The kids, the demeanor, the commitment, the attitude of the children was very impressive to Senator COATS and me. Their test scores are exceptionally high. Mr. President, 97 percent of the kids at that school—and they come from a wide range of groups within the neighborhood; some of them from poverty families—97 percent of the kids test above national average.

We went into the classrooms. The first graders were talking Korean to one another. The school choir sang a song from Africa in the African dialect. Computers—second, third, fourth grade kids working on computers, studying global history, working with advanced math.

The school's annual tuition, well below the $3,000 threshold of the program of the scholarship program in this bill. We were in one of the classrooms and we asked, ''Do you like going to this school?'' Everybody said yes. We said, ''Why do you like going to this school?'' A whole bunch raised their hands, and we called on one young man and he said, ''I like going to this school because our teachers love us.'' This was a third or fourth grader. I thought maybe he would say it is an old building but it is very nicely kept. I thought maybe he would talk about the computers or the excitement of learning about world cultures. I am not saying there are not a lot of teachers in the public schools who love their students, but he has a sense of worth because he has received that message from the school. In another class we said, ''Why do you think your parents sent you here?'' One girl raised her hand and she said, ''My parents sent me here because my mom told me that here none of the students would be carrying guns or knives.'' That is the truth.

As I indicated earlier, it seems to me there is something special to be learned from the schools. We ought not to cower from them in fear. We have nothing to fear from them. We have a lot to learn from them and their sense of purpose and dedication, and perhaps in the public schools we can build on some of that as well.

The bottom line is this: Poor kids deserve the same access, the safe, secure, loving, encouraging environment as kids who have more money. That is what this scholarship program will test and offer to a small group of children in the District of Columbia school system.

I thank the Senator from Vermont for his generous gift of time to me.

Mr. JEFFORDS. I yield myself such time as I may consume. I want to take a moment to straighten out the Davis-Bacon problem so that Members will not, I think, be concerned about something that was inadvertently done in the bill, and I am not sure is even there at all. The basic law upon which all contracts are considered with respect to the Davis-Bacon and the District of Columbia, and that is the Davis-Bacon law says every contract in excess of $2,000 to which the United States or the District of Columbia is a party for construction, alteration, and or repair, et cetera, is included under Davis-Bacon.

Now, some of you may remember that Congressman CASS BALLENGER on the House side has this dream, and I hope it comes true, that thousands if not millions of dollars will come in from private business and corporations to assist in altering and helping schools.

There is a provision with respect to the head of the GSA that says that in the event that he provides technical assistance to these private firms, that if that technical assistance exceeds $2,000 that should not trigger Davis-Bacon for those kinds of donated services.

That is the intention. Some say it can be generalized. I do not see how. Because of that concern, we will take care of that when it comes to the final bill. I just want to let everybody know that really there is no Davis-Bacon argument in here.

I yield 10 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I want to tag on, I do not know if I can add to what was so articulately presented by my colleague, Senator LIEBERMAN, from Connecticut, about the many reasons why we ought to go forward and support this demonstration effort to determine whether or not it is a valid idea to allow students and their parents to make a choice, or at least to have a choice, to attend a private school in lieu of the public school education they are receiving.

Senator LIEBERMAN and I obviously feel that it is. We have been trying to promote the idea of school choice for several years here in the U.S. Senate, albeit, unsuccessfully. The evidence is rolling in at a very rapid rate that at least in certain sectors of our country the public school system is badly failing our children. Now, many Americans can opt out of that. They can opt out of that because they have the financial wherewithal to select a different school for their child if they feel that child is not receiving a legitimate education or an education that will allow them, in many cases, to escape the poverty that they find themselves in. Probably most, if not all, of the Senators in this body had that choice.

I think that it is important to stress what we are attempting to do here. We want to allow a test of the concept of making assistance available to families and to students who do not have the financial means to make a choice as to where their children will be educated. Many low-income families find themselves trapped in a failed education system or in a school that is not providing education to them in a sufficient way to allow them to escape some of the desperate situations that they live in. We find parents that are pleading for the opportunity to have the choice that most of the rest of us in this Chamber enjoy.

This is an extraordinarily modest attempt, far less than what I would propose. Maybe it is the only thing that is achievable, but an extraordinarily modest attempt to give a few students and their families, in some of the poorest areas of this city, an opportunity to opt out of a failed system and into a school that they think can provide a better education and a better atmosphere for their children.

I ask my colleagues, if you have any doubts about the value of such an opportunity, go and visit the school that Senator LIEBERMAN and I visited a couple of weeks ago. This school is located in one of the poorest sections of this city, and the vast majority of its students, over 90 percent, are African-Americans, many of whom are from low-income families. Their parents have made extraordinary sacrifices to pay the tuition, which is modest for the education they are receiving, so the children can go there. It is one of the most remarkable examples of the differences that exist today between private schools and public schools in many areas.

I do not want to say all public schools are bad because they are not. I happen to send my children to public schools. That is a choice we have. If I were living in an area where the public

schools were not, in my opinion, providing the learning experiences, providing the education, providing the atmosphere, the safety, that I felt was appropriate, I had the choice, the financial wherewithal to send them somewhere else. However, many low-income parents do not have that choice. They are condemned to the school in their neighborhood, the school to which they are assigned.

Mr. WELLSTONE. Will the Senator yield?

Mr. COATS. I will be happy to yield at the end. If I had unlimited time I would be happy to yield to the Senator because I know of his experience in this issue and I respect that.

There is a school in Indianapolis that exists in the near east side, one of the poorest neighborhoods of Indianapolis. It is a private parochial school. A wealthy individual in Indianapolis who was frustrated over the inability of low-income students to have the same choices as other students put $3 million of his own money into a fund that would pay for half of the scholarships at this school. The school, incidentally, charges a per pupil tuition which is one-third the per pupil expenditure in the public schools. This gentleman decided to pay half the tuition for low-income families living in the inner-city neighborhood of the school to ensure that those families would have a choice as to where their children would be educated. The demand for these scholarships was so overwhelming that the school could not begin to accommodate the numbers of students interested.

This parochial school had the kind of streamlined bureaucracy that Senator LIEBERMAN referred to earlier in discussing private schools. This school has one principal and I think one administrator who handled the book work and so forth. But the remarkable difference between this school and public schools concerned the experience of the students—the extent of their education, their achievements, their respect for the institution, and the involvement of many of the teachers, many of whom were making a great financial sacrifice to teach as part of a commitment and a mission that they felt—it was dramatic difference.

So, really what is at issue here today is whether or not the U.S. Senate is going to continue to insist that the educational choice available to middle and upper income families not be allowed for essentially minority, low-income students. And whether or not we have an obligation to at least test the concept to see whether or not the benefits that we propose are in fact benefits that do inure to these students.

If opponents of this proposal are correct, that this program will undermine the public schools and not be successful at better educating some low-income students, then we will know, will we not? If we allow the District to experiment with school choice, as other communities are beginning to do, we will be able to evaluate objective results. The measures that Senator LIEBERMAN and I have offered over the years have provided a very stringent accountability and testing of the demonstration program so that this Congress is given a set of data with which to make an objective determination of whether it works or does not work.

I am not sure that it takes some fancy studies to figure out that there are problems in our public school system today, particularly in many inner-city areas, and that there are parents who are desperate for educational options for their children because they believe that the current system condemns them to a lifetime of inadequate educational preparation. Many families are worried that they are condemned to a lifetime of living in the conditions they are living in because educationally they will not have the tools to allow them to achieve a better standard of living for themselves and for their children. So this bill represents an extraordinarily modest attempt to experiment with the concept of school choice. I hope that this is something that my colleagues would take the time to examine to determine whether or not we should pursue this type of education reform.

I come from an area of Indiana—Fort Wayne, IN—that has successfully, for generations, operated parallel school systems. We have a vigorous public school system which we are proud of, we have a vigorous private Protestant system—it is a Lutheran school system—and we have a vigorous parochial, Catholic school system, all operating side by side. I contend, and I think the statistics prove, that all three of those systems are healthy and are vibrant and are successful because the competition among the three has caused all of them to try to do a better job. I do not know of anything in America, that provides better quality at a better price as a result of a monopoly, but I have thousands of examples of better quality products at a lower price because of competition. So many of our success stories have come about by people trying to do a little bit better than the person next door, or trying to do a little better than their competitor.

This bill acknowledges this truth about success and says that it is possible, as a result of competition, to provide better quality education. If any Senators can stand and argue that the public school system does not need some shakeup, some change, I think they have not been examining what is going on in our public schools. All you need to do is ask the parents or ask the students or make a visit.

I know the hold of the organized public school lobby is extraordinarily strong, but I think their arguments are becoming much harder to defend, and I hope we can at least provide this demonstration program. For that reason, I will be supporting the vote on cloture.

I thank my colleague from Connecticut for his articulating the many, many reasons why we should go forward with this.

The PRESIDING OFFICER (Mr. ASHCROFT). The time of the Senator has expired.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the reason the Catholic and the private school in Indiana next to that public school is vibrant and successful is that we are leaving it alone. The duty of the Government toward public education is to support and finance it. The duty of the Government with respect to private education is to leave it alone. That is the fundamental.

When you say the question is, ''Is the United States going to insist that the minority student not be given a choice?'' That is not the question. The question is whether you and I, as Senators, are going to be able to choose public money for private endeavor. I never heard of such a thing. Is it a valid idea to allow children to attend private schools? That is a valid idea. They do it. I happen to come from public schools. I had a child in Woodrow Wilson public school and one at Cathedral private school. The validity is not a question. This crowd is wound up in pollster politics and new ideas. What nettles this particular Senator is why in the Lord's world we are not financing public education.

Public education is working, generally. There are many examples of where it needs repair, but I can give you many examples of the private schools that are more in need of repair. I wish we had time to debate it. But the point is, having dealt with that debate we had around here for 10 years about tuition tax credits, they are now trying to sneak in a voucher program of financing private education. That is the same crowd that wants to do away with the Department of Education. And when my distinguished colleague from Connecticut says we are not taking any money from the schools—that is true about the effect of this particular provision on District schools. But, overall, you are taking $3 billion from public education and are about to try to give $42 million to the private schools.

I hope we do kill this measure until we take this voucher cancer out. If it worked—I do not think it has any idea of working, but if it worked, you have started a multi-multibillion dollar program. If it worked in the District, come down to Charleston. I have a lot of good private schools down there, too. They will want financing and everything else. If vouchers work for the private schools, why not vouchers for the public schools? That is the one for new ideas—education reform. This is not education reform. Scholarship, progressive—saying it is so does not make it so.

I listen closely to the matter of the language and the persuasion used here. It was James Madison who said:

> But what is government itself the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.
>
> In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself.

And we are totally out of control.

We are talking about new ideas—anything—but throw money, start programs. We spent, for the last 15 years, $200 billion more than we have taken in. It is not a question of balancing the budget; it is a question of paying for what you get. Social Security is paid for. Medicare is paid for. Education is not paid for. Defense is not paid for.

You do not want to pay the bills around here. You want to, willy-nilly, start off on a multibillion dollar program on an idea that we are against new ideas—come on.

Mr. President, today we vote on whether or not to create a new Federal program to pay for private school tuitions. I hope my colleagues will keep in mind our duty in the area of education. Our duty to the public is to support public schools and our duty to private schools is to leave them alone.

So far, this Congress has abandoned public education. I refer to the Labor, Health and Human Services, and Education appropriations bill, in which the House cuts education by more than $3 billion. The cuts to federally assisted public schools in that bill average over $1,700 per classroom across this country.

For example—and this is not the most extreme case—I have heard recently from a principal in Greenville, SC, at Sans Souci Elementary School. He has been principal at three other public schools that did not receive Federal chapter I money, and now he has taken on Sans Souci.

''Sans Souci'' means ''without care'' in French, but that is not the case with this school. Over 80 percent of his children qualify for free lunch and 60 percent of the parents did not graduate from high school.

Mr. President, one-fifth of the budget at Sans Souci comes from the Federal chapter I program. We hear all the time that the Federal role is small—and it is on the average—but at the needier schools, particularly at the elementary level, the role is often much greater.

Of course, the principal tells me that these funds are absolutely necessary and effective. Last semester he used these funds to hire reading specialists for children who began first grade with no literacy whatsoever. In 4 months, these children were reading 60 words and writing grammatical sentences in three-sentence groups. Furthermore, these funds have lowered average class size in his school and allowed him to boost the advanced training for his teachers. I would add that these are exactly the services this Congress would cut in Washington, D.C. We will lose basic reading and math services for an estimated 3,000 children.

But, while this Congress proposes cutting services for the majority of the children at public schools, the stance toward private education has been the opposite. The Speaker himself held up funding for our Nation's capitol for 4 months to get a new, fully funded Federal program for private schools in the Washington area. Not one Senate conferee of either party supported this House provision. Chairman HATFIELD, Chairman JEFFORDS, Senator CAMPBELL, Senator KOHL, and Senator INOUYE were in opposition. But, through the direct intervention of the Speaker, the House would not budge until the Senate took the whole $42 million 5-year authorization, plus full funding of $5 million for the first year on the D.C. appropriations bill. Thus, while we are supported to cut schools like Sans Souci, in Greenville, SC, we are supposed to initiate funding for St. Albans and Sidwell Friends.

I have admissions information for St. Albans, for those who are interested. The tuition is $13,322 for day students and $18,856 for boarding students, but the deadline has already passed to apply for next fall. The brochure notes that students are admitted ''on the basis of entrance tests, academic promise, previous record, and recommendations.''

So if your child cannot yet show academic promise—maybe he or she will prove it at public school—keep your $13,000. If your child does not compete well with other children on standardized tests, find another school. If your child has a previous record with spots—maybe due to emotional stress from a divorce or to a learning disability—pay your tuition taxes, but take your child somewhere else. But if your child is uniformly bright, spotless, and promising the school may send a letter of invitation in mid-March.

Mr. President, the duties and privileges of citizenship in this country do not require a letter of invitation. That is why, from Thomas Jefferson, to Horace Mann, to Martin Luther King and Lyndon Johnson, we have developed a system that admits all children. So Sans Souci must let in all children, and St. Albans can pick and choose.

Of course, not all private schools are as expensive as St. Albans. In fact, only 7 of the 51 private schools in Washington, DC have tuitions in the range of vouchers provided by this bill. And six of these seven schools are sectarian, religious schools. Mr. President, we can argue about what the current Supreme Court says about Federal entanglement with religion, but if six of the seven available schools are religious, there is going to be entanglement. Furthermore, there will be Government intervention in the independent schools.

This is not a theoretical prediction—there is a track record. In 1989, the Bush administration published a report on educational choice in Europe—it was a prochoice document, with an enthusiastic introduction by Secretary Lauro Cavasos. But when you get to page 210, in the conclusion, you will find the following:

> Finally, this survey brings confirming evidence to several conflicting positions in the controversies over public funding for nonpublic schools. For those who believe strongly in religious schooling and fear that Government influence will come with public funding, reason exists for their concern. Catholic or Protestant schools in each of the nations studied have increasingly been assimilated to the assumptions and guiding values of public schooling.

Mr. President, that is from the Bush administration. If you value the independence of the religious schools, if you do not want entanglement, the real-world experience with public funding says ''watch out.''

Similarly, with respect to social division:

> For those who fear that public support for parent choice will result in race and class segregation and unequal opportunities, the survey provides confirming evidence.

That is the studied review from a little more than 6 years ago.

Since that time, we also have a program in Milwaukee, WI. We have two private schools that have just shut down there in the last month—one with the director apparently involved in drugs. He reported that he was teaching voucher children and nonvoucher children, but it turned out that all the children were on taxpayer vouchers. Representative Polly Williams, who wrote the Milwaukee voucher program, is calling for regulation of the private schools. But the program is moving in the other direction. It is expanding, and with less and less oversight or restriction. After 5 years of yearly evaluations showed no educational progress, the legislature has eliminated funding for further evaluation, reportedly due to political pressure. The legislature has eliminated the requirement that schools rely partly on privately paying students instead of only on Government vouchers. And, the courts are holding up the expansion due to the threat of religious entanglement.

Mr. President, this is not the fate we want for public schools. We hear this cry for accountability, accountability, but in Milwaukee we have gone from worrying over student achievement to worrying over whether they will have a school.

And, while these school closings get the most attention, the real story is that attention and support is drawn away from improving the public schools that educate the vast majority of America's children. This Senate should reconsider its proposals to cut public education and to start taxpayer funding of private schools. I urge my colleagues to start getting back on the right track by voting against cloture on this D.C. voucher program.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Al Shanker, that recently appeared in the New York Times, ''Risky Business.''

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

RISKY BUSINESS

(By Albert Shanker, President, American Federation of Teachers)

How can we improve U.S. education? One answer that gets a lot of applause is to introduce some form of private enterprise. Some people call for vouchers—using public money to pay for children to attend private, and largely unregulated, schools. Others tout charter schools, which are set up under state law to be independent of state and local control though they are funded by public money. Either way, supporters say, we would bypass the regulation that is strangling education. And we'd create competition among schools, causing excellent schools to flourish, good, new schools to spring up, and bad schools to close—just the way it happens in the business world.

All this sounds good, but voucher programs are rare and charter school legislation is relatively new. So we haven't had a chance to test these confident assertions against real-life examples of how the market works. Now, though, we are beginning to get some striking evidence about the down side of market schools.

In Los Angeles, a charter school for troubled teenagers was closed last year by the district. According to stores in the *Los Angeles Times*, district funds were used to lease a $39,000 sports car for the principal and pay for his private bodyguard. Expensive furniture was purchased for the administrative floors, and a ''secret retreat'' was held to the tune of $7,000. The district started investigating the school's finances when an auditor found a discrepancy between the number of students the school was claiming—and receiving payment for—and the number that appeared on the rolls. By the time the school closed, four teachers were left to reach more than 200 students, and there was $1 million worth of unpaid bills. The school had a board of directors, but its members apparently did not pay much attention to how things were going with the students—or how the school district's money was being spent.

In Milwaukee, two schools in its voucher program for low-income students recently shut their doors, and, as I write, two more are in danger of closing. Competition? No, poor financial management, according to stories in the *Milwaukee Journal-Sentinel*. The principal at one of the failed schools was charged with passing $47,000 worth of bad checks. The other school ran out of funds and was reportedly unable to pay its teachers for several weeks. The financial problems in all four schools, three of which were new this year, arose when they enrolled fewer students than they had counted on. An official in the state education department said that administrators of the new voucher schools could have used training in financial procedures and school administration but that legislation governing these schools did not permit his department to offer it.

No one should be surprised. These charter and voucher schools are the educational equivalent of small businesses. Many of them are new, and everybody knows that the failure rate for small businesses over the first several years is very high. (According to the Small Business Administration, 53 percent of small businesses fail within 5 years of starting up, 79 percent by the end of 10 years.) Failure is usually related to what has troubled these schools—financial problems and, often, lack of experience in running a business.

The difference is that when a small business fails, it's the owners who pick up the tab. When a voucher or charter school goes out of business, it is the taxpayers' money that is thrown away. But the chief victims are the students; they are the ones who lose school time that cannot be replaced. John Witte, the evaluator for the Milwaukee voucher project, put it this way when a school closed during the first year of the experiment:

There are those who would argue that the failure of that school is to be expected in a market system of education. Whether one believes that that expectation outweighs the fact that approximately 150 children essentially lost a year's education is a value issue that we cannot resolve. Whatever one's values are, the price was high for those families involved.

The costs and implications of charter and voucher school failure do not stop here. Where do students go when their school has shut its doors? Must taxpayers also spend money to keep public school spaces for youngsters in voucher and charter schools in case there are school closings? If not, would we put them in classes that might already be filled to overflowing? Or send them to a school with available space, no matter where the school was located? Or should we make them wait in line unit the following year—the way voucher and charter schools would do?

The people who want us to embrace vouchers and charter schools pretend that doing so is as easy as saying ''free enterprise.'' The failures in Los Angeles and Milwaukee remind us that these ventures are risky—and that all the risk falls on people who have no influence over the outcome.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Washington for yielding me the time, and I reserve the remainder of our time.

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

Mrs. MURRAY. Mr. President, I yield to the Senator from Rhode Island 5 minutes.

Mr. PELL. I thank the Senator from Washington.

Mr. President, I oppose the conference report on the District of Columbia appropriations Bill. I do so, however, with profound respect for Senator JEFFORDS, the chairman of the D.C. Appropriations Subcommittee, and the hard work he has devoted to this legislation. Far more often than not, Senator JEFFORDS and I are on the same side of the issue when it comes to education. Therefore, it is with deep regret that I find myself on the opposite side in this case.

Philosophically, I am drawn to the concept of choice. It is one of the precepts upon which the Pel Grant Program is based. As I see it, however, the problem is not only when but also how we move toward greater choice in education. My difficulty with this provision is that it comes at the wrong time and does it in the wrong way.

With current Federal education funding so much at risk and with Federal education programs suffering such a disproportionate share of cutbacks, I do not believe it is prudent that we move in this direction at this particular time. Given our scarce Federal resources, I am of the mind that they should continue to be directed primarily to the public schools that educate almost 90 percent of our Nation's elementary and secondary school children.

Further, private schools today choose which students they want to educate. They are not required to accept students who are difficult to teach in terms of behavior or educational deficiencies. They operate in a manner that is wholly different from the rules under which the public schools are required to function. In the absence of Federal funding, this may be acceptable. However, if they are to become the beneficiaries of a federally supported scholarship or voucher program as proposed in this legislation, I believe we should expect more of our private schools.

It is unforunate, indeed, that there is no guarantee in this bill that students with disabilities, students with discipline problems students with language deficiencies, or homeless students will have access to private school education. Private schools could continue to choose not to accept them. Thus, these students could well be left in the public schools, and the public schools, in turn, left with even less resources to devote to their education. It is a choice program that leaves public education in the lurch, and I fear it would set a very unfortunate precedent.

At this particularly critical time, I believe it very important that we continue to devote our resources primarily to the public schools charged with the responsibility of eduating all children, regardless of their disadvantage, their deficiencies, or their disability. In that vein, I would urge my colleagues to join me in opposing this conference report.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. There are 15 minutes and 55 seconds on the Senator's side and the opposition has 10 minutes.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise as a Senator who, as a teacher for 20 years, spends time about every 2½ or 3 weeks in a school in Minnesota. First my premise. I think education is the foundation of it all. I think it is the key to welfare reform. I think it is the key to reducing poverty. I think it is the key to a stable middle class. I think it is the key to helping us decrease violence in our communities. I think it is the key to successful economic performance of

our country, and I think it is the key to a functioning democracy.

The second point I wish to make. I heard my good friend from Indiana—and he is a good friend—talk about the need for shakeup. I think education needs to be shaken up as well, although I wish to start out with one point, and I am not talking about any of my colleagues here. I do not mean this personally. But I am absolutely convinced, having spent a lot of time in our schools, that some of the harshest critics of public education could not last 1 hour in the very classrooms they condemn.

So now my point. You are right; education needs to be shaken up. We need to make sure that, first of all, children at birth have a chance, which means that every woman expecting a child has to have a diet rich in vitamins, minerals, and protein, and we cut nutrition programs, but somehow a voucher plan is going to help. Education needs to be shaken up. That is right. Children need to be ready to learn when they come to elementary school, but you know what. Some of the very folks who are talking about the voucher plan—not all—want to cut the Head Start Program. They do not want to fund adequate child care. We have children 2 and 3 years of age, as I see with my own grandchildren, that every 15 seconds are interested in something new; they are exploring all the unnamed magic of the world, but what we are doing, rather than igniting that spark of learning, we are pouring cold water on that spark of learning. We ought to make a commitment to these children when they are young, but we do not.

That would be shaking up public education. It is hard to teach 38 kids in elementary school. We need to have class sizes much less. But we have not dug into our pockets to make that commitment of resources. When kids go to school and the buildings are dilapidated, the toilets do not work, and the heating does not work, it is hard to believe that as a matter of fact the adults care very much about you, but we have not committed the resources to dealing with this dreary, dilapidated physical infrastructure.

Education needs to be shaken up. There is no question about it. But the problem is the context of this plan. We had a continuing resolution in the Chamber a couple of months ago—we are going to come back to it again—outrageous, a 20-percent cut in title I money for kids with special problems and vocational education and Head Start, and at the same time we are talking about starting on a voucher plan.

I said to my colleagues before, I say it again, if you can marshal the evidence that shows me that we have made a commitment to children in this country, we have made a commitment to doing something positive about the concerns and circumstances of their lives, we have made a commitment to public education, we have made the investment and then that does not work, I would be the first to come to the floor and say let us try something different.

We have not made that commitment at all, in which case this makes absolutely no sense. There is going to be a further reduction of funds, and that means what this gets to be is a zero-sum game. I say this with sadness to my colleague. It is less money for education for mathematics, for history, for English, for language. It is less money for public education for support services for students. It is less money for public education to recruit and train teachers. It is less money for public education to reduce the violence in our schools so that we can move forward to safer schools, in which case this plan is not a step forward. It is a great leap sideways. As a matter of fact, it is a great leap backward.

That is what this is all about. We say to D.C. we will put a rider on your appropriations bill, telling them this is the money and you have to spend it for private vouchers. That is unacceptable. It is unacceptable because—I do not care how many speeches are given in the Senate Chamber—we have not backed up the photo opportunities we all like to have with children. We have not backed up all of our discussion about how the children are the future with an investment in resources for public education so every child will have the same chance to reach his or her potential. We have not done that. So do not talk to me about how a voucher plan is the answer when we have not even made a commitment to the answer.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the Senator from Virginia wanted 1 minute, and I would be glad to yield to him.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. JEFFORDS. Mr. President, I yield the Senator from Virginia 2 minutes.

Mr. WARNER. Mr. President, I first thank my distinguished colleague from Rhode Island and the manager.

I wish to assure the manager that I am going to support him on the cloture motion, although I feel very strongly about an issue which I will address momentarily. I think it is imperative that the District of Columbia be given its budget. I support the various provisions of this measure.

But, Mr. President, regrettably, certain elements of the government in the city, namely, the D.C. Taxicab Commission, voted on February 6 of this year to terminate a longstanding taxicab reciprocity agreement between the District of Columbia and areas in northern Virginia and in Maryland.

Mr. President, this affects the way we do business here because we, the Congress of the United States, are very dependent on the best means, safest means, most cost-efficient means of transportation for the many people who visit not only Capitol Hill, but come here as tourists and the like. This is an effort by the District of Columbia to disrupt an agreement that essentially has been operating and operating for the benefit of all for 50 years.

Mr. President, I am going to fight unrelentlessly. I would seize this vehicle, if it were possible, this legislative vehicle to make sure we continue the practice that has served this greater metropolitan area for years.

As I said, on February 6, 1996, the D.C. Taxicab Commission voted unanimously to terminate the longstanding taxicab reciprocity agreement between the District of Columbia and Arlington County, Fairfax County, the city of Alexandria, and Montgomery County, MD.

The reciprocity agreement permits taxicabs properly registered in their home county to: Transport persons from their county of origin into the District and discharge passengers; to pick up passengers in the District and take them to their home county in response to a call to a dispatcher at the home county; to transport passengers in response to a prearranged trip, and immediately following the termination of a trip.

The D.C. Taxicab Commission's action will prohibit all taxicabs not licensed in the District from providing taxicab and ground transportation service of any type which physically originates in the District.

Mr. President, ending taxicab reciprocity is highly contradictory of the metropolitan area's long record of cooperation on transportation matters. The unilateral cancelation of reciprocity could well begin a chain of events that could lead to increased fares in every jurisdiction, and it could easily result in District taxicabs being unable to pick up fares throughout the rest of the metropolitan area.

Passengers could find themselves unable to rely upon consistent, dependable service from carriers with whom they have grown accustomed. Instead, they could be passed like batons from carrier to carrier because of artificial and unnecessary barriers. This could have a particularly harsh effect on disabled and elderly citizens who rely on local taxi service to commute to work in the District, as well as contractual agreements by D.C. firms on behalf of their Virginia resident employees.

I understand that the conference report on H.R. 2546 cannot be amended. Indeed, at this point, we do not know if cloture will succeed.

My thoughts are that this is meant to be a strong advisory to the District

government and the Taxicab Commission to closely reconsider their decision on revoking reciprocity.

As I understand it, the commission decision must first be transmitted to the District corporation counsel for proposed rulemaking, and that action has not yet happened. There is still time to reconsider a decision which perhaps was made without fully considering what could be a strong negative impact on their own services.

I fear the D.C. Taxicab Commission may have fired a shot, as they say in the Navy, without fully considering potential retaliation. If indeed Virginia taxicabs are prohibited from dropping off and picking up fares within the District, what is to prevent Virginia from prohibiting D.C. taxi service at such major hubs as the Pentagon and National and Dulles Airports.

So, Mr. President, let this be a warning shot across the bow. While this conference report cannot be amended, we will have a continuing resolution in the near future which would be an appropriate vehicle for a funding prohibition on the enforcement of the reciprocity repeal.

I would prefer not to take such action. I do not like to interfere with D.C. home rule. However, we are dealing with an ill-conceived policy which would have a detrimental effect on my constituents and metropolitan transportation services as a whole.

I look forward to meeting with District officials in the near future as well as other Members of the local congressional delegation. Our goal should be the provision of the best transportation services available for each of our municipalities, but working together with a strong sense of cooperation for the common good.

Mr. President, I thank the managers.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, last fall the Senate approved a version of the D.C. appropriations bill with no trouble. We passed it here in the Senate with no difficulty. Later, the House passed its version, but in its version there was the creation of a new Federal spending program to provide private school vouchers to a select group of students. This conference report which we are dealing with today creates the first federally funded private school voucher program in the United States of America.

The Senate conferees, Republicans and the Democrats from the Senate, were united in their opposition to the House private school voucher provision. The House would not yield, and for months an agreement could not be reached. The Senate bill did not include, as I say, anything to do with vouchers. We never had an opportunity to address it. There had been no hearings on this measure in the Senate. But the House has said, take this new Federal spending program with all its flaws or the District of Columbia will not receive its Federal payments.

This appropriations bill, I submit, should not be used to force the Senate to endorse the creation of a new Federal spending program with dubious merit. It is no accident, it seems to me, Mr. President, that this new voucher program has been attached to the D.C. appropriations bill. None of us have a constituency. None of us are responsible to the District of Columbia voters. They cannot punish us or reward us in any fashion. We are unaccountable for our actions.

Under this proposal, the parents do not choose the school that their children will attend. The private schools select the children who are going to attend those schools. This is not a luxury that our public schools have. Our public schools cannot pick and choose among the students. Public schools are committed to providing an education to all our children. They have to accept the child who comes to the school in the middle of the school year, the child who comes with disabilities, the child whose primary language is not English. They have to accept the child with disciplinary problems or the child with the low IQ.

Private schools do not have to accept any of those children and can reject any child who falls into the above categories—does not speak good English, does not have the adequate IQ, and so forth. In short, private schools have the ability to select the smartest, the least difficult students with the fewest challenges to overcome, those students with the greatest family support.

Jonathan Kozol, the Harvard-educated Rhodes scholar who is best known as a teacher, a civil rights worker, and the best-selling author of ''Savage Inequalities,'' and more recently the good ''Amazing Grace: The Lives of Children and the Conscience of a Nation,'' has been an outspoken critic of American education, particularly in our inner cities. Yet when asked about private school choice, this is what he had to say:

> Choice doesn't do anything for poor children. It simply creates a system of triage that will enable the most fortunate to opt out and leave the larger numbers of the poorest and least sophisticated people in schools nobody willingly would choose.

There is a myth that poor schools somehow magically improve to meet the competition. Kozol says:

> Contrary to myths, the poor schools do not magically improve to meet the competition, nor do they self-destruct. They linger on as the depositories for children everybody has fled.

The role of our schools has changed dramatically in the past three decades. Schools have taken on extraordinary new burdens. Today we are seeing youngsters with learning disabilities, youngsters who do not get enough to eat, youngsters born with drug or fetal alcohol problems, youngsters from totally shattered families. As a society, we expect that our schools will take in these children and help make their lives better through education.

I believe it is wrong to provide Federal dollars to private schools to enable them to skim the best students from the public schools and leave the public schools with the greatest challenges to deal with.

It is curious, it seems to me, Mr. President, that under the House appropriations bill, the District of Columbia will lose its $13 million this year, $13 million in title I and so forth programs, yet at the same time this report authorizes $42 million over the next 5 years—$5 million this year alone. So this is $42 million over the next 5 years that, it seems to me, could far better be spent on improving our public schools in the District of Columbia, renovating the shabby buildings, upgrading the facilities, purchasing new books, installing computers and Internet connections, rewarding excellent teachers. All of these things that money could go for.

Mr. President, I would like to conclude by saying that in Milwaukee they have such an experiment. They have had it for 4 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CHAFEE. The results of that have not shown an improvement in those students who come from the low-income schools as opposed to those students who remained in the low-income schools.

This proposal permits taxpayer dollars to be used to pay for religious education. Even if this plan was approved by the House and Senate and signed by the President, it would be a long time before poor children in the District received these vouchers because this proposal would go straight to the courts.

On December 14, 1995, I received a letter opposing the voucher proposal from a group of local D.C. religious leaders who believe that providing taxpayer dollars to religious schools would damage their religious autonomy, and they agree that it would violate the first amendment. They argue:

> Public funding will inevitably lead to regulation of religious schools, harmfully entangling the government in religious matters. Currently religious schools are free from government intrusion and may enroll and hire those of their own religion. This independence is important given that the mission of a religious school is to promote its faith in its pupils. The ''scholarships'' will threaten the schools' ability to operate in a fully sectarian manner.

Mr. President, I ask unanimous consent that the full text of the letter be printed in the RECORD. I also ask unanimous consent that another letter in opposition to the voucher proposal from the Baptist Joint Committee be printed in the RECORD.

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

(See exhibit 1.)

Mr. CHAFEE. Finally, Mr. President, on the issue of federally funded vouchers for religiously affiliated schools, I would like to quote Mr. GUNDERSON, the author of this proposal. On August 12, 1992, during a speech in the House

Chamber in opposition to a voucher amendment by Mr. ARMEY, Representative GUNDERSON said, ''Choice which goes beyond public and private schools to include religious schools, I have to tell my colleagues, raises serious constitutional questions.''

The underlying assumption of private school voucher plans is that public schools are doing a bad job and private schools are better. The advantage that private schools appear to have over public schools disappears when students of similar backgrounds are compared. Private school achievement measures at a much higher rate than public school achievement because private school students come from much more advantaged backgrounds with higher incomes and parents with higher levels of education.

In a report entitled ''Fourth Year Milwaukee Parental Choice Program,'' researchers found that voucher students in private schools are not doing better in math and reading than low-income students who remained in the public schools. Another study by Bruce Fuller of the Harvard University graduate school of education called ''Who Gains, Who Loses From School Choice: A Research Summary'' reported that after the third year of the Milwaukee voucher experiment reading scores were essentially no different between choice students and similar low-income Milwaukee public school students.

In 1993, many of those who support forcing this voucher program on the District of Columbia opposed Goals 2000: the Educate America Act because, they argued, it lessened local control over education. Well, Mr. President, if anything lessens local control over education in the District of Columbia, it is this conference report. It has not been asked for by the D.C. school board, but Congress set up a special board and a new program for the District of Columbia.

Supporters of the voucher plan say the District of Columbia should provide choices to parents. They say the District of Columbia should have charter schools. They call for partnerships between city schools and the Smithsonian Institution. The truth is that the District of Columbia has all of these things. The District has public school choice. There is a charter school program at a school not six blocks from the Capitol. Down the street there is a middle school which has entered into a partnership with the Smithsonian. D.C. public schools are the only public schools in the area that provide an all-day kindergarten program, and every high school in the District is a magnet school.

Is there room for improvement? Of course there is, and I suggest that if those who put forth this plan were truly interested in improving the education of D.C. students, they would provide sorely needed additional resources to the public schools here. They would encourage the District of Columbia to look at schools and programs that are succeeding here and try to emulate that success.

I find it extraordinary that the 104th Congress, which is dedicated to local control and cutting spending, is seeking to enter into a brandnew spending program to micromanage a local school system.

I will vote against cloture, and I urge my colleagues to do so.

EXHIBIT 1

GUNDERSON'S ''SCHOLARSHIPS'' HURT RELIGION

As clergy of the District of Columbia and those committed to the principle of separation of church and state, we strongly oppose the ''scholarships'' provision, advanced by Congressman Steve Gunderson, in the D.C. Education Reform Proposal. These ''scholarships'' will funnel public dollars to parochial and other religious schools, thereby damaging their religious autonomy and violating the First Amendment of the U.S. Constitution.

Public funding will inevitably lead to regulation of religious schools, harmfully entangling the government in religious matters. Currently, religious schools are free from government intrusion and may enroll and hire only those of their own religion. This independence is important given that the mission of a religious school is to promote its faith in its pupils. The ''scholarships'' will threaten the schools' ability to operate in a fully sectarian manner.

Furthermore, under the U.S. Constitution's church-state separation provisions, government may not subsidize sectarian education. If tax dollars are funneled to religious denominations in the form of ''scholarships,'' all citizens will be paying taxes to support religion. This intrinsically breaches our nation's heritage of religious freedom. Therefore, in the debate over the ''scholarships,'' do not omit the principle of religious liberty from consideration.

Sincerely,

REV. CHARLES WORTHY,
Pennsylvania Avenue Baptist Church.
RABBI FRED REINER,
Temple Sinai.
REV. KENNETH BURKE,
E. Washington Heights Baptist.
REV. ELIEZER VALENTIN-CASTANON,
General Board of Church and Society, United Methodist Church.

BAPTIST JOINT COMMITTEE,
Washington, DC, December 13, 1995.

DEAR REPRESENTATIVE/SENATOR: The Baptist Joint Committee serves the below-listed Baptist groups on matters related to religious liberty and the separation of church and state. The Committee has consistently opposed efforts on the part of government to funnel tax dollars to teach religion, whether couched in terms of direct grants, voucher tax credits or ''scholarships.'' Accordingly, we urge you to vote against any attempt to fund parochial schools in the District of Columbia Appropriations Bill.

Such funding mechanisms are unconstitutional. The Supreme Court has struck down virtually every form or direct financial aid to parochial schools at the elementary and secondary levels. Government should not be permitted to do indirectly what it is prohibited from doing directly.

It is also bad public policy. This kind of scheme is unfair, engenders unhealthful governmental regulation of religion, endangers public education, and may exacerbate class divisions—creating welfare for the wealthy, while the needy continue to go wanting.

Finally, it violates core Baptist convictions that authentic religion must be wholly voluntary. Religion should be dependent for its support on the persuasive power of truth that it proclaims and not on the coercive power of the state. Utilizing the things of Caesar to finance the things of God is contrary to true religion. These principles apply full force to religious education.

Thank you for considering our views on this very important legislative initiative.

Yours very truly,

J. BRENT WALKER.

Mr. CHAFEE. Mr. President, I want to thank the manager of the bill.

Mrs. MURRAY. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Washington has 5 minutes. The Senator from Vermont has 8 minutes 21 seconds.

Mrs. MURRAY. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask my colleagues to join us in assuring that we can go back to the table and pass an appropriate D.C. appropriations bill. There is inappropriate language in this bill on Davis-Bacon, there is inappropriate language in here that puts conditions on a woman's right to choose, and we have heard much over the last hour and a half about the inappropriate language on vouchers that is included in this bill.

There have been many eloquent statements by my colleagues in opposition to the vouchers, but let us stop for a minute and ask, who wins under a voucher system? Do the parents? Do they really get a choice? Not really, Mr. President. The private school administrators will have more of a choice in students that they will be able to select for their private schools, but parents, unless they have the money that they will need, will truly not have a choice. And they will not have a choice if school administrators say ''no'' to their child.

Will the students win under a voucher system? There is no evidence that students will win. In fact, in Milwaukee, which has had a voucher program for 5 years, test scores of voucher students did not rise. There is no evidence that students do better.

Will the public schools win? Hardly. We have heard many arguments about the money that is currently out there that will be taken from our public school system that will not be used for every child in America to assure that we continue to make sure that every child has the opportunity to get a good education in this country. Public schools will clearly not be a winner.

Will private schools be a winner under a voucher system? Hardly. Private schools will have taxpayer dollars coming into their schools. They will then have to respond to taxpayers as to how they spend their money. They will have oversight and they will have to respond to all of us who pay our taxes

for vouchers if they decide to buy equipment or supplies. They will have to be responsive to taxpayers because it will be taxpayers' money that they are using. I hardly think that the private schools will win under this voucher system.

Will the taxpayers win? No, they will not. It is merely moving money around.

If we were to pass a voucher system today, we would have to write a check for every student who is currently in a private school, in terms of a voucher. That will amount to billions of dollars. If we do it in a small district like the District of Columbia, just take a look at the number of students who are currently in private schools. If a voucher system passes, do the students who are currently enrolled in private school get a check or do new students coming in get those checks?

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mrs. MURRAY. Mr. President, I yield myself 30 additional seconds.

Under the voucher system, no one wins. I think that we need to step back and pass an appropriate D.C. bill and remove these riders.

I retain the remainder of my time.

Mr. JEFFORDS. I yield myself 6 minutes and 21 seconds.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Thank you, Mr. President. What has happened today is what I had hoped would not happen. It has taken us some 90 days to get here to bring forward a proposition to this body which would keep us out of the national debate over the use of the voucher system. This is not the time or place for that. We have a city which needs help, and we have to give it help.

So what, in my mind, might have started out as a torpedo aimed at the midsection of public education in the District of Columbia or the country, now has turned into a small shot across the bow, and there is even an opportunity to divert all the powder resulting from firing that shot.

That is where we are right now. So let us not make this into a big national issue. Let us wait for that some other day, but let us take care of the District of Columbia school system.

Let me clarify some statements here that are confusing. First of all, there are no D.C. public school funds being used at all. This is a separately appropriated fund.

Also, the District of Columbia sits in an unusual situation, so it is hard for us to do anything as a demonstration project in the District of Columbia without giving it some Federal implications. We have to keep that in mind.

What I wanted to see done, and what we have done in this bill, is to make sure that this is a locally controlled option.

There is a nonprofit corporation set up to receive the funds. There will be two different types of vouchers that will be allowed, or scholarships, if you want to call them that. One is for remedial help and one is for tuition scholarships. So we do not know how much is going to be spent on each. There is only $5 million, and there could be private funds to help even more.

Also, the private board that is set up will be awarding each scholarship, and under the mandate of this bill, they must ensure, to the best they can, that there is a diversity of academic achievement levels represented among the students that receive the scholarships. So the scholarship board will have control over that.

The other issue that was brought up is about the ability to discriminate. The schools cannot discriminate and, again, the board is required to make sure that does not happen. The bill specifically requires that the civil rights laws be carried out and that they will make sure, with respect to the handicapped, that section 504 of the Rehabilitation Act is not violated.

Finally, I believe, and believe strongly, that when the final analysis is made, there will be vouchers, but the pressures will not be for the tuition vouchers—hopefully, there will be private funds to satisfy that demand—but there will be so much need for vouchers for remedial help for these kids. We have some 20,000 young people in this city who are in need of remedial help.

My belief is there will be such a strong demand on the District Council to see that after-school vouchers are distributed to those in need, and, hopefully, there will be private funds for tuition scholarships so that almost all of the Federal funds will be used for remedial help.

Let us not make this into something it is not. It is not an attempt to try and establish a mandated Federal program. This is a local option for the city. I have no problem with sending a message to the public school system that they better get going or else they may see a larger program.

It has been 90 days. We have gone through option after option. We have had two agreements that fell apart, and we finally reached this one, which no one who is familiar with it is happy with, which is probably a pretty good solution. The scholarship program is not as far as some would like to go toward trying to establish a voucher system, and it is too far, obviously, some say, because it is a nose under the tent.

So I urge my colleagues to take a look at this. Do not get swallowed up in trying to make this into an argument about a national mandate. Let us take care of the kids in Washington, DC. Let us worry about the school system here and the wonderful things that this bill will help us do to make sure we can change this city's educational system from one which is an embarrassment to one which we can be proud of again, proud as we were in the past. That is my goal, and I am sure the goal of all here.

Let us not scuttle this bill, because if we do not pass it, then we have to start all over again in the process of trying to see what we can come up with as a compromise.

I urge my colleagues to vote for cloture, and let us go on and take care of the city, which is in desperate need of funds right now. They are about ready to go bankrupt. I cannot see us taking another 30, 60, or 90 days trying to find an answer. Let us accept this one for what it is, not for what you fear it may be or for what you may want it to be.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. The Chair informs the Senator from Washington that 1 minute, 43 seconds remains on her side, and the Senator from Vermont controls 3 minutes.

Mr. DODD. Mr. President, I rise today in strong opposition to the private school voucher plan included in the conference report on the D.C. appropriations bill.

At a time when our public education system is suffering under the weight of draconian cuts in Federal education programs, diverting precious resources to private and parochial schools is the wrong message to send to our Nation's children.

This year alone, the Congress has already cut $3.1 billion from education programs—the largest cut in education funding in American history. This is money that would help children learn new skills, raise test scores, provide money for college education, and prevent violence and drug use in our schools.

We should not be taking scarce Federal funds away from public school students. Instead we should take this opportunity to reaffirm our commitment to reforming our public education system, which educates 88 percent of American students. But, this bill would tell our public schools and the vast majority of our Nation's children: ''We can't improve our public schools, so let's not even try.'' Well, I reject that argument.

Our universal public education system is one of the very cornerstones of our Nation, our democracy, and our culture. And this voucher proposal would fundamentally undermine this ideal by spending Federal taxpayer dollars for students to attend private and religious schools that are unaccountable to the public.

Instituting a voucher system in Washington, DC, would also seriously harm most of Washington's low- to moderate-income families, who depend on public schools for their children's education.

Supporters claim that these vouchers will allow D.C. schoolchildren to attend better schools. But the fact of the matter is, the vast majority of children in Washington, particularly those who are the poorest and who need the most help, will remain in public schools.

For thousands of students and their parents, Federal resources that are desperately needed to repair D.C.'s ailing schools, provide counselors to deal

with the many social problems that face Washington's young people, and equip teachers with the tools they need to educate their students will be diverted to the few who are lucky to attend private and parochial schools.

Supporters claim that this voucher proposal will give parents a choice on where their children go to school. But, in fact, these vouchers will not fully open the doors to private education, because private and parochial schools will be under no obligation to accept all applicants.

Private schools will pick and choose the best students; and the ones with the lowest test scores, the ones with learning disabilities and discipline problems, and the ones for whom a $1,500 to $3,000 voucher will not begin to pay the, on average, $10,000 tuition for private schools in the District will be the ones left behind.

In addition, these proposals raise serious constitutional questions about using Federal money to pay tuition at religious schools. No Federal or State court has ever upheld the use of vouchers for parochial schools, and I seriously doubt that this bill will be any different.

Supporters claim that if this proposal passes, Washington DC, would serve as an important testing ground for the voucher program. But why test a program that doesn't work and that the American people don't want? Considering the fact that Federal resources are already strained, we shouldn't be using the District of Columbia appropriations bill to waste taxpayer money on bad ideas.

Washington, DC, residents, like those in California, Colorado, and Oregon have voted down vouchers in various ballot initiatives. Electoral rejection of these programs may be due in large part to the fact that private school vouchers don't live up to their advanced billing. In Milwaukee, where the voucher program has been in place for 5 years, test scores of students, who utilized vouchers, failed to improve.

I understand the importance and relevance of private and parochial education. I am a product of St. Thomas the Apostle, a Jesuit boys school. And, I am very proud that my parents made the decision to send me there. But, I am also aware that when making that decision they weren't expecting to be subsidized by the Federal Government. They understood the importance of our public education system and that the Federal Government should do all it can to support our public schools.

I have long believed that education should be made our No. 1 priority in Congress. A strong education is critical to forming productive, thoughtful, and tolerant citizens.

I have fought to reform our public schools in the past, and I will continue to do so in the future. However, I strongly believe that sending taxpayer dollars to private and parochial institutions will drain already meager Federal resources and undermine serious educational reform efforts.

I hope my colleagues will join me in opposing private school vouchers and work to support a bill that provides real school improvement for the District of Columbia's schools.

Mrs. MURRAY. Mr. President, I yield 1 minute to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the Senator from Washington for yielding to me.

Mr. President, I rise to register my opposition to the school voucher provision included in the pending measure. The conference report to the fiscal year 1996 D.C. appropriations bill contains language that would establish a scholarship program for low-income students to attend private and religious schools or attend after-school programs in religious, private, or public institutions.

As a former teacher and public school principal, my chief concern is that this measure would, for the first time, permit Federal tax dollars to be used to subsidize private or religious education. This provision represents the proverbial camel's nose under the tent of public funding, which could lead to the diversion of additional Federal moneys toward private instruction. Worse, it would encourage States and localities to follow the Federal example, with disastrous consequences for public education.

There are no quick fixes for what ails our system of learning. It takes time, energy, and resources to construct and maintain school buildings, to develop appropriate curricula, to hire and train effective teachers, to encourage parental involvement, to make our schools safe from crime. And it takes time, energy, and resources to ensure that our schools provide our children with the skills and knowledge necessary to respond to the economic, scientific, and technological challenges that will confront them upon graduation. Nevertheless, speaking from my background as an educator, I know that given adequate attention and resources, public schools can and do work.

I have no quarrel with private or religious schools. In many cases, they provide a quality education for thousands of young people; in fact, we have many fine private institutions of our own in Hawaii. But private schools are by nature highly selective. They may choose their students on virtually any basis one could care to name, including income, race, ethnicity, gender, religion, aptitude, behavior, even physical or emotional disability. This exclusiveness guarantees that only a small fraction of school-age children will be able to matriculate in private schools; as a consequence, the vast majority of children will continue to be served by public schools.

Knowing this, is it our place to take away precious funds from the many who attend public schools in order to assist the few who attend private schools? Is this an appropriate, fair, or wise use of tax dollars? How many public schoolteachers could we hire for $42 million, the amount that this program will cost over the next 5 years? How many textbooks could we give to inner-city children? How many school lunches could we offer undernourished kids? How many personal computers could we purchase for classrooms? Most importantly, what would be the long-term cost of this provision to public instruction, if this provision opens the door to additional raids on the Federal Treasury in the name of school choice?

Mr. President, vouchers are the snake oil in the pharmacology of American education, a quick fix for an imagined ailment. They expose a lack of will and imagination in addressing the real education challenges facing our Nation, challenges which millions of teachers, students, and parents could overcome in public schools around the country, if only they had the support we and other policymakers could give them. I urge my colleagues to reject this approach, and instead work hard to improve what we already have, a democratic system of public education that is funded by all citizens for the benefit of all Americans.

I urge my colleagues to vote against the motion to invoke cloture on this measure.

Mr. KOHL. Mr. President, I would like to ask the Senator from Vermont about a provision in the conference report that concerns me. That is section 2353(c), which requires that $1.5 million of funds available to the board of education be used to develop new management and data systems. I am informed that the amount required to be used for such purpose exceeds the amount of the board's budget, which, as I understand it, would effectively shut down the District's board of education. Although minority conferees were not permitted to participate in the drafting of much of the conference agreement, I can only speculate that this was not the intent of the majority conferees. I would therefore ask the manager to explain this apparent discrepancy?

Mr. JEFFORDS. Mr. President, the Senator from Wisconsin has raised a problem that came to my attention only after the conference had concluded, and in fact after the House of Representatives had acted on the conference report.

When this provision was agreed to, and it was included in the draft of the education title of the bill that was shared with conferees and others on December 14, 1995, the budget for the board of education was more than $1.8 million. However, I am now informed that at the end of December 1995 the board proposed reductions in its own budget and that the council reduced the budget and staffing of the board of education that will be recommended to the control board and then to the Congress. I did not know of these actions until February 1, 1996, the day after the House adopted.

It is not this Senator's intention to shut down the board of education. It is my intention, and I believe of the other conferees, that the board ensure that the management and financial information systems of the public school system be modernized and upgraded so that the implementation of the reforms we propose can be monitored, both by the board and by others.

If we do not have accurate and timely information we will not be able to achieve the results the kids need.

Mr. President, I would suggest to the Senator that since this will become a part of the statute, that I will seek a legislative remedy at our earliest opportunity. Alternatively, I would suggest to city officials that, since it is not our intent that the board cease operation, a reprogramming from other sources could be effected so that the operations of the board can continue. Such reprogramming should be at levels approved by the council and control authority.

I hope that this explanation clarifies that our conferees are intent on this matter.

Mr. KOHL. I thank the Senator and yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the conference agreement accompanying H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill.

The conference agreement provides Federal payments to the District of Columbia totaling $727 million. The bill provides $660 million for the Federal payment, $52.1 million as the Federal contribution to certain retirement funds, and just under $15 million for a Federal contribution to a new education initiative.

The bill is at the subcommittee's revised 602(b) allocation for both budget authority and outlays.

I commend the distinguished subcommittee chairman and ranking member for their diligent work on this bill over these many months.

I urge my colleagues to support the conference agreement.

Mr. President, I ask unanimous consent that a table displaying the budget committee scoring of the final bill be printed in the RECORD.

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

D.C. SUBCOMMITTEE, SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, dollars in millions]

Category	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 2546, conference report	$727	$727
Scorekeeping adjustment	.....	.....
Adjusted bill total	727	727
Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	727	727
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	.....	.....

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Ms. MOSELEY-BRAUN. Mr. President, given the District of Columbia's financial problems, it is unconscionable that 5 months into the fiscal year, Congress has yet to approve a D.C. appropriations bill. It is equally unconscionable that months after an agreement was reached on the amount of money Congress would appropriate for the District, when the Senate is at long last scheduled to vote on the D.C. appropriations bill, that the bill contains controversial and seriously flawed public policy riders.

The bill contains provisions that tie the hands of the D.C. government with regard to abortion services, and that trample the rights of workers. This bill also creates a federally funded, private-school voucher program. This bill takes $5 million away from the D.C. public schools this year and gives it to private schools.

Mr. President, this bill is an abrogation of our responsibility as public officials to support public education. It is public education that has, throughout history, made it possible for generations of Americans to blur class and wealth divisions. It is public education that has given women and minorities voices in our democracy, and it is public education that has created a strong middle class. It is on the foundation of quality public education that rests the hopes and opportunities embodied in the American Dream.

The Washington Post has recently published articles describing textbook shortages, unsanitary bathrooms, and other problems with the D.C. public schools.

The legislation before us today should address these problems. Congress should work to improve the quality of public education in this country and in the District. Instead, this bill calls on the Federal Government to walk away from public education.

The House-passed Labor-HHS-Education appropriations bill cuts Federal support for public education by more than $3 billion—the biggest cut in history. Under that bill, the District loses $8.5 million. Under the bill before us today, the D.C. public school system loses another $5 million this year, and $42 million over 5 years.

There are 80,000 students enrolled in the D.C. public schools. Fifty-seven percent of them are classified as ''low-income.'' This bill buys tuition vouchers for 1,666 of these low-income students. This bill buys vouchers for 3.6 percent of low-income D.C. students—or 2 percent of the total number of students attending D.C. public schools.

What about the other 98 percent?

Mr. President, public schools receive Federal funds based on attendance. Under this bill, every child that accepts a tuition voucher, leaves the public school system, and attends a private school, drains funds out of the public school system. This bill essentially pays private schools to take money away from public schools.

In addition, for every 100 students, D.C. schools get a resource teacher—like a reading or science specialist. Every child that leaves the public school system depletes the base of students that makes these specialists available.

Under this bill, schools will have less resources for the 98 percent of children who will remain in the public schools; there will be fewer teachers; and the public school children will have less of a chance of receiving a quality education.

Mr. President, I hope that the day will come when every one of our public schools is among the best in the world, and when we are therefore in a position to debate the merits of whether or not we should give Federal dollars to private schools.

But we are not in that position. And Congress cannot take a position of siphoning funds out of public schools.

If the authors of this bill would like to bring the issue of school vouchers before Congress, then I challenge them to do so. It is wrong to tack these unacceptable measures onto this spending bill.

It is our responsibility to help the D.C. public schools educate our children, just as it is our responsibility to help the D.C. government deliver basic services to its residents. Regretfully, this bill backs away from the children, and as such, I am left with no choice but to vote against it.

Mr. CAMPBELL. Mr. President, I rise today to talk about the District of Columbia appropriations conference report for fiscal year 1996. I would like to recognize my colleague, Senator JEFFORDS, for all of his efforts to move this bill along. Under his chairmanship, Senator JEFFORDS has been given the task of managing the delicate balancing act between fiscal restraint and social responsibility, and as a result, he has been subject to pressure from all sides. As a member of the Appropriations Subcommittee on the District of Columbia, it has been difficult for me personally to keep the process moving and support what I believe is right in this legislation, in spite of what I think is fundamentally wrong with this legislation. That is why I supported the conference report when it was reported out of the appropriations subcommittee. In an effort to keep the process moving forward I will support the motion to invoke cloture, however my concern with several provisions that remain in this conference report will cause me to vote against final adoption of the conference report, even though it contains much needed funds for the District of Columbia.

Mr. President, the conferees on the D.C. subcommittee worked diligently to craft a conference report that provided adequate funding for the District of Columbia. Notably, the funding issues were never a point of contention, rather there were several legislative provisions that have been the focal point of all of our discussions.

First, the bill places clear restrictions on a women's right to choose.

The final language in this bill specifically makes an exception for the life of the mother, and in cases of rape or incest, but I feel that even this language is too restrictive and dictates who can receive an abortion and when. This is a role I do not believe the Government should be playing.

Second, and most importantly, I have had difficulty with the school voucher provision of this bill. While this conference report includes a compromise on the initial voucher proposal, it still provides $5 million for the implementation of a voucher program. I have always been concerned that there may not be adequate accountability from private and parochial schools that they are, in fact, providing the best education for low income students.

Vouchers are often looked at as a cure-all for the ills of public education. While I think it is unreasonable to claim that public education is failing our children, I do believe that our schools need reform. We need to infuse our public educational system with creative and innovative new ways to approach the rapidly changing demands of our society. Our public schools need to be empowered, not ignored, and I believe that vouchers would do just that: ignore the problems by providing an out—a choice to abandon the public schools.

Our Nation must have a strong public education system, that provides opportunities for both excellence and equality. To that end, I urge my colleagues to join me in an effort to think of new ways the Federal Government can better serve the States and the school districts to combat the modern challenges of public education. It is only by directly addressing the problems, through which solutions can be found.

In closing Mr. President, it was clear that the two Chambers came to the table with very divergent views on how to develop this conference report. The conference report before us represents many compromises that were made in order to move this bill forward. However, these compromises represent a conference report that I cannot support.

Mr. BYRD. Mr. President, I commend the distinguished majority, Mr. JEFFORDS, and minority, Mr. KOHL, managers of the conference agreement on the Fiscal Year 1996 District of Columbia Appropriations Bill. I know, from 7 years of personal experience as Chairman of the District of Columbia Appropriations Subcommittee, how much effort is required and how much frustration is involved in dealing with the problems encountered in formulating this legislation. It is a thankless job.

This conference agreement includes a limitation of $4.994 billion, which is $154,347,000 below the District's August 8, 1995, budget request. The reductions contemplated are to be allocated by city officials with the approval of the District of Columbia Financial Responsibility and Management Assistance Authority, also referred to as the Control Board, which was established last year.

The Senate conferees have worked hard to bring a conference agreement to the floor which should significantly improve the education programs of the District, including a provision, which I authored, designed to improve discipline in the schools. I understand that the House conferees were adamant, in insisting on the inclusion of a controversial education voucher provision, in order to break an impasse. Despite this, the conference agreement includes a number of other education initiatives, which is a tribute to the hard work of the Chairman of the Subcommittee, Mr. JEFFORDS, who has spent so much time over the past year in an effort to draft legislation which would reinvigorate the D.C. public school system. I commend him and encourage him in those efforts, and especially those relating to increased discipline in the schools.

I want to commend the staff of the Subcommittee. Tim Leeth on the majority and Terry Sauvain on the minority are two experienced Committee staffers. Mr. Leeth has worked for both the majority and minority and represents a proud tradition of non-partisanship on the Senate Appropriations Committee staff. Mr. Sauvain's first assignment on the Senate Appropriations Committee staff was to this bill in the early 1970's. He has held a number of important assignments since then, and for the last 7 years has served as my Deputy Staff Director of the Appropriations Committee, a position which he currently fills in addition to his work for the Subcommittee.

Finally, I want to commend someone who has assisted the House and Senate District of Columbia Appropriations Subcommittees for the past 35 years. Mrs. Mary Porter, an employee of the District of Columbia government, has been assigned on detail to the Appropriations Committees for at least a part of each of the past 35 years. Mrs. Porter is one of those quiet and competent civil servants who works behind the scenes. Her faithful and dedicated service is to be commended.

Again, I thank the managers for their hard work in bringing this conference agreement to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, in the last few seconds remaining on this side, let me just say the Senator from Vermont has done an admirable job of trying to get the D.C. appropriations bill through, and I commend him. But I do think, despite the fact that this bill needs to pass, that with the unnecessary riders and messages and political motivations, now is not the correct way to do it.

If we defeat cloture today, we can go back and do what the Senate did before and pass a D.C. appropriations bill that is acceptable to all Members of the Senate.

I yield the remainder of my time.

Mr. JEFFORDS. I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, again, I thank my friend from Vermont. I associate myself with everything the Senator from Vermont has said, including particularly the sense of despair, even outrage, that we may defeat continued funding for the District of Columbia which desperately needs it because of opposition to a very small part of this proposal that calls for scholarships for kids in the D.C. school system.

I want to suggest in closing that those who oppose the scholarship program are opposing a false choice. This is not an either/or. It is not if you are for the scholarship program, you are against the public schools. Obviously, we are all for the public schools. I am a proud graduate of the public school system. I have supported just about every funding proposal for public schools that has come here and opposed those that have proposed cuts for the public schools.

The fact is that billions and billions of dollars of taxpayers' money are spent every year in our public school systems. There is almost nothing to give the kind of choice we are talking about testing in the District system.

So what is the big deal? The choice to me is this: Is our responsibility to protect a system, which is to say the public schools, right or wrong—and we know they are failing millions of our kids today, doing a great job with millions of others—or is it to better educate our children?

This is not just a question of money. If it were, the District school system would be in better shape than it is, than I described in the sentences I uttered earlier on. The District of Columbia public school system spends more per student than any other State, than any of the 40 largest school systems in America, and still it has the problems it has.

My friend from Washington asked, ''Who wins in the scholarship program?'' I will tell you who. It is 11,000 students in the District of Columbia—mostly poor kids, by definition—who, by this measure, will have the opportunity to have a choice to do what families with money do when their kids are in schools where they cannot have an opportunity to learn.

Think about it from the point of view not of the school system or of the teachers, but of the parents of these kids. Maybe a single mother working hard to bring up a child can give that child values, hope, and a future, and this scholarship system is that hope.

Are we going to frustrate those 11,000 kids and stop funding for the District of Columbia? Good God, I hope not. I am going to support cloture.

RECESS

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

Bob Dole, James M. Jeffords, Richard G. Lugar, Conrad Burns, Strom Thurmond, Slade Gorton, Chuck Grassley, R.F. Bennett, Kit Bond, Nancy Kassebaum, Mark Hatfield, Arlen Specter, Mitch McConnell, Ted Stevens, Connie Mack, and Pete V. Domenici.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate be brought to a close? The yeas and nays are ordered under rule XXII.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Indiana [Mr. LUGAR] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 20 Leg.]

YEAS—54

Abraham	Faircloth	Lott
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Bond	Gramm	McConnell
Breaux	Grams	Murkowski
Brown	Grassley	Nickles
Burns	Gregg	Pressler
Byrd	Hatch	Roth
Campbell	Hatfield	Santorum
Coats	Helms	Shelby
Cochran	Hutchison	Simpson
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lieberman	Warner

NAYS—44

Akaka	Bryan	Dodd
Baucus	Bumpers	Dorgan
Biden	Chafee	Exon
Bingaman	Conrad	Feingold
Boxer	Daschle	Feinstein
Ford	Kohl	Pryor
Glenn	Lautenberg	Reid
Graham	Leahy	Robb
Harkin	Levin	Rockefeller
Heflin	Mikulski	Sarbanes
Hollings	Moseley-Braun	Simon
Inouye	Moynihan	Specter
Kennedy	Murray	Wellstone
Kerrey	Nunn	Wyden
Kerry	Pell	

NOT VOTING—2

Bradley	Lugar

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion to invoke cloture is not agreed to.

The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, may we have order, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. JEFFORDS. Mr. President, I understand the will of the Senate. The Senate has spoken. They did not desire to pass the bill in its present form. I want to make all of my colleagues aware of the serious situation that we are facing with respect to our Capital City, a city for which we have taken responsibility.

As I mentioned earlier to my colleagues, we have been for some 90 days or more trying to reach a resolution of this problem. We have two areas of different concerns. One is the fiscal health of the city. That is in a precarious position right now. I want to make sure all of my colleagues are aware of that. If we do not pass an appropriations bill for the city of Washington in the next few days, they will be essentially bankrupt. That bankruptcy will be on our heads because we have not passed the appropriations bill, which was scheduled to be passed by October 1 of last year. I want to assure my colleagues that I am going to take every legislative opportunity to make sure that the city receives the remaining $254 million in Federal funds that were contained in the conference agreement as soon as it is possible.

At the same time, I also believe that it is imperative that we maintain as much of the school reform that is contained in this conference report as we can. I will be immediately reaching out to the House Members to see what we can agree to and also be talking, probably more importantly, to the other side of the aisle here who have seen that it was important to them to prevent the passage of this bill at this time in the form that it is in. I want to make sure that we do what we can to help the kids here in Washington.

By encouraging individual assessments in the other matters in this bill, which I will go through again briefly, we provide a way of helping both students and teachers make sure that no child falls through the cracks. We have a responsibility to see that that happens. We have thousands of young people in this city, because of the problems we have with the school system, that are in danger of either dropping out or graduating—if they do graduate—in a situation where they will not be ready to enter the work force. We must do all we can to make sure that we take care of these kids.

We should also insist upon the independent charter schools as a way of providing competition, which certainly a majority of this body believes is necessary, for the public schools and to give them an incentive to change. This approach provides the chance to improve the education of all D.C. students.

The requirement of a long-term plan and the Consensus Commission to ensure its implementation would, for the first time, bring rational criteria to the District's educational policy and goals. The criteria will give the community a measure for the success of these and other initiatives.

Greater coordination and cooperation between business and educators is essential as provided for in our conference agreement. We will bring forth more technology with resources to the public school classrooms. This is imperative if we are to prepare our students for competition in the workplace for the next century.

Mr. President, I will discuss with the distinguished chairman of the Appropriations Committee our next move, but I want to, again, ensure you I will do everything I can to make sure we pass it in a timely manner and we do provide what is necessary to make sure that the young people of this city have every opportunity—and we have accepted that responsibility—to be able to enter life with an education that they deserve and they need. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I say to the distinguished Senator from Vermont that we might file cloture again today and have another cloture vote on Thursday to indicate we are serious and we would like to get the bill passed. So we will discuss that.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just wanted to respond very briefly to the comments of the Senator from Vermont. I think all of us who followed the conference closely understood that it was the sense really of not only Democrats but also Republicans in that conference that it would be extremely unwise to add these three conditions onto the appropriations conference report. It was ultimately, after a number of weeks of discussion and meetings, the insistence of the House that they move ahead and add those various provisions which have been effectively rejected here this afternoon.

I think it has been very clearly stated that if this legislation was free from those three additional kinds of riders that really are not directly germane to the appropriations bill, that the legislation and the funding would go ahead on a voice vote.

So I am hopeful that we will be able to address a clean bill. After what I think is a very decisive vote in the Senate, it ought to be a very clear message about what the impediments are toward reaching a final, positive conclusion. If it is the desire of the leadership in the House and the Senate to really respond to the very critical needs of the District, which have been outlined in great detail by the Senator from Vermont, we would take the opportunity to remove those various provisions and see this appropriations bill move ahead.

Clearly, if that is not the case, we will have a responsibility—and I will join with the Senator from Vermont; I know I speak with Senator COATS, Senator MURRAY, and others who spoke and voted against the cloture motion—to make sure that we move this appropriation along with the other unfinished business and the other appropriations as well.

That is our commitment, and it has always been our commitment, in expressing our reservations about the policy decisions. It remains our commitment.

We look forward to working with the chairman of the committee, the Senator from Vermont, in ways that can be helpful to him and, most important, be helpful to the citizens of the District of Columbia.

CUBA POLICY

Mr. DOLE. Mr. President, the entire world is now aware of Fidel Castro's attack on unarmed American civilian aircraft in international airspace. The U.S. Coast Guard has now called off its search for survivors. Four American citizens have been murdered by Fidel Castro's fighter jets. Brothers to the Rescue is a Florida-based humanitarian group which flies the straits of Florida searching for the desperate product of Fidel Castro's Communist system: refugees in makeshift boats seeking to escape repression. For these efforts, four Americans gave their lives. It is time to honor their memory with real action against Fidel Castro's tyranny.

The apologists for Fidel Castro have already come up with excuses—Brothers to the Rescue had penetrated Cuban airspace in the past, Cuban flight control personnel gave warnings, and on and on. It now appears that Castro even has a planted double agent who will perform a theater of absurd for the world.

But these diversions cannot obscure the basic reality. The reality is there can be no excuse for this act of aggression. The reality is that Castro's crimes now include an illegal international air assault against American citizens. The reality is that the time is long overdue for serious action against Castro's Cuba. It should not take the murder of four American citizens for the Clinton administration to understand that warming up to Fidel Castro is wrong.

The Clinton adminstration has been strong in its rhetoric. Yesterday, President Clinton said, the shoot down was a ''flagrant violation of international laws * * * and the United States will not tolerate it.'' But the strong words were not, unfortunately, followed with strong action.

Yes, President Clinton is taking a case to the United Nations to seek international sanctions. I hope the Clinton administration has the same success that the Reagan administration had in 1983 in building an international coalition against the brutal Soviet attack on Korean Airlines flight 007—under the able leadership of U.N. Ambassador Jeane Kirkpatrick. The Clinton administration has had no success to date in internationalizing the embargo on Cuba. The Clinton administration has spent little time and effort in such efforts, focusing instead on isolating and invading Haiti—the poorest country in the hemisphere.

Yes, President Clinton suspended charter flights to Cuba. But for months, the Clinton administration has looked the other way as the travel ban to Cuba has been regularly violated.

Yes, President Clinton has said there will be further restrictions on Cuban officials in the United States. But these officials are already supposed to be under strict control. And the Clinton administration allowed Fidel Castro to enter the United States last year—to the great satisfaction of the liberal elite who wined and dined the hemisphere's last dictator in New York.

Yes, President Clinton said he wanted to work with Congress to ''promptly reach agreement'' on legislation to enhance the embargo on Cuba. But the Clinton administration led the charge against such legislation for more than a year—for more than a year—orchestrating a Senate filibuster and issuing veto threats.

I hope the President might now join us. There will be a conference tomorrow morning on the Dole-Helms-Burton bill. We certainly appreciate the President's support.

The Congress is waiting for the Clinton administration to follow through on President Clinton's promise.

Yes, President Clinton said he would support more funding for Radio Marti to break Castro's information stranglehold on the Cuban people. But he was silent about TV Marti, and the Clinton administration has dragged its feet in making the technical improvements to TV Marti which would allow it to be seen by more Cubans.

President Clinton did not even restore the status quo to include sanctions which he eased last year. On October 6, 1995, President Clinton announced a series of steps easing the embargo on Castro's Cuba. At the time, I said the Clinton administration gave Castro a propaganda victory and may have prolonged the Castro dictatorship.

There are many unilateral steps President Clinton could have and should have taken yesterday: Announcing serious enforcement of the travel ban, opening a Treasury Department office in Miami, denying visas for Cuban Government and party officials, and increased Federal Bureau of Investigation actions against Cuban agents in the United States.

But the most important step was not taken—an unequivocal endorsement of the Helms-Dole-Burton Cuban Liberty and Democratic Solidarity Act. This legislation was passed by the Senate on October 19, 1995, by a vote of 74 to 24 and passed by the House 294 to 130 on September 21, 1995. The conference committee will meet tomorrow morning to reconcile differences between the two versions, and I expect Senate action before the end of the week.

The Libertad bill strengthens the embargo on Cuba, offers real incentives for democratic change and takes real action to deter foreign investment in Cuba. The conference legislation will enable American citizens to use American courts to pursue claims against those who use confiscated property in Cuba. The conference legislation will also deny visas to officials who confiscate American property. Finally, the conference report will codify the existing embargo on Cuba, conditioning the end of the embargo on democratic change in Cuba. I also expect the conference report to include a strong condemnation of Castro's terror in the skies.

I know the conferees are receptive to one proposal by President Clinton—authorizing the use of frozen Cuban assets to compensate the families of the latest victims of Castro's regime. That is a good idea. In fact, the conference may look at other uses for the frozen assets—financing Radio and TV Marti, for example, or supporting the democratic opposition in Cuba.

As I indicated earlier, we stand ready to hear from the Clinton administration on the Libertad legislation. I hope President Clinton will finally endorse the tough sanctions that Castro really fears. Then the administration's actions will match their rhetoric.

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

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

SOLICITING STAFF FOR RESEARCH DISCUSSION

Mr. MCCAIN. Mr. President, I want to take a minute of the Senate's time to comment on a recent solicitation made to one of my staff members.

I was very concerned to find out that a market research company is calling congressional staffers and offering them $150 to participate in a research discussion on the subject of spectrum allocation. My staff was told that for spending 2 hours discussing this subject, the individual would either be paid $150 or could direct the money to be given to the charity of his or her choosing. The meeting, which my staff has declined to attend, is currently scheduled for tomorrow.

Mr. President, I have asked the Ethics Committee to comment on this discussion group offer. They informed my staff that being paid to attend such an event is not allowed.

Based on the Ethics Committee decision, I hope no Senate staff from any office will attend this meeting. What is so disconcerting about this offer is the idea that staff would be paid by an outside source to discuss an issue that will soon be before this body.

As most Members of the Senate know, the broadcast industry has been running full-page ads on the subject and is expected to soon launch a multimillion-dollar media campaign to defeat any effort to mandate spectrum auctions. I support broadcast spectrum auctions and will continue to do that. Others oppose my efforts, and that is their right. In the public forum of the Senate, we will decide what is the right thing to do. As we debate this, we should be careful to live up to the letter and spirit of the gift ban.

I do not know who hired the research company and what games are being orchestrated, but this technique is an insult to the Senate. I hope we will not see this type of lobbying or information gathering again.

I ask unanimous consent that a fax from Shugoll Research Corp. be printed in the RECORD.

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

SHUGOLL RESEARCH,
Bethesda, MD, February 26, 1996.

To: Grant Seiffert
Office: Senator McCain
From: Mrs. Day

We are inviting Capitol Hill staffers to attend a research discussion on behalf of KRC Research & Consulting, a national opinion research organization.

This study focuses on the spectrum allocation debate.

The purpose of this group discussion is purely information-gathering. All comments will be anonymous.

The group will consist of about eight other Hill staffers and a professional moderator who will lead the informal discussion.

The group is being held on Wednesday, February 28th.

Please call us ASAP so we can reserve a space for you.

Our number is (301) 215–7248.

Mr. MCCAIN. In summary, I repeat that I am surprised that a company would offer staffers what would amount to $75 an hour for discussion of an issue that is going to be before this body. I hope we do not see a repetition of this kind of activity.

I intend to try to find out who hired the Shugoll Research organization to do this, and I intend to publicize that organization because I think it is an unethical act and one that is far beneath certainly the members of the staff of this body.

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.

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

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

THE PEOPLE'S MESSAGE

Mrs. BOXER. Mr. President, being back in my home State of California is always a marvelous reality check for me. What an honor it is to represent the largest State in the Union, the most diversified State in the Union. We have in that State a tremendous farm community. We have in that State the Silicon Valley. We have more students, we have more seniors, we have more families, we have more working women. We have more of everything—the pluses and the minuses of America: the wealthy, the middle, the poor; the beautiful ocean, the need to preserve that resource, tourism.

Mr. President, what a reality check I got. I went home, I went to schools, from the little kindergarten to graduate schools, to the hospitals, to the chambers of commerce, downtown to the cities, to the suburbs, to meeting with community groups of all kinds, every race, color, and creed, to our beautiful Pacific Ocean, to our facilities in need of earthquake repair, to our farmlands, to our courts, to our young, to our old, to those in between. That is why it is so good to go home and stay in touch.

I hear one message from everyone. This cuts across party lines, it cuts across all lines. That is, ''Congress, get on with your work. Take care of this country. Do not play any more games with Government shutdown. Stop being radical. Be reasonable. Meet each other halfway, move forward, do not play games with defaulting. Get on with your work.''

It was an amen chorus for me. I agree with that. I told my California citizens, regardless of whether they are Democrats, Republicans, or independents, fighting the battles of the past is not what we ought to be doing. That is what we are doing around here; either fighting the battles of the past—and I will explain what I mean—or we are battling over Whitewater, when people want us to take care of business.

What do I mean when I say we tend to battle over past arguments? It was during the 1950's that a Republican President named Dwight David Eisenhower said there was an important role for the Federal Government to play in education. He wrote the National Defense Education Act. What it said is that we better make sure that our students are prepared in science, in research. At that time, the Soviet Union was getting ahead, pulling ahead in these arenas. This Republican President said to the Congress that there is a role for the Federal Government to play. It is important for our defense that we have an educated work force, that our young people are skilled.

So we decided in the 1950's that there is, in fact, a place for the Federal Government in education. Does that mean controlling what goes on in the classroom? Of course not. What it means is coming in as a partner where there is a critical need. An example of this today certainly would be continuing Head Start, the title I program, and putting more computers in the schools. These are some areas.

In the 1950's, this role was determined. What is happening now, we have radical elements in the Congress who want to do away with the Department of Education. We would be the only leading power not to have a Department of Education, a place in a national government where this is the focus.

We have people in this body who believe in cutting aid to education, and, in fact, in the last continuing resolution that we passed, if you annualized those cuts, they would be $3 billion plus. I have to say, as I went around to the schools, they are very upset about this, from the young ones to those in universities. There we are, fighting the battles of the 1950's on education.

Then what happened in the 1960's? In the 1960's, we decided as a nation to start Medicare. It was very controversial at first. The doctors opposed it and said it would be socialized medicine. What is Medicare? It is insurance for our elderly. It took our elderly and gave them health insurance. Now our system is the envy of the world as it relates to seniors—99 percent of our seniors have health insurance. Why are we opening up that battle now in the 1990's? You cannot take $270 billion out of Medicare and expect it to survive. You cannot get a way out for people to say, ''I don't need it. I will set up a medical savings account, drop out of Medicare,'' and the wealthiest and healthiest will be gone and the system will go under. But we are battling the fight over Medicare.

In the 1970's, under a Republican President, Richard Nixon, we set up the Environmental Protection Agency because the country believed it was important to stand up and protect our heritage. The Environmental Protection Agency—this crowd running this Congress wants to cut enforcement by over a third; some even two-thirds. So we are now battling the fight over

whether or not there should be a national role in environmental protection.

Now, in the 1980's, we had a big debate over nursing home standards. There were stories that came into the Congress—and I was on the House side—horror stories of abuse of senior citizens; frail elderly tragically being abused in nursing homes, whether it was scalded in hot tubs or sexually abused and mistreated. We decided to set up national nursing home standards, and finally those are being implemented. This crowd in this Congress does not think there ought to be Federal nursing home standards.

In the 1990's, we all came together behind the concept of community policing, that crime was a problem, and we thought it was a good idea—and criminologists joined us, and police joined us—to put the police in the neighborhoods, in the communities, let them be a role model for the kids and reflect the communities. Crime will go down. We are beginning to see it work. There is a move to repeal the crime bill that has the money for community policing, that banned assault weapons.

What I have done, just looking back to my lifetime that I can remember, is go through the 1950's, 1960's, 1970's, 1980's, 1990's, show you education, Medicare, the environment, community policing, the EPA, and show you how this Republican Congress is bogged down in the battles of the past. We do not have to refight these battles, my friends. What we need to do is meet each other halfway when we disagree on budget issues and move forward.

Now, here is another area that is being brought up for a new battle. It is a painful issue. It is a difficult issue. And it is yet another that is dragging us back to the future and stopping us from getting ready for the next century—that my people in California want us to get ready for.

In 1973 the Supreme Court decided Roe versus Wade. It basically said a woman has a right to choose, it falls into the privacy provisions of the Constitution, and in the beginning of her pregnancy it is her right and her choice. Roe versus Wade goes on to say that later on in the pregnancy the State has an interest and can legislate. Why are we reopening that issue? Day in and day out, it is holding up bills on this floor. Why not let Roe versus Wade be the law of the land and move on? We are never going to agree on every detail. But get the Government out of this and let the American people, in the privacy of their own homes and their own communities and their own churches and their own families, decide this difficult issue. But, no, we bring it up here, day after day, and it stops us from moving forward what we really need to do here, which is to agree on how to balance this budget, how to do it in a fair way, and get ready for the next century.

Now we have a major Presidential candidate vowing to make abortion illegal—illegal—in cases of rape. In the 1980's, I wrote an amendment on the House side that passed. It was a close vote. It was the Boxer amendment, and it said that States in fact would pay for abortions of women in poverty who were the victims of rape or incest. I mean, if we cannot agree on anything else, can we not agree as human beings, men and women together, reasonable people with a conscience, that we should not force a woman to bear the child of a rapist? How radical are we going to get?

I remember the Willie Horton ads that were used against a Democratic candidate for President. Are these candidates saying force a woman to have that rapist's child? Is that where we are heading? And why are we bringing this up, day after day? It is even an issue on the D.C. bill that we just refused to end debate on. That is one of the reasons. We have work to do. Why are we reopening these tough battles of the past when we should, in fact, move on and do our work? We can have the most successful America ever because we are the greatest country in the world. We have the most productive workers in the world. If we can stop these battles of the past.

I also think, if we could hold off on tax cuts to the wealthiest among us, the fight over balancing the budget would be easy. We would have much less to disagree about. Why can we not agree that people who earn over $200,000, who do fine, thank you very much, can wait until the budget is actually in balance and then we will look at tax cuts for the very wealthiest? You hear so much today about the average worker falling behind, and this crowd wants to give huge tax breaks to the richest. They cannot even wait until the budget is balanced. Set that aside. Then let us take our spending issues, meet each other halfway, and move on.

Let us address the issues of worker insecurity. President Clinton and Secretary Robert Reich have been speaking about worker insecurity for years. I remember the President telling workers in California, several years ago, that many of them will have as many as seven or eight jobs in a lifetime, and why it is so crucial for them to have the very best education, so they would get the very best jobs and have a chance at the very best worker retraining and be able to get health insurance that is portable, meaning they can take it with them from job to job, and make sure the companies cannot raid their pensions, that they can have portable pensions as well.

Senator KENNEDY has talked about solid financial incentives to those who keep good jobs in this Nation. In other words, companies that keep the jobs here, give them incentives. We should move on that now. President Clinton has said let us give a break to families to help them educate their children. We have the ability. Senator DOLE has recently, on the campaign trail, talked about the average worker falling behind. We have the elements of being able to put together a package here that can make life better for our people if we stop battling the battles of the past, wasting our time on a political witch hunt in Whitewater, and get on with our work. We have trade agreements that need to be enforced. Exports are crucial. And, as President Clinton once told me, America needs new customers. That is what we need. But we have to be very strong. We have to stand up to whatever nation would put barriers in the way of our exports.

We are the most creative in the workplace, from farm exports to semiconductors to entertainment to pharmaceuticals—even cars. We are beginning to see our car exports go up. All of our exports are growing. To put a barrier around our country would be the wrong thing to do. It is acting like a frightened person. We have nothing to be afraid of with our country sporting the best and most productive work force in the world and all the business that we need to really move out.

I agree with our President that in between unfettered free trade and isolationism there is fair trade, which our country must aggressively pursue. I am the ranking member on a committee that Senator BOND chairs on international finance. We know how important it is, how crucial it is that we stand behind our trade agreements. We have problems going on in China, where they are pirating our CD's and our laser discs. This is a problem. The way to resolve it is to enforce that agreement. Enforce that agreement, not decide we are going to give up on exporting to China where, by the way, the Chinese buy 5 billion movie tickets a year compared to 1.2 billion a year in America.

So we have much to do. I get very excited about coming back to work when I have come back from my State because the people are telling me what they need from us and I know we can do it. I am so disappointed we are now moving into this Whitewater matter instead of some things we ought to have on our plate. We ought to agree, close down that Whitewater investigation. Give it a reasonable amount of time, take it out of the realm of politics, and let the special counsel do his work. There is no limit on him. He can go on as long as he wants. He has 100 agents on the case and 30 lawyers. The fact of the matter is we are just duplicating the work of the special counsel because somebody over there thinks they are going to bring the President down with something embarrassing or hurt the First Lady.

The country is disgusted with it. I am not saying everybody, but I think the vast majority of people when asked say it has turned into a political witch hunt. We should be better than that. We have so much to do. We have to get computers into the classrooms and into the homes of America. I am working on a bill, a bipartisan effort to get that done.

We should increase the minimum wage that is at a 40-year low, if we want to do something to help working people stop falling behind. And people who think it is just teenagers who hold those jobs, I want to correct the record. People support their families on the minimum wage. That is the fact. And they cannot live at this minimum wage.

Yesterday, it may have been the day before, in California, construction workers rallied in the streets of Los Angeles by the thousands. Our Governor in California has decided to refigure the way construction workers are paid. They are supposed to be paid prevailing wages on State contracts. That means the average of the wages in the area. He wishes to mess with that formula, if you will. He has directed a committee to change that formula so that construction workers get 20 percent less pay.

Is that what we ought to be doing at a time when we are all growing to the realization that workers are stagnating? We should be supporting prevailing wage laws. One of the reasons many of us voted against this D.C. bill is not only because it attacks a woman's right to choose, but it would in fact walk away from prevailing wages, and it would say to the city of the District of Columbia forget it; just pay whatever the going will bear. And that will thrust people into poverty.

Let us reach across party lines and work for the American people. They deserve it, and they expect it from us. So I think instead of us coming together on the next thing on our agenda, fighting over Whitewater, we should be sitting here debating how we can make sure that as we go into the next century we have the most educated kids, the strongest families, the lowest amount of crime that we can bring to our communities, the best environmental protection, and cleaning up Superfund sites.

I visited a site, Mr. President, San Bernardino, CA, that got caught in this continuing resolution because the funds were frozen. If we do not move soon on that Superfund site, the drinking water of 600,000 San Bernardino residents is going to be poisoned. It is called the Newmark Superfund site.

We should stop playing games here. Now, I heard that there is some progress, that in fact the appropriations committee leaders on both sides of the aisle got together and they are working to resolve these matters. But my message today is let us reach across those party lines and get our work done. The people who drink out of the water in San Bernardino, they are of every political party. This is not about politics. This is about doing our job.

So we need to pass a balanced budget, to meet each other halfway and get it done. Put off the tax cut to the wealthiest, and we can get it done.

We need a clean debt ceiling so we make sure that the greatest country in the world does not default on its debt.

We need a trade strategy, an economic strategy to lift our people up. We are hearing now across party lines that this is something we should be doing. Let us not let this moment pass. We can do it. You and I have worked on some things in the farm bill where we crossed over our divisions on a number of issues, joining together. What we did is going to make life better for family farmers. I think we can do that.

Transportation and infrastructure is required to move goods through our Nation. I went down to the San Diego border. There is tremendous trade as a result of NAFTA. Now, I was not a NAFTA fan, and I have a lot of problems with NAFTA. But I vowed, even though I did not support it because of the wage disparity and environmental problems and labor standards I did not like, that I was going to make it work. We know there are ways to make it work. We need an infrastructure bill so that we can stand behind trade and make it work, because to get the goods into our country or shipping them out, they have to be able to move.

A lot of our local governments want loan guarantees from us. They will raise the money. Loan guarantees can make it work without putting taxpayers unduly at risk.

So, in any event, Mr. President, I wanted to use this opportunity to kind of give to the Senate and for the RECORD my state of mind at this point as I come back from a very in-depth visit to my home State, to give a reality check for all of us.

To sum it up very succinctly, the people want us to meet each other halfway on our differences and move forward, because a lot of people in today's economy are not moving forward. They are standing still.

If we have the will, we can turn it around. I think there is enough sentiment in this body across party lines that I have heard from the majority leader, the Democratic leader, and others in this body, from Senator KENNEDY to Senator JEFFORDS to others, that we can reach out to make life better for our people. Instead of taking up these issues that divide us, that are political, that everyone knows have political motivation, let us start working for the people we represent.

I thank the Chair very much. I yield the floor.

The PRESIDING OFFICER. The gallery will refrain from making comment on Members' speeches.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. I ask unanimous consent to speak for what time is necessary as if in morning business.

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

(The remarks of Mr. FRIST and Mr. HARKIN pertaining to the introduction of S. 1578 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—WHITEWATER EXTENSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to a resolution extending the Special Committee To Investigate Whitewater Development Corporation, which I now send to the desk, and it be considered under the following time agreement: One amendment in order to be offered by Senator D'AMATO, limited to 2 hours, to be equally divided in the usual form, and that no amendment be in order to the D'Amato amendment; further, I ask that following debate on the D'Amato amendment, the amendment be laid aside and the Democratic leader or his designee be recognized to offer an amendment, under the same restraints as the D'Amato amendment, and following the debate the Senate proceed to vote first on the D'Amato amendment, to be followed immediately by a vote on the Daschle or his designee amendment, and that following those votes, the resolution be advanced to third reading and passage occur immediately without further action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, reserving the right to object, and I shall object in just a moment, I just want to point out that the Democratic leader has made a proposal with respect to continuing the Whitewater inquiry for a limited period of time. We think at a minimum, as a courtesy, that proposal needs to be responded to and addressed.

Second, we have no idea what the D'Amato amendment is that is contained in this proposal.

Third, this provides for moving to immediate passage without an opportunity for sufficient debate, in our view, to explore all of the implications.

Therefore, for all of these reasons, but particularly because of the proposal put forward by the Democratic leader earlier this afternoon, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. Mr. President, I note that under the consent that was sought, the distinguished Democratic leader or his designee would be recognized to offer an amendment, and I am sure under this arrangement he would have done so and we would have had a way to have both points of view considered.

However, I understand the objection, and I know there will continue to be discussion between the leaders on how this matter can be addressed. That would be considered further.

In light of that objection just heard, I make the same request for the legislation to be the pending business on Wednesday, February 29, at 10:30 a.m. under the same restraints as the previous concept agreement.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, for the same reasons already advanced to the previous request, I object.

The PRESIDING OFFICER. The objection is heard.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with consideration of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2546, the D.C. appropriations bill.

Bob Dole, Jim Jeffords, Trent Lott, Rick Santorum, Alfonse D'Amato, Dan Coats, Mark Hatfield, Bill Frist, John McCain, Larry Pressler, Kay Bailey Hutchison, Olympia Snowe, Alan Simpson, Conrad Burns, Spencer Abraham, Orrin G. Hatch.

Mr. LOTT. Mr. President, this cloture vote will occur on Thursday, February 29, at a time to be determined by the two leaders. This is obviously very important legislation. It is important that we come to an agreement on the District of Columbia appropriations conference report. I do not understand why it is being held up at this point because I felt like the distinguished chairman of the subcommittee, the Senator from Vermont, Senator Jeffords, had worked out a very reasonable compromise of how to deal with the vouchers and scholarships, using a lot of latitude with the District of Columbia, the school board, and I think he came up with a very logical solution. I know the city is anxious to get its appropriations completed.

We will have this vote on Thursday, February 29, at a time we will announce later.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1787. An act to amend the Federal Food, Drug, and Cosmetic Act to repeal the saccharin notice requirement; to the Committee on Labor and Human Resources.

The following concurrent resolution, previously received from the House of Representatives for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 141. Concurrent resolution providing for the adjournment of the two Houses; to the Committee on Appropriations.

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–1875. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for fiscal 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition and Forestry, Committee on Armed Services, Committee on Banking, Housing and Urban Affairs, Committee on Commerce, Science and Transportation, Committee on Energy and Natural Resources, Committee on Environment and Public Works, Committee on Finance, Committee on Foreign Relations, Committee on Governmental Affairs, Committee on the Judiciary, Committee on Labor and Human Resources, Committee on Rules and Administration, Committee on Small Business, Committee on Veterans' Affairs, Committee on Indian Affairs, and the Committee on Intelligence.

EC–1876. A communication from the General Sales Manager of the Department of Agriculture, transmitting, pursuant to law, a report relative to the availability of agricultural commodities and quantities for fiscal year 1996; to the Committee on Agriculture, Nutrition and Forestry.

EC–1877. A communication from the Director of the Office of Management and Budget, the Executive Office of the President, transmitting, pursuant to law, the report on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC–1878. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Office of Technology Transition for fiscal year 1996; to the Committee on Armed Services.

EC–1879. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1880. A communication from the President and Chief Executive Officer of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report entitled, ''A Community of Common Interests: Public Broadcasting and the Needs of Minority and Diverse Audiences and Public Broadcasting's Service to Minorities and Other Groups''; to the Committee on Commerce, Science, and Transportation.

EC–1881. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1882. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure safeguards information for the quarter beginning October 1 through December 31, 1995; to the Committee on Environment and Public Works.

EC–1883. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1884. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation to amend the Federal Debt Collection Procedures Act of 1990; to the Committee on the Judiciary.

EC–1885. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, a draft of proposed legislation entitled, ''Enhanced Prosecution of Dangerous Juvenile Offenders Act of 1995''; to the Committee on the Judiciary.

EC–1886. A communication from the Attorney General of the United States, transmitting, pursuant to law, the report entitled, ''National Strategy to Coordinate Gang Investigations''; to the Committee on the Judiciary.

EC–1887. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1888. A communication from the Chief Administrative Officer of the Postal Rate Commission, transmitting, pursuant to law, the annual report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1889. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–1890. A communication from the Executive Director of the Non Commissioned Officers Association, transmitting, pursuant to law, the report on internal controls and financial management systems in effect during fiscal years 1994 and 1993; to the Committee on the Judiciary.

EC–1891. A communication from the Executive Director of the Retired Enlisted Association, transmitting, pursuant to law, the report on internal controls and financial management systems in effect during fiscal year 1994; to the Committee on the Judiciary.

EC–1892. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the preliminary report entitled, ''Medicare Alzheimer's Disease Demonstration Evaluation''; to the Committee on Labor and Human Resources.

EC–1893. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to runaway and homeless youth; to the Committee on Labor and Human Resources.

EC–1894. A communication from the Chairman of the Barry M. Goldwater Scholarship and Excellence In Education Foundation, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–1895. A communication from the Chairman and Chief Executive Officer of the National Skills Standards Board, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1896. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the 1995 annual report of the Board; to the Committee on Labor and Human Resources.

EC–1897. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the first annual report on the Tribal Program Service and Expenditures for the Child Care and Development Block Grant (OBRA); to the Select Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

AIR FORCE

The following officers for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, United States Code, sections 8373, 12004, and 12203:

To be major general

Brig. Gen. Boyd L. Ashcraft, 000–00–0000, Air Force Reserve.

Brig. Gen. Jim L. Folsom, 000–00–0000, Air Force Reserve.

Brig. Gen. James E. Haight, Jr., 000–00–0000, Air Force Reserve.

Brig. Gen. Joseph A. McNeil, 000–00–0000, Air Force Reserve.

Brig. Gen. Robert E. Pfister, 000–00–0000, Air Force Reserve.

Brig. Gen. Donald B. Stokes, 000–00–0000, Air Force Reserve.

To be brigadier general

Col. John L. Baldwin, 000–00–0000, Air Force Reserve.

Col. James D. Bankers, 000–00–0000, Air Force Reserve.

Col. Ralph S. Clem, 000–00–0000, Air Force Reserve.

Col. Larry L. Enyart, 000–00–0000, Air Force Reserve.

Col. Jon S. Gingerich, 000–00–0000, Air Force Reserve.

Col. Charles H. King, 000–00–0000, Air Force Reserve.

Col. Ralph J. Luciani, 000–00–0000, Air Force Reserve.

Col. Richard M. McGill, 000–00–0000, Air Force Reserve.

Col. David R. Myers, 000–00–0000, Air Force Reserve.

Col. James Sanders, 000–00–0000, Air Force Reserve.

Col. Sanford Schlitt, 000–00–0000, Air Force Reserve.

Col. David E. Tanzi, 000–00–0000, Air Force Reserve.

Col. John L. Wilkinson, 000–00–0000, Air Force Reserve.

ARMY

The following-named officer for appointment to the grade of general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Lt. Gen. Johnnie E. Wilson, 000–00–0000, U.S. Army.

NAVY

The following-named officer for appointment to the grade of admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, sections 601 and 5035:

To be admiral

Vice Adm. Jay L. Johnson, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Vernon E. Clark, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Richard W. Mies, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Dennis A. Jones, 000–00–0000.

MARINE CORPS

The following-named colonel of the U.S. Marine Corps Reserve for promotion to the grade of brigadier general, under the provisions of section 5912 of title 10, United States Code:

To be brigadier general

Col. Leo V. Williams III, 000–00–0000, USMCR.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 18 nomination lists in the Air Force, Army, and Navy which were printed in full in the CONGRESSIONAL RECORDS of December 18, 1995, January 22, February 1, and February 9, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of December 18, 1995, January 22, February 1, and 9, 1996, at the end of the Senate proceedings.)

In the Air Force there are 649 promotions to the grade of colonel (list begins with James M. Abel, Jr.). (Reference No. 790.)

In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Jonathan S. Flaughter). (Reference No. 826.)

In the Air Force Reserve there are 32 appointments to the grade of colonel and below (list begins with Donald R. Smith). (Reference No. 827.)

In the Air Force there are 45 appointments to the grade of captain (list begins with Bradley S. Abels). (Reference No. 828.)

In the Air Force Reserve there are 30 promotions to the grade of lieutenant colonel (list begins with Joseph P. Annello). (Reference No. 829.)

In the Army there are 2 appointments as permanent professors at the U.S. Military Academy (Colonel William G. Held and Lieutenant Colonel Patricia B. Genung.) (Reference No. 830.)

In the Navy there are 32 appointments to the grade of ensign (list begins with Charles Armstrong). (Reference No. 831.)

In the Navy and Naval Reserve there are 22 appointments to the grade of captain and below (list begins with Caleb Powell, Jr.). (Reference No. 832.)

In the Air Force Reserve there are 171 promotions to the grade of colonel (list begins with Edward A. Askins). (Reference No. 833.)

In the Air Force there are 220 promotions to the grade of lieutenant colonel and below (list begins with Andrea M. Anderson). (Reference No. 834.)

In the Air Force there are 669 promotions to the grade of colonel and below (list begins with Stephen W. Andrews). (Reference No. 835.)

In the Air Force Reserve there are 3 appointments to the grade of lieutenant colonel (list begins with Jeffrey K. Smith.) (Reference No. 893.)

In the Air Force there are 50 appointments to the grade of second lieutenant (list begins with Matthew D. Atkins). (Reference No. 894.)

In the Army Reserve there is one appointment to the grade of lieutenant colonel (Rickey J. Rogers). (Reference No. 895.)

In the Army Reserve there are 49 promotions to the grade of colonel and below (list begins with James C. Ferguson). (Reference No. 897.)

In the Army there are 58 appointments to the grade of captain and below (list begins with Romney C. Anderson). (Reference No. 898.)

In the Navy there are 10 appointments to the grade of ensign (list begins with Maurice J. Curran). (Reference No. 899.)

In the Army Reserve there are 45 promotions to the grade of lieutenant colonel (list begins with Danny W. Agee). (Reference No. 905.)

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. BOND:

S. 1574. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

By Mr. LAUTENBERG:

S. 1575. A bill to improve rail transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1576. A bill to provide that Federal employees who are furloughed or are not paid for performing essential services during a period of a lapse in appropriations, may receive a loan, paid at their standard rate of compensation, from the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HATFIELD (for himself and Mr. SARBANES):

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1578. A bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN (for himself, Mr. STEVENS, Mr. LEVIN, Mr. COCHRAN, Mr. PRYOR, Mr. COHEN, Mr. LIEBERMAN, and Mr. BROWN):

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the ''Single Audit Act''); to the Committee on Governmental Affairs.

By Mr. KYL (for himself, Mr. COVERDELL, Mr. CRAIG, Mr.

FAIRCLOTH, Mr. GRAMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THOMAS, and Mr. THOMPSON):

S.J. Res. 49. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 1574. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

THE HUBZONE ACT OF 1996

Mr. BOND. Mr. President, I rise today to introduce a measure called the HUBZone Act of 1996. The purpose underlying this bill is to create new opportunities for growth through small business opportunities in distressed urban and rural communities which have suffered economic decline. This legislation will provide for an immediate infusion of cash and the creation of new jobs in our Nation's economically distressed areas.

During the 8 years I served as Governor of Missouri, I met frequently with community leaders who were seeking help in attracting businesses and jobs to their cities and towns. We tried various programs. The enterprise zone concept met with some limited success in Missouri but the concept was good. Our incentives were limited to State tax relief, which was not a very significant element, but I believe that the idea of providing incentives for locating businesses in areas of high unemployment makes sense.

Now, in my position representing my State and serving as chairman of the Committee on Small Business, I continue to receive pleas for help. We have not yet found the perfect formula to bring economic hope and independence to these communities. But I believe we are working on it. I think we are on the right track.

The message for help has changed somewhat. Although help has been forthcoming from the Federal Government, high unemployment and poverty remain. One community leader, for example, has stressed to me that his city has all the job training funds it is capable of using. He said, ''Don't send us any more training funds. Send us some jobs.'' What the city, the inner city, and people there need is more jobs.

Too many of our Nation's cities and rural areas have suffered economic decline while others have prospered often with Federal assistance. In October of last year, I chaired a hearing before the Senate Committee on Small Business on ''Revitalizing America's Rural and Urban Communities.'' We heard insightful testimony about the importance of changing the U.S. Tax Code, for example, and providing other incentives to attract businesses to the communities in need of economic opportunity. Their recommendations have merit, and I urge my colleagues in the committees with jurisdiction over appropriate legislation to take swift action to bring these legislative changes to the Senate floor.

What distinguishes the HUBZone Act of 1996 from other excellent proposals is that there is an immediate impact this bill can have on economically distressed communities. The HUBZone proposal would benefit entire communities by creating meaningful incentives for small businesses to operate and provide employment within America's most disadvantaged inner-city neighborhoods and rural areas.

Specifically, the HUBZone Act of 1996 creates a new class of small businesses eligible for Federal Government contract set-asides and preferences. To be eligible, a small business must be located in a historically underutilized business zone—that is the basis for the acronym ''HUBZone''—and not less than 35 percent of its work force would have to reside in a HUBZone.

I will contrast the HUBZone proposal in this legislation today with a draft Executive order that is being circulated by the Clinton administration to establish an empowerment contracting program. I commend the President and the administration for focusing on the value of targeting Federal Government assistance to low-income communities. However, I think that program falls short of meeting the goal of helping low-income communities and its residents.

For example, under the President's proposal, any business, large or small, located in a low-income community would qualify for a valuable contracting preference, even if it does not employ one resident of the community. This is clearly a major deficiency or loophole when trying to assist the unemployed and underemployed who live in those target areas. A further weakness in the President's proposal is the failure to define clearly and objectively the criteria which makes a community eligible for his program. We need to avoid creating a new Federal program that ends up helping well-off individuals and companies while failing to have a significant impact on the poor.

The HUBZone Act of 1996 makes the contracting preference available only if the small business is located in the economically distressed area and employs 35 percent of its work force from a HUBZone. That is a significant difference. It is one that is clearly designed to attack deep-seated poverty in geographic locations within the United States.

To qualify for the program, the small business would have to certify to the Administrator of the U.S. Small Business Administration that it is located in a HUBZone and that it will comply with certain rules governing subcontracting. In addition, a qualified small business must agree to perform at least 50 percent of the contract in a HUBZone unless the terms of the contract require that the efforts be conducted elsewhere; in other words, a service contract requiring the small business' presence in Government-owned or leased buildings, for example. In the latter case, no less than 50 percent of the contract would have to be performed by employees of the eligible small business.

Mr. President, the HUBZone Act of 1996 is designed to cut through Government redtape while stressing a streamlined effort to place Government contracts and new jobs in economically distressed communities.

Many of my colleagues are familiar with the SBA's 8(a) minority small business program and some of the rules which are cumbersome for small businesses seeking to qualify for the program. Typically, an 8(a) program applicant has to hire a lawyer to help prepare the application and shepherd it through the SBA procedure, which can often take months. In fact, Congress was forced to legislate the maximum time the agency could review an application as a last-ditch effort to speed up the process. Today, it still takes the SBA at least 90 days, the statutory maximum, to review an application.

The HUBZone Act of 1996 is specifically designed to avoid bureaucratic roadblocks that have delayed and discouraged small business from taking advantage of Government programs. Simply put, if you are a small business located in the HUBZone, employing people from a HUBZone, you are eligible. Once eligible, the small business notifies the SBA of its participation in the HUBZone program, and it is qualified to receive Federal Government contract preferences.

Our goal in introducing this measure is to have new Government contracts being awarded to small businesses in economically distressed communities. Therefore, we have included some ambitious goals for each Government agency. In 1997, 1 percent of the total value of all prime Government contracts would be awarded to small businesses located in HUBZones. The goal would increase to 2 percent in 1998, 3 percent in 1999, and 4 percent in 2000 and each succeeding year.

HUBZone contracting is a bold undertaking. Passage of the HUBZone Act would create hope for inner cities and distressed rural areas that have long been ignored. Most importantly, passage of the HUBZone bill will create hope for the hundreds of thousands of unemployed or underemployed people who long ago thought our country had given up on them. This hope is tangible; it is jobs and income.

We are going to be holding hearings before the Committee on Small Business on the HUBZone Act of 1996 and the role our Nation's small business community can play in revitalizing our distressed cities and rural communities. I really think the HUBZone proposal has great merit. I ask my colleagues to look at it, offer comments,

if you agree with what we are trying to do, the goal of this program and its objective. I welcome cosponsors. I welcome constructive discussion and input from those who have an interest in seeing economic opportunity brought back to inner-city areas and distressed rural communities.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of its provisions be printed in the RECORD.

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

S. 1574

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 ''HUBZone Act of 1996''.

SEC. 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following new subsection:

''(o) DEFINITIONS RELATING TO HISTORICALLY UNDERUTILIZED BUSINESS ZONES.—For purposes of this section, the following definitions shall apply:

''(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized business zone' means any area located within one or more qualified census tracts or qualified nonmetropolitan counties.

''(2) SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'small business concern located in a historically underutilized business zone' means a small business concern—

''(A) that is owned and controlled by one or more persons, each of whom is a United States citizen;

''(B) the principal office of which is located in a historically underutilized business zone; and

''(C) not less than 35 percent of the employees of which reside in a historically underutilized business zone.

''(3) QUALIFIED AREAS.—

''(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the same meaning as in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

''(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means, based on the most recent data available from the Bureau of the Census of the Department of Commerce, any county—

''(i) that is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

''(ii) in which the median household income is less than 80 percent of the nonmetropolitan State median household income.

''(4) QUALIFIED SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—

''(A) IN GENERAL.—A small business concern located in a historically underutilized business zone is 'qualified', if—

''(i) the small business concern has certified in writing to the Administrator that—

''(I) it is a small business concern located in a historically underutilized business zone;

''(II) it will comply with the subcontracting limitations specified in Federal Acquisition Regulation 52.219–14;

''(III) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for employees of that small business concern or for employees of other small business concerns located in historically underutilized business zones; and

''(IV) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), the small business concern (or a subcontractor of the small business concern that is also a small business concern located in a historically underutilized business zone) will perform work for not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) in a historically underutilized business zone; and

''(ii) no certification made by the small business concern under clause (i) has been, in accordance with the procedures established under section 30(c)(2)—

''(I) successfully challenged by an interested party; or

''(II) otherwise determined by the Administrator to be materially false.

''(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (III) or (IV) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

''(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (III) and (IV) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

''(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified small business concerns located in historically underutilized business zones, which list shall—

''(i) include the name, address, and type of business with respect to each such small business concern;

''(ii) be updated by the Administrator not less than annually; and

''(iii) be provided upon request to any Federal agency or other entity.''.

(b) FEDERAL CONTRACTING PREFERENCES.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following new section:

''SEC. 30. HISTORICALLY UNDERUTILIZED BUSINESS ZONES PROGRAM.

''(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified small business concerns located in historically underutilized business zones in accordance with this section.

''(b) CONTRACTING PREFERENCES.—

''(1) CONTRACT SET-ASIDE.—

''(A) REQUIREMENT.—The head of an executive agency shall afford the opportunity to participate in a competition for award of a contract of the executive agency, exclusively to qualified small business concerns located in historically underutilized business zones, if the Administrator determines that—

''(i) it is reasonable to expect that not less than 2 qualified small business concerns located in historically underutilized business zones will submit offers for the contract; and

''(ii) the award can be made on the restricted basis at a fair market price.

''(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold.

''(2) SOLE-SOURCE CONTRACTS.—

''(A) REQUIREMENT.—The head of an executive agency, in the exercise of authority provided in any other law to award a contract of the executive agency on a sole-source basis, shall award the contract on that basis to a qualified small business concern located in a historically underutilized business zone, if any, that—

''(i) submits a reasonable and responsive offer for the contract; and

''(ii) is determined by the Administrator to be a responsible contractor.

''(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold and not to exceed $5,000,000.

''(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded by the head of an executive agency on the basis of full and open competition, the price offered by a qualified small business concern located in a historically underutilized business zone shall be deemed as being lower than the price offered by another offeror (other than another qualified small business concern located in a historically underutilized business zone) if the price offered by the qualified small business concern located in a historically underutilized business zone is not more than 10 percent higher than the price offered by the other offeror.

''(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—

''(A) SUBORDINATE RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in paragraph (1), (2), or (3) if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

''(B) SUPERIOR RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in section 8(a), if the procurement would otherwise be made from a different source under paragraph (1), (2), or (3) of this subsection.

''(5) DEFINITIONS.—For purposes of this subsection, the terms 'executive agency', 'full and open competition', and 'simplified acquisition threshold' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act.

''(c) ENFORCEMENT; PENALTIES.—

''(1) IN GENERAL.—The Administrator shall enforce the requirements of this section.

''(2) VERIFICATION OF ELIGIBILITY.—In carrying out this subsection, the Administrator shall establish procedures relating to—

''(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made by a small business concern under section 3(o)(4)(A)); and

''(B) verification by the Administrator of the accuracy of any certification made by a small business concern under section 3(o)(4)(A).

''(3) RANDOM INSPECTIONS.—The procedures established under paragraph (2) may provide for random inspections by the Administrator of any small business concern making a certification under section 3(o)(4).

''(4) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor

and the Secretary of Housing and Urban Development shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

''(5) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'small business concern located in a historically underutilized business zone' for purposes of this section, shall be subject to the provisions of—

''(A) section 1001 of title 18, United States Code; and

''(B) sections 3729 through 3733 of title 31, United States Code.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking '',, small business concerns owned and controlled by socially and economically disadvantaged individuals'' and inserting '', qualified small business concerns located in historically underutilized business zones, small business concerns owned and controlled by socially and economically disadvantaged individuals''; and

(B) in the second sentence, by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'';

(2) in paragraph (3)—

(A) by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(B) by adding at the end the following new subparagraph:

''(F) For purposes of this contract, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.'';

(3) in paragraph (4)—

(A) in subparagraph (D), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''; and

(B) in subparagraph (E), by striking ''small business concerns and'' and inserting ''small business concerns, qualified small business concerns located in historically underutilized business zones, and'';

(4) in paragraph (6), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(5) in paragraph (10), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''.

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(B) by inserting after the second sentence the following: ''The Governmentwide goal for participation by qualified small business concerns located in historically underutilized business zones shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1997, not less than 2 percent of the total value of all prime contract awards for fiscal year 1998, not less than 3 percent of the total value of all prime contract awards for fiscal year 1999, and not less than 4 percent of the total value of all prime contract awards for fiscal year 2000 and each fiscal year thereafter.'';

(2) in subsection (g)(2)—

(A) in the first sentence, by striking '',, by small business concerns owned and controlled by socially and economically disadvantaged individuals'' and inserting '', by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals'';

(B) in the second sentence, by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''; and

(C) in the fourth sentence, by striking ''by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women'' and inserting ''by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women''; and

(3) in subsection (h), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting '', a 'qualified small business concern located in a historically underutilized business zone','' after '' 'small business concern',''; and

(B) in subparagraph (A), by striking ''section 9 or 15'' and inserting ''section 9, 15, or 30''; and

(2) in subsection (e), by inserting '', a 'small business concern located in a historically underutilized business zone','' after '' 'small business concern',''.

SEC. 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: '', and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)''; and

(2) in subsection (f), by inserting ''or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)'' after ''subsection (a))''.

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking ''concerns and small'' and inserting ''concerns, small''; and

(2) by inserting '', and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)'' after ''disadvantaged individuals''.

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

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

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

(3) by adding at the end the following new paragraph:

''(3) qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act).''.

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: '', or to a qualified small business concern located in a historically underutilized business zone, as that term is defined in section 3(o) of the Small Business Act''.

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting ''and law firms that are qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)'' after ''disadvantaged individuals''; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period ''and law firms that are qualified small business concerns located in historically underutilized business zones'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following new subparagraph:

''(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''.

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) qualified small business concerns located in historically underutilized business zones.''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''.

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking ''small business concerns and'' and inserting ''small business concerns, qualified small business concerns located in historically underutilized business zones, and''.

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (5)(C), by inserting ''and of qualified small business concerns located in historically underutilized business zones'' after ''other minorities'';

(B) in paragraph (10), by inserting ''qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act),'' after ''small businesses,''; and

(C) in paragraph (11), by inserting ''qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act),'' after ''small businesses,''.

(2) PROCUREMENT DATA.—Section 19A of the Office of Federal Procurement Policy Act (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) by inserting ''the number of qualified small business concerns located in historically underutilized business zones,'' after ''Procurement Policy''; and

(ii) by inserting a comma after ''women''; and

(B) in subsection (b), by adding at the end the following: ''For purposes of this section, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''.

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''or'';

(B) in paragraph (3), by striking the period and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(4) qualified small business concerns located in historically underutilized business zones.''; and

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) The term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''.

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period ''or qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)'';

(B) in paragraph (4)(B), by inserting before the period ''or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)''; and

(C) in paragraph (6), by inserting ''or a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)'' after ''disadvantaged individual''.

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

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

(iii) by adding at the end the following new paragraph:

''(3) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''; and

(B) in subsection (b), by inserting before the period ''or qualified small business concerns located in historically underutilized business zones''.

HISTORICALLY UNDERUTILIZED BUSINESS ZONE ACT OF 1995—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Historically Undercutilized Business Zone Act of 1995, hereinafter referred to as the ''HUBZone Act of 1995.''

SECTION 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES

Definitions—

Historically Underutilized Business Zone (HUBZone) is any area located within a qualified metropolitan statistical area or qualified non-metropolitan area.

Small business concern located in a Historically Underutilized Business Zone is a small business whose principal office is located in a HUBZone and whose workforce includes at least 35% of its employees from one or more HUBZones.

Qualified Metropolitan Statistical Area is an area where not less than 50% of the households have an income of less than 60% of the metropolitan statistical area median gross income as determined by the Department of Housing and Urban Development.

Qualified Non-metropolitan Area is an area where the household income is less than 80% of the non-metropolitan area median gross income as determined by the Bureau of the Census of the Department of Commerce.

Qualified Small Business Concern must certify in writing to the Small Business Administration (SBA) that it (a) is located in a HUBZone, (b) will comply with subcontracting rules in the Federal Acquisition Regulations (FAR), (c) will insure that not less than 50% of the contract cost will be performed by the Qualified Small Business.

Contracting preferences—

Contract Set-Aside to a qualified small business located in a HUBZone can be made by a procuring agency if it determines that 2 or more qualified small businesses will submit offers for the contract and the award can be made at a fair market price.

Sole-source Contracts can be awarded to a qualified small business if it submits a reasonable and responsive offer and is determined by SBA to be a responsible contractor. Sole-source contracts cannot exceed $5 million.

10% Price Evaluation Preference in full and open competition can be made on behalf of the Qualified Small Business if its offer is not more than 10% higher than the other offeror, so long as it is not a small business concern.

Enforcement; penalties

The SBA Administrator or his designee shall establish a system to verify certifications made by HUBZone small businesses to include random inspections and procedures relating to disposition of any challenges to the accuracy of any certification. If SBA determines that a small business concern may have misrepresented its status as a HUBZone small business, it shall be subject to prosection under title 18, section 1001, U.S.C., False Certifications, and title 31, sections 3729–3733, U.S.C., False Claims Act.

SECTION 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT

HUBZone preference

The Small Business Act is amended to give qualified small business concerns located in HUBZones a higher preference than small business concerns owned and controlled by socially and economically disadvantaged individuals (8(a) contractors).

HUBZone goals

This section sets forth government-wide goals for awarding government contracts to qualified small business. In Fiscal Year 1997, the goal will be not less than 1% of the total value of all prime contracts awarded to qualified small businesses located in HUBZones. In FY 1998, this goal will increase to 2%; in FY 1999, it will be 3%; and it will reach 4% in FY 2000 and each year thereafter.

Offenses and penalties

This section provides that anyone who misrepresents any entity as being a qualified small business in order to obtain a government contract or subcontract can be fined up to $500,000 and imprisoned for not more than 10 years and be subject to the administrative remedies prescribed by the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812).

SECTION 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS

This section makes technical amendments to other federal government agency programs that have traditionally provided contract set asides and preferences to disadvantaged small business by expanding each program to include small business located in an Historically Underutilized Business Zone.

By Mr. LAUTENBERG:

S. 1575. A bill to improve rail transportation safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE RAIL SAFETY ACT OF 1996

• Mr. LAUTENBERG. Mr. President, today I introduce legislation, the Rail Safety Act of 1996, to improve railroad safety.

Mr. President, over the last 2 weeks, there has been a rash of railroad accidents, including two involving large numbers of passengers. The first of these accidents occurred in my home State of New Jersey on Friday, February 9. In the middle of the morning rush hour, two New Jersey Transit commuter trains collided outside of Secaucus, NJ. The crash killed two engineers and one passenger, and injured more than 235 others. The trains were carrying more than 700 passengers combined, and the death and injury toll easily could have been much higher.

One week later, right here in the Capital area, 11 people lost their lives when a Maryland commuter train collided with an Amtrak train.

These accidents have revealed significant gaps in rail safety and the failure to use existing technology to improve safety. I personally visited the site of the New Jersey crash and was chilled by the devastation. There is no way that one could see what happened in New Jersey and Maryland without feeling a great sense of responsibility about the need to improve the safety of our rail system.

Each day, over half a million Americans use commuter railroads to get to work. Each year, Amtrak carries an additional 22 million passengers on its national routes. In addition to those who take the train are the millions of Americans who live near congested freight train routes which pose their own dangers during accidents, such as spills of hazardous materials and fires.

I recognize that passenger rail service is among the safest forms of travel. And I think it important that we not scare the public into believing otherwise. At the same time, in my view, there is much we should be doing to make rail service more safe.

Just consider our Nation's commitment to rail safety compared to our commitment to safety on commercial aircraft, which have the better safety

record. On planes, there are elaborate safety procedures for each flight. Flight attendants explain emergency measures at the beginning of each trip. Automatic emergency mechanisms are required in each plane, highly sophisticated technology tells pilots when problems arise and emergency exits are well identified and easy to operate.

By contrast, many of today's railroad safety signals and procedures date back almost to the last century. For some reason, the technological revolution seems to have left rail safety back at the station. Compounding matters, much of our railroad regulatory system has been unchanged for decades.

Congress should act promptly to address this problem. We need to review a wide variety of laws and regulations, with one overriding philosophy: The safety of our Nation's rail passengers must come first.

Just because railroad passengers only ride 32 inches off the ground does not mean they deserve less attention or protection than those who ride 32,000 feet above the ground. That does not mean we should rush to impose unrealistic mandates that would drive up costs beyond the capacity to support changes. But, it still requires that we search for ways to take on the issues that have been allowed to drag on for too many years, while rail passengers continue to be exposed to danger unnecessarily.

The Rail Safety Act of 1996 proposes important steps that I think we should take immediately.

One of the most critical matters that we should address is the current law that establishes the hours of service that rail engineers may work. This law was developed in 1907 and has changed very little over the past 90 years. Under the law, it is perfectly legal for a locomotive engineer to work 24 hours in a 32-hour period.

Mr. President, those kinds of hours, combined with the demands and stresses of an engineer's job, is a recipe for disaster. We would never allow pilots or truck drivers to work these kinds of hours; restrictions on these operators are severe. Yet engineers, who are responsible for hundreds and hundreds of people at a time, continue to work under these archaic rules.

The Federal Railroad Administration is in the process of studying the issue of fatigue, as is the industry. But those studies could be years from completion. The adverse effect of fatigue on the ability of an individual to perform their job is well documented. We should act now. I believe the FRA should have the ability to regulate hours of service for railroad engineers. The FAA has authority to regulate hours of service for pilots and the Office of Motor Carriers has the authority to regulate hours of service for commercial drivers. Why should the railroad industry be treated differently?

My legislation would direct the Federal Railroad Administration, not later than 180 days after enactment of the bill, to promulgate regulations concerning limitations on duty hours of train employees. The bill does not prejudge the FRA's process. It encourages FRA to develop regulations in a negotiated rulemaking process so that the interests of all parties are fully represented. My bill protects railroad employees by prohibiting any FRA rules from being less stringent than the current hours of service law. This provision will ensure that a future Administration could not abuse its discretion by actually increasing the burdens on engineers, contrary to congressional intent.

Beyond changing the hours of service requirements, we need to explore ways to use technology to prevent rail accidents. For more than 75 years, automatic train control systems have been available that can warn engineers about a missed signal and automatically stop the train. These systems are right in the train cab. Both visually and audibly these automatic train control systems remind the engineer about their latest signal. In fact, such systems were installed on virtually our entire rail network years ago. Unfortunately, that technology has been removed from most tracks, and no related technology was in place to prevent the accidents in New Jersey and Maryland. This situation cannot be allowed to continue.

Mr. President, I recognize that we should be careful before mandating the automatic train control system if more advanced, satellite-based technology will be available in the immediate future. But, we cannot continue to drift. Therefore, my bill directs the FRA, not later than 1 year after the date of enactment, to determine the feasibility of satellite-based train control systems to provide positive train control for railroad systems in the United States. Positive train control systems use a constant flow of information to anticipate potentially dangerous situations and order the appropriate measures long before an accident might occur.

Under this legislation, all rail systems would be required to install automated train control technology. However, this requirement would be waived for those systems that establish, to the satisfaction of the Department of Transportation, that they will install an effective satellite-based train control system not later than the year 2001. This seems a reasonable period to me, though I would invite comments from interested parties on whether a different period would be more appropriate.

Mr. President, we need to make a judgment about the prospects for the new satellite-based train control technology, one way or the other. Otherwise, we will find ourselves back here again in another few years, asking the same questions while families grieve and others lie in pain in hospital beds.

Another set of issues raised by the two passenger accidents is emergency escape, crash worthiness of passenger cars, fuel tank integrity, and signal placement. All have contributed to the loss of life and injury.

My bill would direct the FRA to examine the possibility of developing automatic escape systems. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to complete a study of the technical, structural, and economic feasibility of automatic train escape devices. If the report is positive, the Secretary is authorized to promulgate regulations in this area.

Mr. President, there is reliable, off-the-shelf technology that is used to inflate air bags during violent automobile accidents. That same technology could be used to automatically open escape routes in violent train accidents. Such technology might have saved the lives of passengers in the Maryland accident, who apparently survived the crash, but who were unable to escape the fire and smoke.

Another step I am proposing is to have FRA establish minimum safety standards for locomotive fuel tanks. Not later than 180 days after the date of enactment of my bill, the Department of Transportation would be required to establish minimum safety standards for fuel tanks of locomotives that take into consideration environmental protection and public safety. The Secretary would be given the authority to limit the applicability of the standards to new locomotives.

The Maryland accident demonstrated the terrifying nature of fuel-fed fires. Many in the industry already are investing in less vulnerable fuel tank configurations. But we need to ensure in the future that no locomotives have the kind of exposed, vulnerable fuel tank that contributed to the Maryland disaster.

It is also important to ensure that passenger rail cars are produced and configured in a safe manner. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to determine whether to promulgate regulations to require crash posts at the corners of rail passengers cars, safety locomotives on rail passenger trains, and minimum crashworthiness standards for passenger cab cars.

The death toll in both the New Jersey and Maryland accidents might have been less if the passenger compartments were stronger or if some had not been exposed by the lack of a locomotive at the front of the train. Amtrak is investigating the possibility of using decommissioned locomotives at the front of their push trains in order to provide engineers with a safe platform from which to work and to provide additional protection to the first passenger car in case of a collision. The National Transportation Safety Board has suggested that passenger cars be equipped with crash posts at the corner of each car.

The FRA is developing new safety standards for rail cars. My bill would direct the FRA to consider crash posts and safety locomotives, and to make a specific finding about these alternatives.

Also, after touring the scene of New Jersey Transit's sideswipe accident, I am convinced that unprotected passenger cab cars should be held to a higher standard than other passenger cars. The bill therefore requires FRA to evaluate the possibility of establishing minimum crashworthiness standards for these passenger cab cars, and to issue a report about their conclusions.

In addition, the bill directs the FRA to look into signal placement. Not later than 1 year after the date of enactment of my bill, the Department of Transportation would be required to determine whether regulations should be promulgated to require that a signal be placed along a railway at each exit of a rail train station; and if practicable, a signal be placed so that it is visible only to the train that the signal is designed to influence. If the study determines such regulations should be promulgated, the Department of Transportation is given the authority to promulgate those regulations. Signals should be positioned in the best places possible to minimize human error.

Mr. President, I recognize that some in the rail community may object to the costs of additional safety measures. And these costs cannot be ignored. Last year, Federal operating and capital assistance to transit agencies was cut by some 20 percent from the previous year's funding level. This reduction represented the single largest cut of any transportation mode in the Transportation appropriations bill.

Our Nation derives economic, social, and environmental benefits from public transit agencies. We expect these agencies to provide safe services. Yet, we cut their funding and then wonder why safety is affected. We must continue to support mass transit or else we will force commuters off relatively safe buses, subways, and trains and onto our Nation's roads, which annually cause the premature death of some 40,000 Americans.

Mr. President, it remains critically important to improve rail safety. I challenge skeptics to visit with the families of loved ones who died in New Jersey and Maryland. See first hand what it means when we compromise on safety. You will not come away unmoved.

Mr. President, we in the Congress have an obligation to protect the public. After the Chase, MD, accident of 1987 Congress mobilized and quickly enacted sweeping rail safety legislation. As a result, untold Americans have been saved through the mandated use of automatic train controls on the Northeast corridor, the creation of minimum federal standards for licensing of railroad engineers, certification requirements for predeparture inspections and whistle blower protections for rail employees. I am proud of the part that I played in developing that legislation and believe that it has been very effective. However, more should be done. The lives and health of literally millions of Americans are at stake.

Mr. President, both the Washington and the New York editorials of February 21, 1996, make the case for increasing rail safety. I ask unanimous consent that they be inserted in the RECORD as part of my statement.

I hope my colleagues will support this legislation. I believe it is a responsible approach to rail safety that builds on the lessons we have learned from our Nation's recent rail safety accidents.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 1575

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 ''Rail Safety Act of 1996''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Railroad Administration.

(2) PASSENGER CAB CAR.—The term ''passenger cab car'' means the leading cab car on a passenger train that does not have a locomotive or safety locomotive at the front of the train.

(3) SAFETY LOCOMOTIVE.—The term ''safety locomotive'' means a cab-car locomotive (whether operational or not) that is used at the front of a rail passenger train to promote passenger safety.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

(5) TRAIN EMPLOYEE.—The term ''train employee'' has the same meaning as in section 21101(5) of title 49, United States Code.

SEC. 3. HOURS OF SERVICE.

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall promulgate regulations concerning limitations on duty hours of train employees that contain—

(A) requirements concerning hours of work for train employees and interim periods available for rest that are no less stringent than the applicable requirements under section 21103 of title 49, United States Code, as in effect on the day before the effective date of subsection (b); and

(B) any other related requirements that the Secretary determines to be necessary to protect public safety.

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—In promulgating regulations under this subsection, the Secretary shall use negotiated rulemaking, unless the Secretary determines that the use of that process is not appropriate.

(B) PROCEDURES FOR NEGOTIATED RULEMAKING.—If the Secretary determines under subparagraph (A) that negotiated rulemaking is appropriate, the Secretary, in consultation with the Administrator, shall carry out the negotiated rulemaking in accordance with the procedures under subchapter III of chapter 5 of title 5, United States Code.

(b) REPEAL.—

(1) IN GENERAL.—Section 21103 of title 49, United States Code, is repealed.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date on which the Secretary promulgates final regulations under subsection (a).

SEC. 4. SATELLITE-BASED TRAIN CONTROL SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator, shall conduct a study to determine the feasibility of requiring satellite-based train control systems to provide positive train control for railroad systems in the United States by January 1, 2001.

(b) TIME FRAME FOR OPERATION; AUTOMATED TRAIN CONTROL SYSTEMS.—

(1) REGULATIONS TO COVER IMPRACTICABILITY OF SATELLITE-BASED TRAIN CONTROL SYSTEMS.—Subject to paragraph (3), if, upon completion of the study conducted under subsection (a), the Secretary, acting through the Administrator, determines that the installation of an effective satellite-based train control system referred to in subsection (a) could not be accomplished practicably by January 1, 2001, the Secretary shall promulgate regulations to require, as soon as practicable after the date of promulgation of the regulations, the use of automated train control technology that is available on that date.

(2) REGULATIONS TO COVER PRACTICABILITY OF SATELLITE-BASED TRAIN CONTROL SYSTEMS.—

(A) IN GENERAL.—Subject to paragraph (3), if upon completion of the study conducted under subsection (a), the Secretary, acting through the Administrator, determines that the installation of an effective satellite-based train control system referred to in subsection (a) could be accomplished practicably by January 1, 2001, the Secretary, in consultation with the Administrator, shall promulgate regulations to require, as soon as practicable after the date of promulgation of the regulations, the use of automated train control technology that is available on that date.

(B) WAIVERS.—If the appropriate official of a railroad system establishes, to the satisfaction of the Secretary, and in a manner specified by the Secretary, that the railroad system will have in operation a satellite-based train control system by January 1, 2001, the Secretary shall issue a waiver for that railroad system to waive the application of the regulations promulgated under subparagraph (A) for that railroad system, subject to terms and conditions established by the Secretary.

(3) CONDITIONS.—In promulgating regulations under this subsection, the Secretary, in consultation with the Administrator, shall provide for any exceptions or conditions that the Secretary, in consultation with the Administrator, determines to be necessary.

(4) MONITORING.—

(A) IN GENERAL.—If the Secretary issues a waiver for a railroad system under paragraph (2)(B), the railroad system shall, during the period that the waiver is in effect, provide such information to the Secretary as the Secretary, acting through the Administrator, determines to be necessary to monitor the compliance of the railroad system with the conditions of the waiver, including information concerning the progress of the railroad system in achieving an operational satellite-based train control system.

(B) REVOCATION OF WAIVERS.—If, at any time during the period that a waiver issued under paragraph (2)(B) is in effect, the Secretary determines that the railroad system issued the waiver is not meeting the terms or conditions of the waiver, or is not likely to have in operation a satellite-based train control system by January 1, 2001, the Secretary shall revoke the waiver.

SEC. 5. AUTOMATIC TRAIN ESCAPE DEVICE STUDY.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator, shall conduct a study of the technical, structural, and economic feasibility of automatic train escape devices.

(b) REPORT.—Upon completion of the study conducted under this section, the Secretary, acting through the Administrator, shall—

(1) prepare a report that contains the findings of the study; and

(2) submit a copy of the report to the appropriate committees of the Congress.

(c) REGULATIONS.—If, by the date specified in subsection (a), the Secretary makes a determination (on the basis of the findings of the study) that automatic train escape devices should be required on rail passenger trains, the Secretary, in consultation with the Administrator, shall, not later than 180 days after such date, promulgate regulations to require automatic train escape devices on rail passenger trains as soon as practicable after the date of promulgation of the regulations.

SEC. 6. LOCOMOTIVE FUEL TANKS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall establish, by regulation, minimum safety standards for fuel tanks of locomotives of rail passenger trains that take into consideration environmental protection and public safety.

(b) APPLICABILITY.—The Secretary, in consultation with the Administrator, may limit the applicability of the regulations promulgated under subsection (a) to new locomotives (as defined by the Secretary, in consultation with the Administrator) if the Secretary determines that the limitation is appropriate.

SEC. 7. PASSENGER CAR CRASH-WORTHINESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Administrator, shall determine whether to promulgate regulations, for the purpose of protecting public safety, to—

(1) require crash posts at the corners of rail passenger cars;

(2) require safety locomotives on rail passenger trains;

(3) establish minimum crash-worthiness standards for passenger cab cars; or

(4) carry out any combination of paragraphs (1) through (3).

(b) REGULATIONS.—If, the Secretary, acting through the Administrator, determines that promulgating any of the regulations referred to in subsection (a) are necessary to protect public safety, the Secretary, in consultation with the Administrator, shall, not later than 180 days after such date, promulgate such regulations in final form, to take effect as soon as practicable after the date of promulgation of the regulations.

(c) REPORT.—If the Secretary determines under subsection (a) that taking any action referred to in paragraphs (1) through (3) of such subsection is not necessary to protect public safety, not later than the date of the determination, the Secretary shall submit a report to the appropriate committees of the Congress that provides the reasons for the determination.

SEC. 8. SIGNAL PLACEMENT.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Administrator, shall conduct a study of the placement of rail signals along railways. In conducting the study, the Secretary, acting through the Administrator, shall determine whether regulations should be promulgated to require—

(1) that a signal be placed along a railway at each exit of a rail station; and

(2) if practicable, that a signal be placed so that it is visible only to the train employee of a train that the signal is designed to influence.

(b) REGULATIONS.—If, upon completion of the study conducted under subsection (a), the Secretary determines that the regulations referred to in that subsection are necessary for the protection of public safety, the Secretary shall, not later than 180 days after the completion of the study, promulgate those regulations.

(c) REPORT.—If, upon completion of the study conducted under subsection (a), the Secretary determines that promulgating any of the regulations referred to in subsection (a) is not necessary for the protection of public safety, not later than the date of completion of the study, the Secretary shall submit a report to the appropriate committees of the Congress that provides the reasons for that determination.

[From the Washington Post, Feb. 21, 1996]

LESSONS FROM THE TRAIN DISASTER

The horrifying details of death by fire and smoke—of people frantically seeking escape from a mangled commuter-train-turned-furnace Friday night—continue to prompt questions about rail safety policies in general and about what happened in Silver Spring specifically. Some answers must await the findings of investigators from the National Transportation Safety Board. But there are safety procedures, policies and equipment that have been the subjects of debate in the industry for years, and that haunt every autopsy of a train wreck:

Signals. What, if any, signals did engineer Richard Orr, aboard Maryland commuter train 286, notice or remember in the final miles before this train slammed into Amtrak's Capitol Limited? Before arriving in Kensington, he passed a signal that should have warned him to be prepared to stop. The signal system is considered highly reliable. But there is a more effective system that goes back to the 1920s: With it, even if the engineer fails to spot or continue to remember the warning signal, he sees a small light in his cab, and each time his train goes through a restrictive signal he hears a whistle. Should he fail to push a lever to acknowledge the signal and then slow down or stop, the train would do so automatically. Why isn't every train equipped with this?

They used to be—on any line that was to travel faster than 80 mph—under a 1947 Interstate Commerce Commission order. But over time, railroads were permitted on a case-by-case basis to remove the system, in part because the age of fast passenger trains was seen as ending. Besides, railroads argued that the systems were expensive and that the braking systems caused other safety problems for freight trains. Today's signal system for MARC, like those for most lines, does not provide automatic train control.

Although railroads today have a better safety record than at any time in history, this history includes earlier crashes—in Seabrook, Prince George's County, in 1978 and in Chase, Md., in 1987—that prompted the NTSB to recommend that all trains in the Northeast Corridor be equipped with automatic stopping devices. They now are.

Passenger Escape. Yesterday, federal regulators issued emergency regulations that, in addition to setting 30 mph limits on non-automatic control lines for trains between a station stop and the first signal, included a call for more visible exit signs on train cars. Visible, uncomplicated instructions for opening windows, doors and escape routes ought to be posted everywhere. How about instructions on the back of every seat?

Train Design. Though America's trains are among the sturdiest pieces of equipment moving on land or in the skies, there is the question of the Amtrak train's exposed diesel fuel tanks, which splashed the fuel that ignited the terrible fire. Newer models don't have this feature; the sooner the old models are gone the better.

''*Push-Pull*.'' The MARC train was being pushed by its locomotive, a common practice for quick back-and-forth runs. Passengers may feel safer with a locomotive in front of them, but there is no hard evidence that safety is compromised when it is pushing instead of pulling.

Another issue affects public confidence in railroad travel: Maryland transit officials issued conflicting, inaccurate and constantly changing reports on the accident for hours Friday. At first they were telling television stations that no MARC passengers were involved; they gave out a telephone number that assured callers that no passengers on the train had been injured. This was occurring as televised scenes and witness accounts were indicating otherwise. Whatever MARC may have had as an emergency preparedness plan, it failed. Amtrak, on the other hand, seemed to be issuing as much information as it could.

More questions are sure to arise as the fact-finding continues. A safe transportation system of any kind requires more than the mere recitation of probability statistics. Public confidence must be taken into account not only by government regulators but also by the industry officials.

[From the New York Times, Feb. 21, 1996]

IN THE TRAIN WRECKS' AFTERMATH

Two train collisions seven days apart have brought calamity to the ordinarily quiet and safe commuter systems of New York and Washington D.C. Federal and local officials are responding with intense investigations and emergency measures. They have already found some surprising soft spots in the rail network's safety rules and practices.

New Jersey Transit, responding to the metropolitan region's worst commuter train crash in 38 years, quickly eliminated the nighttime split shift that enabled an engineer to work extra-long hours just before his train collided with another on Feb. 9. There was no need to await final analyses of what caused the accident to discontinue a work arrangement that was inherently hazardous.

The authorities are still investigating the accident, but it appears that a train bound for Hoboken ran through yellow and red lights that should have warned the engineer to stop before entering tracks where an outbound train had the right of way. The inbound train's engineer, John DeCurtis, was operating during the morning rush hour at the end of a split shift that had started 14½ hours earlier. He had a chance to rest five hours during the middle of the night, but with no cot or quiet space provided. Officials also need to weigh whether Mr. DeCurtis's safety record, which included two previous suspensions for running red lights, was a warning that should have been heeded, and whether the installation of automatic braking systems should be accelerated to prevent such tragic accidents.

Similarly in last Friday evening's collision between a Washington-bound commuter

train and an Amtrak train headed north from Washington, the absence of automatic train controls has already emerged as a safety gap in the local system. Even more critically, the cars may have lacked fully operational and clearly marked evacuation routes with the kind of safety instructions that might have prevented the death of eight young Job Corps trainees, who were killed along with three crew members.

The signal system on the Maryland track was inadequate. There was a caution light just before a suburban station where the train was stopping anyway, but no similar light immediately after to remind the engineer not to accelerate to a high speed. The train rounded a bend and slammed into the Amtrak train that had been temporarily routed on the same tracks.

The Transportation Department responded yesterday with belated but sensible stopgap rules. When a train leaves a station, engineers must proceed no faster than 30 miles an hour. They must call out to other crew members any warning signal they see. All the nation's railroads are instructed to test emergency exits and submit safety plans for Federal review. Clearly, many safety hazards need examination and correction as the result of these two tragedies.●

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1576. A bill to provide that Federal employees who are furloughed or are not paid for performing essential services during a period of a lapse in appropriations, may receive a loan, paid at their standard rate of compensation, from the Thrift Savings Fund, and for other purposes; to the Committee on Governmental Affairs.

THE FURLOUGH RELIEF ACT OF 1996

● Ms. MIKULSKI. Mr. President, today, I am introducing legislation with Senator SARBANES called the Furlough Relief Act of 1996. Our bill would help Federal employees weather the storm during Government shutdowns by allowing them access to interest free loans from their Thrift Savings Plans.

About the only thing that Federal employees can rely on today is uncertainty. During the last year we have seen one attack after another aimed at Federal workers. Between assaults on earned retirement benefits, downsizing, and furloughs, these dedicated people have to be wondering what's coming next.

Today we are operating much of the Government under an emergency continuing resolution. I fervently hope there will not be another shutdown, and I will be doing all I can to prevent one from happening. But there is no guarantee that Federal employees will be able to go to work and earn their paychecks after this continuing resolution expires on March 15. They could face yet another shutdown. That would mean more lost pay, more lost productivity, and more uncertainty.

I am a Federal employee Senator. I believe in honest pay for hard work, and I know of no group of Americans that works harder than our Federal employees. That is why I am introducing legislation today that will help Federal employees who want to help themselves.

As my colleagues know, Federal employees currently are allowed to borrow from their tax deferred Thrift Savings Plans for reasons such as furthering their education, buying a home, or undergoing a medical procedure. However, the approval process for a TSP loan can take weeks. There is also no guarantee that the loan will be approved, and if it is approved, the borrower must pay interest when paying back the loan.

The Furlough Relief Act of 1996 would allow furloughed Federal employees to be automatically eligible for a TSP loan from their account during any Government shutdown. This loan would continue to be paid as long as the employee remains on furlough. It would help Federal employees make up for lost wages. When a furlough ends, the employee would be able to pay back the loan without interest.

The Furlough Relief Act will cut through the redtape of the TSP loan process. It will provide a dependable source of income for Federal employees who have been denied their pay, and it will finally give a break to dedicated people who have not had many breaks in the past year.

I think it's time to stop these assaults on Federal employees. We cannot continue to devalue Government workers and at the same time expect Government to work better. In my State of Maryland, there are thousands of Federal employees making Government work better and making a difference in the lives of all Americans. I salute them, and I dedicate myself to making a difference in their lives.●

By Mr. HATFIELD (for himself and Mr. SARBANES):

S. 1577. A bill to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 1998, 1999, 2000, and 2001; to the Committee on Rules and Administration.

THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION REAUTHORIZATION ACT OF 1996

● Mr. HATFIELD. Mr. President, it is a great pleasure for me to today introduce a bill to reauthorize the functions of the National Historical Publications and Records Commission on which I serve. I am pleased to be joined by my good friend and colleague, Senator SARBANES. Senator SARBANES and I have a long association with the Commission.

This important organization, closely associated with the National Archives and Records Administration, has been diligently performing some of the most vital archival preservation work in the country. Realizing the importance of preserving historical works and collections, Congress established the National Historical Publications and Records Commission in 1934. Its purpose was to collect, edit, and publish the papers of the Founding Fathers, the writings of other distinguished Americans, and the documentary histories of the First Congress, the Supreme Court, and the process of the ratification of the Constitution. In 1974, Congress expanded the Commission's responsibilities to include providing advice and assistance to public and private institutions in the development and administration of archival systems. In the same year, the NHPRC established a Historical Records Advisory Board in each State to help coordinate overall preservation strategies and to ensure that the Commission would have a strong Federal-State partnership for its records programs.

Today, the National Historical Publications and Records Commission has not strayed from its original mission. The NHPRC continues to screen and determine the historical works it considers appropriate for preserving or publishing. The Commission administers grants to projects dedicated to preserving annals essential for historical research, publishing historical papers, and archiving nationally significant records. Without the preservation of these invaluable records, historians have little hope of accurately analyzing our Nation's history. Another important aspect of the Commission's objective is to encourage and instruct local agencies, schools, museums, and individuals to forge ahead in their actions to preserve and publish historical works; the tasks facing archival institutions, manuscript depositories, and scholars require more than the valiant efforts of a single Federal Commission. The valuable work of the Commission is a very good example of a healthy partnership between public and private institutions, Federal and State agencies. The NHPRC pays no more than one-third of the funds of the projects that it supports. Thus, the program is one of aiding and working closely with individuals and local institutions dedicated to preserving important facets of our history.

The number of records that the Commission has preserved and published is an impressive tribute to its efficient organization. To date, the NHPRC has supported 1,056 archival projects in all 50 States, three territories, and the District of Columbia. These projects have published 717 documentary volumes. Recent project grants have gone to an agency in Illinois to preserve Abraham Lincoln's legal papers and to a center in Atlanta to publish the papers of Martin Luther King, Jr. In addition, the Commission has produced 8,280 reels of microfilm as well as 1,822 microfiche. Finally, the NHPRC has supported a total of 274 documentary editing projects. As the numbers suggest, the Commission has been quite successful in its mission to preserve and publish the Nation's historical works.

The bill I am introducing today seeks to extend authorization of appropriations for an additional 4 years in amounts up to $10 million annually. This appropriation would cover fiscal years 1998, 1999, 2000, and 2001. One hundred percent of the appropriations go

entirely toward project grants; the National Archives bears the administrative costs. The American public may be assured that their investment is well spent by the NHPRC.

Passage of this important legislation will reassure America's community of scholars, librarians, and archivists working closely with the NHPRC that Congress is committed to the important mission of the Commission. In the past, Congress has clearly supported the work of the NHPRC and has recognized the importance of the Commission's efforts to ensure that the words, thoughts, and ideas of our Nation's historic individuals are collected from fragile or deteriorating source material and placed in books or on microfilm. Passage of this bill will ensure that present and future generations of inquisitive minds will have access to our history.

Mr. President, this bill will allow the NHPRC to continue its valuable work for the next 4 years—work that will be of the utmost benefit to scholars, researchers, libraries, and the public. Our Nation's history needs to be preserved, and the future generations of Americans deserve the right to have accurate records of their past. The preservation of our historical documents will protect and enrich our Nation's wonderful history. I am proud to be a sponsor of this legislation and confident in urging my colleagues to give their support to this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1577

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 THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION.

Section 2504(f)(1) of title 44, United States Code, is amended—

(1) in subparagraph (F) by striking out ''and'' after the semicolon;

(2) in subparagraph (G) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(H) $10,000,000 for fiscal year 1998;

''(I) $10,000,000 for fiscal year 1999;

''(J) $10,000,000 for fiscal year 2000; and

''(K) $10,000,000 for fiscal year 2001.''

● Mr. SARBANES. Mr. President, I am pleased to join today with Senator HATFIELD in introducing legislation to reauthorize the National Historical Publications and Records Commission for 4 years.

It has been my privilege to alternate with Senator HATFIELD in serving as the representative of the U.S. Senate on the National Historical Publications and Records Commission, Senator HATFIELD represented the Senate from 1983 to 1988, and I succeeded him until my term expired last year. The Commission has had strong bipartisan support throughout its history, and I trust will continue to do so.

The NHPRC's statutory mandate is to promote the preservation and use of America's historical legacy. The work of the NHPRC assures all Americans that the history of our Nation will be documented, that vital historical records will be kept safe, and that historians and others will have ready access to those records.

Grants awarded through the National Historical Publications and Records Commission are producing valuable results. In my own State of Maryland, the Commission is helping scholars edit, and presses publish, editions of papers that document the emancipation of slaves and the careers of important historical figures.

Other important discoveries have resulted from grants awarded to scholars by the Commission. For example, NHPRC grants resulted recently in the discovery of the longest document yet known that Abraham Lincoln wrote in his own hand, a group of letters written to James Madison by a famous jurist in the era of our revolution, an the original drawing made by Architect William Thornton for the ground plan of the U.S. Capitol.

Although the Commission has been doing this work since it was established by Congress in 1934, its efforts remain relevant to today's concerns. We have seen States and local governments across the country, with advice and assistance from the Commission, establish archival programs. We have seen the Commission launch several projects to deal with the growing problem facing archivists in controlling and accessing valuable electronic records, and helping historians make their documentary editions accessible electronically on the Internet.

Mr. President, it is important that the Commission continue its respected work in preserving the heritage of our Nation. The reauthorization legislation I am joining Senator HATFIELD in introducing is a practical and important step in ensuring continuity of the National Historical Publications and Records Commission. I urge my colleagues to join us in ensuring its swift passage.●

By Mr. FRIST (for himself and Mr. HARKIN):

S. 1578. A bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1996

Mr. FRIST. Mr. President, today I am pleased and proud to introduce the Individuals With Disabilities Education Act Amendments of 1996. These amendments will guide our actions into the next century as we plan and secure educational opportunities for over 5 million American children with disabilities. Many recent polls have ranked education as one of the top concerns of Americans. These polls are a wakeup call. We must help America's children succeed and be able to demonstrate that they have succeeded. We must find ways to affect the culture of education, not through intrusive mandates, but through incentives for partnership and innovation. We must not give up on any child. We must view planning a child's education as a collaborative process. These important goals are the basis of the reauthorization of the Individuals With Disabilities Education Act, commonly referred to as IDEA.

As everyone knows I am new to this business of drafting Federal legislation. I am not new to the effects of Federal legislation on individual lives. In my surgical practice, I have sometimes been able to save lives because of Federal legislation and sometimes in spite of the barriers such legislation imposed on my efforts.

Thus, I take my responsibility as chairman of the Disability Policy Subcommittee very seriously. I am grateful for the partnership of my colleague from Iowa, Senator Tom HARKIN, who was a partner in the entire process, and whose past leadership of this subcommittee was and is an inspiration.

I have been both cautious and careful as I have weighed recommendations for amendments bought to me to change IDEA.

THE RIGHT OF A CHILD WITH A DISABILITY TO AN EDUCATION IS PRESERVED

IDEA is a civil rights statute. It guarantees access to a free appropriate public education for children with disabilities. This understanding was established clearly in the predecessor to IDEA, Public Law 94–142, which was enacted in 1975. IDEA is founded in the 14th amendment of the Constitution, which is the equal protection clause. This connection is reinforced through 20 years of case law and bipartisan legislative history. The IDEA amendments introduced today will not undermine the civil right of any child with a disability to a free appropriate public education.

Public Law 94–142 was based on five principles.

First, educational planning for a child with a disability should be done on an individual basis. Public Law 94–142 required that an individualized education program [IEP] be developed for each child with a disability.

Second, parents of a child with a disability should participate in the development of their child's IEP. Public Law 94–142 required such participation.

Third, decisions about a child's eligibility and education should be based on objective and accurate information. Public Law 94–142 required evaluation of a child to establish his or her need for special education and related services and to determine the child's progress.

Fourth, if appropriate for a child with a disability, he or she should be educated in general education with

necessary services and supports. Public Law 94–142 required educational placements based on such determinations.

Fifth, parents and educators should have a means of resolving differences about a child's eligibility, IEP, educational placement, or other aspects of the provision of a free appropriate public education to the child. Public Law 94–142 required that if the parents of a child requested one, they were entitled to an impartial due process hearing. And, if differences between parents and educators could not be resolved through administrative proceedings such as a local due process hearing or a State-level review of the facts in the situation, either side could use court to settle the matter. In 1986, the law was amended to clarify that the Federal courts have the power to require the awarding of attorneys' fees to parents who prevail in administrative proceedings or court actions.

The amendments offered today will not undermine any of these five principles or their manifestation in IDEA.

In fact, this reauthorization of IDEA reinforces its basic principles and adds to the law a viable set of tools with which to help adults help children with disabilities prepare for a successful future.

FOCUSED ACCOUNTABILITY EXPECTED

The amendments address accountability. People involved in educational planning for a child with a disability will be expected to show results—where a child is and where a child is going in terms of the general education curriculum. How does he or she do in the classroom? How does he or she do on local or statewide assessments of student progress? Is a child getting appropriate services and supports to demonstrate what he or she knows and can do? The amendments reshape expectations for children with disabilities and create a common frame of reference—the general education curriculum. Most children with disabilities can learn and benefit from the general education curriculum. Some may need to learn it at a slower pace or in a modified form. Some may need to demonstrate what they have learned in a different way than their peers. Nonetheless, they can learn and therefore, should have the opportunity to learn, what their brothers, sisters, and friends are learning.

Unless we secure the general education curriculum as the educational anchor for most children with disabilities, their ability to succeed on district-wide and statewide assessments of student progress will be jeopardized. If they fail or perform poorly on such assessments, because they were taught from a watered-down general education curriculum or a different curriculum, we are reinforcing the beliefs of people who say that children with disabilities cannot learn as much or as well as other children. We also are reinforcing the beliefs of people who prefer separate educational opportunities for children with disabilities. Moreover, if children are taught from a watered-down general education curriculum or a different curriculum, we may inadvertently create a justification for ignoring children with disabilities when undertaking school reform initiatives.

If the general education curriculum is the focus for planning for a child with a disability, it will improve communication throughout the system—a child with a disability and peers, educators and the child's parents, special education teachers and general teachers, related services professionals and teachers, and parents of children with and without disabilities. Such a focus also will affect expenditures and uses of personnel. The emphasis will shift to what services and supports are necessary in order for a child with a disability to succeed in the general education curriculum. This shift may save a school district money, while continuing an appropriate education for a child with a disability. Lines of responsibility will blend—the question will become—''How do we make the general education curriculum work for a particular child with a disability?'' If this blending of responsibility takes off, and I believe it will work, not only will children with disabilities benefit, but children at risk will benefit, because personnel will acquire new skills and supports that equip them to serve all children.

CULTURE IN THE EDUCATIONAL ENVIRONMENT CHANGED

The amendments will affect the culture of schools—to create new bases for teamwork, to reinforce existing partnerships, and to provide incentives to view the delivery of educational services to children with disabilities not as a distinct, separate mandate, but as an integral part of the overall business of education. I come to this conclusion from personal experience.

Giving an individual a new heart, a chance at a longer life with quality, is the ultimate high. When that moment comes, I am filled with powerful emotions—pride, love, prayers of thanks, satisfaction, and a profound appreciation of the power of teamwork. Reaching that moment and the critical ones that follow it is not possible without teamwork, involving the transplant recipient, the donor's bereaved family, the organ donor coordinator, medical, surgical, technical and nursing staff, counselors, and the recipient's family. This process is long, complex, emotional and risky, but it is not a contest. Everyone has a common goal. Information is compiled and analyzed. Options are considered. Differences are aired. Decisions are made.

As I became engaged in the reauthorization of IDEA I realized that planning the education of any child with a disability should not be viewed as a contest, but as an opportunity for teamwork. The bill includes many provisions which encourage and reinforce teamwork. Parents will be a source of information when compiling evaluation data on a child suspected of having or known to have a disability. Parents will have the opportunity to participate in all meetings in which decisions which affects their child's education are made. Parents of children with disabilities will have the opportunity to help develop school-based improvement plans designed to expand and improve educational experiences for their children. Teachers—those who do or could work with disabled children—will be involved in providing and interpreting information on the educational and social strengths, progress, and needs of children with disabilities, which would be used in IEP meetings.

School districts will see a substantial reduction in paperwork under IDEA and will have increased flexibility on the use of personnel and the fiscal tracking of the use of personnel. Because of these amendments we will see more reasons for educators and parents to have common goals; fewer reasons for administrators to call IDEA burdensome; more general and special education teachers and related services personnel working together; more children with disabilities succeeding in the general education curriculum; more children with disabilities participating in school reform initiatives; and most important, more children at risk of failure will succeed.

We will not see these changes overnight. They will take time. The amendments to IDEA restructure the 14 discretionary or support programs—totaling $254 million in authorizations—to facilitate and realize these changes, as well as others. Thirty million dollars are authorized for a new Systems Change State Grant Program. States will compete for access to these dollars. The purpose of this grant program is to provide funds to help States to address problems that have statewide implications. For example, States could use grant awards to design effective ways for general education and special education teachers to work in the same classrooms; to develop effective within-school options for addressing behaviors subject to school disciplinary measures; or to arrange effective transitions for children with disabilities from early intervention to preschool programs, from high school to the adult world, or at other important times in a child's life.

The amendments clearly link funding for personnel training and research to the needs of children with disabilities, their families, school personnel, and school districts. Any institution that seeks a training grant will be obligated to identify a personnel shortage that they intend to address. Any institution that seeks to train teachers to work with blind children must teach trainees how to teach Braille.

With regard to research grants, I appreciate the fact that research takes extended effort. Research results are never immediate and are often modest building blocks toward some broader area of knowledge. Research infrastructure requires a sustained, predictable commitment to funding. However,

the amendments offered today expect researchers to keep their eye on the child in the classroom, the teacher in the classroom, the principal in the school, the child's parents, the school district, or the State education agency. Researchers will be expected to provide information that benefits children with disabilities, their teachers, or other targeted audiences. Practical research will be valued. Through this reauthorization, the allocation of research dollars will emphasize lines of inquiry that will result in information that teachers or others can use to help children with disabilities succeed in the general education curriculum.

The amendments also sustain and strengthen the Federal support for information that helps children with disabilities, their parents, teachers, related service personnel, early intervention professionals, administrators, researchers, teacher trainers, and others learn about, access, and use state-of-the-art tools and strategies to be effective as partners in the business of education. The amendments require grantees who are involved in the business of information gathering and dissemination and the grantees who are responsible for technical assistance to make a difference—to know their audiences, to provide them with information and assistance that they need and can use, and to verify that their efforts counted, not just in terms of numbers of people reached or pieces of paper disseminated, but in terms of lives changed.

I certainly know the difference between an established and an experimental surgical procedure, and I know what it takes to teach new techniques to professionals across the country, and to do it well. It is my hope that the standards of information and dissemination and technical assistance achieved in medicine will come to be expected within the professional community serving infants, toddlers, children, and youth with disabilities. I think it is reasonable to expect that when anyone asks for information or assistance from a federally funded source, that source is prepared to say, ''This will work; or, this will work if certain conditions are present; or, this works 50 percent of the time; or this might work.'' This reauthorization moves us toward increased confidence in the information requested, received, or offered under information dissemination and technical assistance activities funded through IDEA. With increased confidence will come the opportunity to be a better equipped participant and partner in the identification, evaluation, selection or design of educational opportunities for children with disabilities.

HELPING EACH CHILD IS AN INVESTMENT IN THE FUTURE

The amendments also address another priority of many Americans—intervening in the lives of children before they fail, before they are labeled, or before they are lost. Effective intervention and targeted prevention are themes that cut across many of the provisions in the reauthorization of IDEA.

Early intervention. The bill reauthorizes part H, the Early Intervention Program, in IDEA. Part H was originally enacted in 1986. This program, in which all States participate, has been extremely effective in reaching infants and toddlers with disabilities early in their young lives, often at birth. This early intervention program helps these small ones, and their parents, unlock their abilities and become prepared to realize maximum benefits from their later preschool and school experiences.

The amendments direct the Federal Government to develop a model definition and service delivery standards for infants and toddlers at risk of being developmentally delayed. Early intervention professionals are very successful at diagnosing and serving infants and toddlers with disabilities, that is, disabilities which are discernable before, during, or shortly after birth. These professionals are experienced in developing appropriate intervention strategies for such children. They are less successful in identifying infants and toddlers who show more subtle signs indicative of later disability. I anticipate that the model definition and service standards, which will draw from the experiences of States which currently are serving at-risk populations, eventually will provide early intervention professionals with the tools to identify and reach greater numbers of at-risk infants and toddlers.

The amendments also give States increased administrative flexibility with regard to the transition of a child from an early intervention program funded by part H into a preschool program funded by section 619 of part B of IDEA. This flexibility will provide an incentive to focus on what is best for a particular child—allowing the child to remain in an early intervention program after his or her third birthday during a school year and to transition to a preschool program in the next school year. This flexibility permits the child's individualized family services plan [IFSP] to be the child's IEP until planning is done for the next school year.

As a surgeon I understand the importance and effect of early intervention in a medical situation. As a Senator I have been reminded of the benefits of Headstart and have witnessed the benefits of early intervention and preschool programs at the Kennedy Institute at Vanderbilt University. I have no doubt that as we continue to invest Federal funds in the very young lives of infants and toddlers with disabilities, we will deliver to our schools children who can learn more easily, participate more fully, and be less distinguishable from their peers in terms of expectations, progress, and friendships.

Labeling deemphasized. These amendments lessen the need for and meaning of labels. School districts will be required to report the number of children with IEP's, and the number of students in each of two placement categories. They will not be required to continue reporting the numbers of children in twelve disability categories, by age group, or by multiple types of placements. This will significantly reduce the longstanding reporting burden imposed on school districts and States. I anticipate that this administrative relief will translate into less interest in and use of disability labels in schools and classrooms.

The amendments encourage States to adopt placement-neutral funding formulas. Thus, over time there will be fewer incentives for segregated, label-driven educational placements for children with disabilities.

Under certain conditions, school districts also will have the opportunity to commingle IDEA dollars with other funds when serving children with disabilities—when children with disabilities are in general education classrooms being taught by general and special education teachers; when children eligible for services under IDEA are being served with children identified as disabled under the Americans With Disabilities Act or section 504 of the Rehabilitation Act; or when a school has a school improvement plan in effect. This flexibility in the use of IDEA dollars will cause school officials to rethink how services may be delivered more efficiently and more effectively; cause labeling to be viewed as less relevant or necessary; and cause teachers to view their roles in reaching children as complementary and their responsibilities for helping all children succeed as a joint effort.

The amendments recognize that many children from minority backgrounds are inappropriately identified as being eligible for special education and related services under IDEA. It is anticipated that with the opportunity to use IDEA funds in more flexible ways, parents, teachers, and administrators will not need to use the referral and evaluation procedures connected to special education as frequently as in the past to secure more or different services for children from minority backgrounds.

No child to be lost or forgotten. The amendments take a broad view of the concept of ''dropout.'' In the amendments numerous, interrelated provisions have been crafted to reduce the likelihood that child with a disability will either figuratively or literally drop out of school and become disconnected from peers and professionals who can contribute to the child's growth and success in school. These provisions will require affirmative efforts on the part of educators, other professionals, and the parents of the child to keep the child connected in meaningful ways to the business of learning. Three sets of provisions particularly should result in fewer children with disabilities being lost or forgotten.

Integrated transition services for secondary school students with disabilities. Developing a secondary student's IEP for a particular year should not be an activity divorced from transition planning for the child that may encompass multiple years. Therefore, the amendments make transition planning for a child 14 or older a part of the IEP process. This clarification should result in simplification of administrative procedures. Secondary school personnel and personnel responsible for transition services, to the extent that they are different, will have a common process—the development or modification of a student's IEP—in which to make contributions and through which to influence what others may propose. Parents and students with disabilities will continue to have direct roles in the planning process as well. Students at the designated age of majority, in States where this is permitted, will be able to be the principal representative of their own interests and preferences.

Clarification of fiscal responsibilities for related services. In order to succeed in school and connect to the social culture of school, children with disabilities may need more than specially designed instruction. They may need one of many related services, such as speech therapy, occupational therapy, physical therapy, or counseling. Such services may be critical at any time in the school years of a child with a disability, because they help a child acquire the tools to blend in and be accepted by peers and teachers—to communicate, to walk, to sit, to function more independently, to hold a pen, use a keyboard, or to use socially appropriate behavior. Accessing related services personnel can be costly and is not always easy, even when cost is not a factor. The amendments clearly establish that fiscal responsibility for such services extends beyond school districts; spell out the broader obligation of local and State agencies that could and should absorb such costs; and indicate that school districts have the opportunity to seek reimbursement from such agencies, when a child's eligibility for such services, funded by other than a local school district, is known.

School discipline and civil rights. A few children with disabilities sometimes pose a danger to themselves or others, or are so disruptive that neither they or their classmates can learn. Such children should not, must not, be abandoned.

How to best address such situations was the most contentious issue during the development of this reauthorization of IDEA. Educators reported that current provisions in IDEA prevent them from removing disabled students who are dangerous from school. One exception in current law is when a student with a disability brings a weapon to school. Such a student can be removed from his or her current educational placement for up to 45 days. Parents of children with disabilities argued strenuously that if IDEA were to make it easier for educators to remove disabled students who are dangerous or seriously disruptive from their educational placements, the law would give educators a reason to serve children with disabilities in more segregated settings or not at all. Moreover, parents argued that increasing educators' ability and discretion to remove children with disabilities from their current educational placements, without parental consent, would provide educators with the opportunity to divert responsibility for having inappropriately served children with disabilities in the first place and reward educators for the actions or inactions that led to the dangerous or disruptive behavior.

The amendments to address this issue are not in the bill. I plan to continue working on this issue with my colleagues, with professional organizations and associations who have already contributed to this process, and especially with parents. I have come to consider both the contentions of educators and those of parents to be valid. I anticipate creation of an amendment that will strike a balance between the educators' responsibility to maintain safe schools and the right of children with disabilities, even when they engage in dangerous or seriously disruptive behavior, to continue their education.

I anticipate negotiating a discipline amendment that will: Define dangerous behavior; sustain a commitment from schools to involve parents in their children's education before crises develop; reach an agreement on a mechanism that allows the removal of a student with a disability in an expedited manner when the student is truly a danger to himself or herself or to others; and that will allocate resources to train principals and to train teachers and students in conflict resolution strategies and related behavior management techniques.

We have a long history of bipartisan commitment to IDEA. We must continue to be courageous, on both sides of the aisle, in our commitment to improve the lives of our citizens with disabilities, most especially children. We must continue to be courageous in our commitment to making American schools the best they can be for all of our children.

In our hearings on IDEA in May 1995, a mother from Kentucky came in, even though her son Ryan had died, and told us her son's story. I remember that she said she was guided in her advocacy by a quote from Daniel Burnham, who said:

> Make no little plans. They have no magic to stir men's blood and probably themselves will not be realized. Make big plans, aim high and hope they work, remembering that a noble, logical diagram, once recorded, will never die, but long after we are gone will be a living thing asserting itself with ever-growing insistency.

This is the kind of courage children with disabilities must bring to their everyday lives. This is the kind of courage that parents of children with disabilities show every day as they dream their dreams and work, step-by-step, toward a better, more independent, more productive life for their child. This is the kind of courage that America's dedicated and professional teachers bring to their work with American students every school day, aiming high and hoping their big plans work.

We can do no less. We will do no less. These amendments will keep us on track.

Mr. President, I ask unanimous consent that a short list of improvements to IDEA, and a section-by-section summary of the bill be printed in the RECORD.

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

INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1996

SUMMARY OF CHANGES MADE TO CURRENT LAW BY FRIST BILL

PART A—GENERAL PROVISIONS (SECS. 601–610)

Sec. 601—Short Title/Findings/Purpose

Updates ''Findings''—to reflect changes made in the education of children with disabilities over the past 20 years (since enactment of P.L. 94–142), and to restate that the ''right to equal educational opportunities'' is inherent in the equal protection clause of the 14th Amendment.

Updates ''Purposes'' of IDEA—to incorporate all relevant IDEA programs in the purpose statements (i.e., the basic State grant program under Part B, the early intervention program for infants and toddlers with disabilities under Part H, and the various support programs under Parts C through E, including systems change activities, coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and technology development and media services).

Sec. 602—Definitions

Adds definitions of ''behavior management plan'', ''educational service agency'' (to replace ''intermediate educational unit''), ''general education curriculum'', ''inappropriately identified'', ''individualized family service plan (IFSP)'', ''infant or toddler with a disability'', ''outlying areas'', ''parent'' (to include guardians), ''public or private nonprofit agency or organization'', ''supplementary aids and services'', ''systems change activities''; ''systems change outcomes'', and ''unserved and underserved''.

Deletes definitions of ''research and related purposes'', ''public and private agency'', and ''youth with a disability''; and moves the definition of ''transition services'' to sec. 614(i).

Revises definitions of—

(1) ''IEP''—by removing all substantive provisions, and referring to sections 614(d)–614(j), where all provisions (both process and content) are contained.

(2) ''Institution of Higher Education (IHE)''—by making a simple cross reference to the Higher Education Act of 1965, etc.

(3) ''Related Services''—by adding ''orientation and mobility services'' (to be consistent with current policy of the Education Department).

Makes technical and conforming changes to several other definitions e.g., by adding a definition for the term ''child with a disability (current law defines the plural ''children with disabilities''), and alphabetizes and adds heading to terms.

Sec. 603—Office of Special Education Programs (OSEP). (Provisions regarding the administrative staffing of OSEP)

Amends sec. 603—to allow OSEP to ''accept voluntary and uncompensated services in furtherance of the purposes of this Act.''

Sec. 604—Abrogation of State Sovereign Immunity. (Current law provides that the Federal Government has the right to bring a suit against a State for violation of IDEA)

No changes.

Sec. 605—Acquisition of Equipment and Construction of Necessary Facilities

Repealed.

Sec. 606—Employment of Individuals with Disabilities

No changes.

Sec. 607—Grants for the Removal of Architectural Barriers

Repealed.

Sec. 608—Requirements for Prescribing Regulations. (Current law requires a 90-day public comment period for regulations proposed under Part B of the IDEA)

Makes technical and conforming changes.

Sec. 609—Eligibility for Financial Assistance. (Current law provides that no grants may be made for projects that focus exclusively on children aged 3–5, unless the State is eligible for a preschool grant under sec. 619)

Makes technical and conforming changes.

Sec. 610—Administrative Provisions Applicable to Parts D and E

(Parts D&E include support programs under IDEA concerning research, personnel training, etc. The Senate bill (1) reduces the number of support programs from 14 to 7, and (2) reorganizes the remaining provisions contained in Parts C through G of current law into three Parts: Part C—State Systems Change Grants, Part D—Coordinated Research and Personnel Preparation, and Part E—Technical Assistance, Support, and Dissemination.) The Senate bill reorganizes and substantially revises sec. 610, as described below:

1. Requires Secretary to develop and implement a comprehensive plan for activities under D and E, to enhance services to children with disabilities under parts B and H.

2. Identifies eligible applicants for awards (SEAs, LEAs, IHEs, private nonprofit organizations, Indian tribes, and, in some cases, ''for profit'' organizations); and specifies that the Secretary may limit individual competitions to one or more categories of applicants, etc.

3. Extends current provisions regarding outreach to minorities (i.e., requires at least one percent of the total funds appropriated under parts D and E to be used for outreach purposes for ''HBCUs'' and IHEs with minority enrollments of at least 25 percent. This is a continuation of current law.

4. Provides that the Secretary may, without rulemaking, limit competitions to projects that give priority to one or more targeted areas set out in the bill—so long as each project addresses the needs of children with disabilities and their families.

5. Sets out specific applicant responsibilities.

6. Includes provisions for application management—including (1) requiring a peer review process, with detailed criteria for selection of panel members, and (2) providing that the Secretary may use a portion of funds under Parts D and E (a) to pay nonfederal entities for administrative support, (b) for Federal employees to monitor projects, and for evaluation of activities carried out under these programs.

PART B—ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES (SECS. 611–620)

Sec. 611—Entitlements and Allocations

1. Retains the ''child count'' formula.

2. Expands the list of activities that a State may carry out if it retains Part B funds at the State level (e.g., to meet performance goals, and to develop and implement the mediation process required by sec. 615, systems change activities authorized under part C, and a statewide coordinated services system, etc.).

3. Revises the $7,500 minimum subgrant provision (which prohibits subgrants to very small LEAs that would receive less than $7,500 under sec. 611). The bill (1) eases this restriction by giving States the option to decide whether to make subgrants of less than that amount, and (2) adds preschool funds under sec. 619 to the amount that could be counted in determining if an LEA meets the $7,500 minimum. (Bill retains the provision requiring that, if a State doesn't make a subgrant to an LEA, it must use those funds to provide FAPE to children residing in the LEA).

4. Defines ''outlying areas'' as including the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau and requires the outlying areas to use their Part B funds in accordance with the purposes of IDEA, and not for other purposes, as permitted under P.L. 95–134.

5. Makes technical changes regarding grants to the Secretary of the Interior, and makes other technical and conforming changes.

Sec. 612—State Eligibility

1. Simplifies provisions related to State participation under Part B—by combining most of the elements of current sections 612 (State eligibility) and 613 (State plans), so that all conditions of State eligibility (including policies on FAPE, procedural safeguards, LRE, etc.) appear in one comprehensive section.

2. Amends ''child find'' requirements (Sec. 612(a)(3))—to codify current Department policy, which provides that, so long as a child meets the ''two-pronged'' test as a ''child with a disability'' under sec. 602(4) (i.e., has a disability and needs special education), the child does not have to be classified by a specific impairment or condition in order to be eligible for service under Part B.

3. Amends LRE provisions (Sec. 612(a)(5))—to ensure that the State's funding formula does not result in placements that violate the policy that children are placed in the least restrictive environment, and (2) that the state educational agency examines data to determine if significant racial disproportionality is occurring in the evaluation and placement of children under this Act; and if either situation is identified, to take appropriate corrective action.

4. Amends provisions on Transition from Part H to Preschool Programs (Sec. 612(a)(9))—to conform Part B with the transition planning requirements under Part H (Sec. 678(a)(8)) (i.e., to ensure the LEA staff participate in transition planning conferences convened by the Part H lead agency, in order to ensure an effective transition for infants and toddlers with disabilities who move into preschool programs under Part B.

5. Addresses unilateral placements by parents (Sec. 612(a)(10))—to clarify that if the parents of a child with a disability unilaterally place the child in a private school and a hearing officer agrees with the parent's placement, the LEA may be required to reimburse the parents. However, the amount of reimbursement may be reduced or denied—(1) if prior to removal of the child from the public school, the parents do not provide a statement to the LEA rejecting its proposed placement, or (2) upon a judicial finding of unreasonableness the respect to actions taken by the parents.

6. Strengthens requirements on ensuring provision of services by non-educational agencies (Sec. 612(a)(12)) (i.e., while retaining the single line of responsibility of the SEA (Sec. 612(a)(11)), the bill provides (1) that if a non-educational agency is responsible for providing or paying for services that are also necessary for ensuring FAPE to children with disabilities, that agency must pay for, or provide such services directly or by contract or other arrangements, (2) that the State must ensure that interagency agreements or other mechanisms are in effect between educational agencies and non-educational agencies for defining respective financial responsibilities, resolving interagency disputes, and for interagency coordination, and (3) that the State must establish a mechanism by which local educational agencies may seek reimbursement from agencies for the costs of providing related services and disseminate those procedures to local educational agencies.

7. Amends ''comprehensive system of personnel development'' (CSPD) requirements (Sec. 612(a)(14))—to simplify and reduce the burden of such requirements, especially the data provisions, and make the requirements more meaningful.

8. Amends ''Personnel Standards'' to include use of paraprofessionals (Sec. 612(a)(15))—to allow districts to utilize appropriately trained and supervised paraprofessionals to provide services.

9. Conforms the IDEA to general education initiatives (sec. 612 (a)(16) and (17))—by requiring States to (1) establish performance goals and indicators for children with disabilities, and (2) ensure that these children participate in general State and district-wide assessments, with appropriate accommodations, where necessary, and that guidelines are developed for participation in alternative assessments for those children who cannot participate in state and district-wide assessments.

10. Consolidates funding requirements under current law in one place (Sec. 612(a)(18)), and deletes non-germane provisions.

11. Consolidates the public participation requirements of current law in one place (Sec. 612(a)(19)), and provides language to reduce burden—by clarifying that, if the State's policies and procedures have been subjected to public comment through a State rulemaking process, no further public review or public comment period is required.

12. Amends provisions on State Advisory Panels—by (1) specifying other categories of participants of such panels, (2) adding new duties of the Panel (e.g., advise the SEA developing corrective action plans to address findings identified through Federal monitoring reports, and to developing and implementing policies related to coordination of services), and (3) providing that a State panel established under the ESEA or Goals 200: Educate America Act may also serve as the State Advisory Panel if it meets the requirements of this part.

13. Significantly reduces paperwork and staff burden, by no longer requiring States to submit three-year State plans. Once a State demonstrates to the satisfaction of the Secretary that it has in effect policies and procedures that meet the eligibility requirements of the new sec. 612, the State does not have to resubmit such materials, unless those policies and procedures are change.

14. Simplifies provisions related to participation of LEAs—by (1) replacing the LEA application requirements in sec. 614 of current law with new ''LEA eligibility'' provisions in sec. 613, and (2) conforming those provisions, as appropriate, to the new State eligibility requirements under sec. 612.

Sec. 613—LEA Eligibility

1. Simplifies provisions related to participation of LEAs—by (1) replacing the LEA application requirements in sec. 614 of current

law with new ''LEA eligibility'' provisions in sec. 613, and (2) conforming those provisions, as appropriate, to the new State eligibility requirements under sec. 612.

2. Includes ''Maintenance of Effort'' provision—to ensure that the level of expenditures for the education of children with disabilities within each LEA from State and local funds will not drop below the level of such expenditures for the preceding fiscal year; but provides four specific exceptions (i.e., (1) decreases in enrollment of children with disabilities, (2) end of LEA's responsibility to provide an exceptionally costly program to a child with a disability [because child leaves the LEA, etc.], (3) retirement or other voluntary departure of special education staff who are at or near the top of the salary schedule, and (4) end of unusually large expenditures for equipment or construction). (Bill retains ''excess costs'' and ''supplement—not supplant'' provisions of current law.)

3. Provides greater flexibility to LEAs in the use of Part B funds, while still ensuring that children with disabilities receive needed special education and related services. The bill identifies specific activities that an LEA may carry out (notwithstanding the excess cost and noncomingling requirements in secs. 613(3)(B) and 612(a)(18)(A)(ii)), including using Part B funds for—

Incidental benefits (i.e., LEAs could provide special education services to a child with a disability in the regular classroom without having to track the costs of any incidental benefits to non-disabled students from those services).

Simultaneous services on a space-available basis (i.e., special education and related services that are provided to ''IDEA-eligible'' children could simultaneously be provided, on a space available basis, to children with disabilities who are protected by ''ADA–504'').

A coordinated services system (i.e., an LEA could use up to 5 percent of its Part B funds to develop and implement a coordinated services system that links education, health, and social welfare services, and various systems and entities in a manner designed to improve educational and transitional results for all children and their families, including children with disabilities and their families).

A school-based improvement plan (i.e., an LEA could (if authorized by the SEA) permit one or more local schools within the LEA to design, implement, and evaluate a school-based improvement plan for improving educational and transitional results for children with disabilities and, as appropriate, for other children, consistent with the provisions on incidental benefits and simultaneous services in sec. 613(a)(4) (A) and (B)).

4. Provides that an LEA may join with other LEAs to jointly establish eligibility under Part B.

5. Significantly reduces paperwork and staff burden for SEAs and LEAs—by providing that once an LEA demonstrates to the satisfaction of the SEA that it has in effect policies and procedures that meet the eligibility requirements of the new sec. 613, the SEA may consider that those requirements have been met; and the LEA would not have to resubmit such materials, unless those policies and procedures are changed.

6. Simplifies local involvement with a State's Comprehensive System of Personnel Development—and requires that a local educational agency only, to the extent appropriate, contribute to and benefit from the State Comprehensive System of Personnel Development.

Sec. 614—Evaluations, Reevaluations, IEPs, and Educational Placements

1. Simplifies State and local administration of provisions on evaluation, IEPs, and placements—by placing all such provisions in one newly established sec. 614.

2. Addresses Evaluations and Reevaluations:

Reduces cost and administrative burden—by requiring that existing evaluation data on a child be reviewed to determine if any other data are needed to make decisions about a child's eligibility and services. (If it is determined by appropriate individuals that additional data are not needed, the parents must be so informed of that fact and of their right to still request an evaluation; but no further evaluations are required at that time unless requested by the parents.)

Includes protections in evaluation procedures—by requiring LEAs to ensure that tests and other evaluation materials are relevant, validated for the specific purpose for which they are being used, etc.; and retains the nondiscriminatory testing procedures required in current law.

3. Addresses IEP provisions:

Consolidates all substantive provisions on IEPs (both content and process) in one place (secs. 614(d)–614(j)), and re-orders the provisions, so that there is a logical sequence—from (1) procedures for developing IEPs, (2) IEP content, (3) measuring and reporting on each child's progress, and (4) reviewing and revising the IEP.

Requires IEP team to consider specific factors in developing each child's IEP, including (1) basic information about the child (e.g., most recent evaluation results, child's strengths, and parent concerns for enhancing the child's education), and (2) other special factors and possible remedies, as appropriate (e.g., in the case of a child with a visual or hearing impairment, limited English).

Revises content of IEPS—by (1) replacing ''annual goals and short term instructional objectives'' with ''measurable annual objectives'', (2) placing greater emphasis on ensuring that each child, as appropriate, has the opportunity to progress in the general curriculum, and to participate with nondisabled children in various environments.

Amends provisions on transition services (i.e., the bill requires that transition services needs (1) be considered for all students with disabilities beginning at age 14 (or younger . . .), and, as appropriate, addressed under the applicable components of the IEP (e.g., levels of performance, objectives, and services), and (2) be considered in light of the student's participation in the general curriculum (e.g., a vocational education or school to work program).)

The bill (1) retains current law requiring a statement of transition services beginning at age 16 (or younger), and (2) moves the definition of ''transition services'' from Part A to sec. 614(I).

4. Adds a provision regarding transfer of rights at the age of majority (i.e., requiring that, at least one year before a student reaches the age of majority under State law, the IEP must include ''a statement about the rights under this Act, if any, that will transfer to the student on reaching the age of majority under sec. 615(j).''

Sec. 615—Procedural Safeguards.

1. Revises the written notice provision—(a) to set out the specific content of notices to parents, and (b) to reduce burden under current law and regulations—by permitting notices to include only a brief summary of the procedural safeguards under Part B relating to due process hearings (and appeals, if applicable), civil actions, and attorney fees—together with a statement that a full explanation of such safeguards will be provided if the parents request it or request a due process hearing, etc.

2. Reduces potential conflict between LEAs and parents of children with disabilities—by requiring States to make mediation available to such parents, on a voluntary basis. (The use of mediation can resolve disputes quickly and effectively, and at less cost.)

3. Provides clearer notice of the existence of a conflict between an LEA and the parents of a child with disabilities. The bill requires the parents to provide the LEA a written notice of their intent to file a complaint (request a due process hearing) under Part B, on any matter regarding the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, 10 calendar days prior to filing the complaint, if the parents (1) have new information about any matter described above, and (2) are initiating a complaint about such a matter, and have signed the most recent IEP of the child.

The bill further states that (1) if, prior to filing the complaint, the parents have new information on any matter described above, they must provide the information to the LEA along with the notice of intent to file a complaint; and (2) if the parents were duly informed by the LEA of their obligation to file such a notice, and fail to do so, ''the time line for a final decision on the complaint shall be extended by 10 calendar days.''

4. Amends provisions on attorney fees—by clarifying that ''the determination of whether a party is a prevailing party under this section shall be made in accordance with the law established by the Supreme Court in *Hensley* v. *Eckerhart*, 461 U.S. 424 (1983);'' and (2) that, ''for the purpose of this section, an IEP meeting, in and of itself, shall not be deemed a proceeding triggering the awarding of attorneys fees''.

5. Permits the transfer of parental rights to a student with disabilities upon reaching the age of majority under State law; and provides that if (under State law) such a student is determined to not have the ability to provide informed consent under Part B, the State must have procedures for appointing the parent or another person to represent the student's interests throughout the student's eligibility under this part.

6. Makes other technical and conforming changes.

Sec. 616—Withholding and Judicial Review

Makes technical and conforming changes.

Sec. 617—Administration

1. Adds a provision prohibiting the Secretary from rulemaking via policy letters or other statements. (The bill provides that, in order to establish a new rule that is required for compliance and eligibility under Part B, the Secretary must follow standard rulemaking requirements.)

2. Adds a provision requiring the Department of Education to widely disseminate, on a quarterly basis, a list of correspondence from the Department during the previous quarter that describes the Department's interpretations of this part and the implementing regulations. (Each item on the list must identify the topic being addressed, include ''such other summary information as the Secretary finds appropriate.''

Sec. 618—Evaluation and Program Information

1. Significantly reduces the data burden to States and LEAs—by eliminating the requirement for individual State data reports by disability category, but requires the Secretary, directly or by grant, contract, or cooperative agreement, to conduct studies and evaluations necessary to assess the effectiveness of efforts to provide FAPE and early intervention services, including assessing ''the placement of children with disabilities by disability category.''

2. Requires the Secretary to conduct a longitudinal study that measures the educational and transitional services provided

to and results achieved by children with disabilities under this Act, etc.

3. Provides for earmarking up to one-half of one percent of the amounts appropriated under Parts B and H to carry out the purposes of sec. 618.

Sec. 619—Preschool Grants

Includes changes that are virtually identical to the changes made in sec. 611, with respect to State administration and State use of funds, subgrants to LEAs and other State agencies, and the provision on the use of funds by the outlying areas.

Sec. 620—Payments

Makes technical and conforming changes.

Support Programs (Parts C through E, and H)

PART C—PROMOTING SYSTEMS CHANGE TO IMPROVE EDUCATIONAL AND TRANSITIONAL SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES (SECS. 621–625)

A new Part C has been developed. [It replaces current Part C which authorized a wide range of special interest demonstration and technical assistance initiatives, most with their own authorization earmarks.] The new Part C authorizes a new ''Systems Change'' State grant program. State Education Agencies, in partnership with local education agencies, and other interested individuals, agencies, and organizations, would be able to compete for planning or implementation grants to improve educational and transitional services and results for children with disabilities on a system wide basis.

Sec. 621—Findings and Purposes

Sec. 622—Grants

Authorizes grants to State Education Agencies in partnership with local education agencies, and other individuals, agencies, and organizations to address comprehensive systems change.

Authorizes grants to multiple States, in collaboration with universities and interested persons to address system change barriers of a regional or national scope.

Grants for planning for one year duration and implementation grants may be 5 years duration.

Sec. 623—Application

Grants to be based upon the performance of children with disabilities on State assessments and other performance indicators.

Grants to describe the organizational structures, policies, procedures and practices that will be changed to improve educational and transitional services and results for children with disabilities.

Sec. 624—Incentives

Provides incentives for significant and substantial levels of collaboration among participating partners.

Provides incentives for addressing the needs of unserved, underserved, and inappropriately identified populations of children with disabilities.

Sec. 625—Authorization of Appropriations

PART D RESEARCH AND PERSONNEL PREPARATION (SEC. 631–634)

A new Part D authorizes research/innovation and personnel preparation activities which are to be coordinated with system changes initiatives funded under Part C and improve results for children with disabilities. [Consolidates current Part D, which funds personnel preparation, and Part E, which funds research.]

Sec. 631—Findings and Purpose

Sec. 632—Definitions

Sec. 633—Research and Innovation

New knowledge production—supports research and innovation projects in areas of new knowledge, such as, learning styles, instructional approaches, behavior management, assessment tools, assistive technology, program accountability and personnel preparation models.

Integration of research and practice—supports projects which validate new knowledge findings through demonstration and dissemination of successful practice.

Improvement in the use of professional knowledge—supports projects to organize and disseminate professional knowledge in ways that empower teachers, parents, and others to use such knowledge in their classrooms and other learning settings.

Sec. 634—Personnel Preparation

High incidence disabilities—supports the preparation of a variety of personnel providing educational and transitional services and supports to students in high incidence disability areas, such as, learning disabilities, mental retardation, behavior disordered, and other groups.

Leadership preparation—supports the preparation of leadership personnel at the advanced graduate, doctoral, and post-doctoral levels of training.

Low-incidence disabilities—supports the preparation of a variety of personnel providing educational and transitional services and supports to children in low incidence disability areas, such as, sensory impairment, multiple disabilities, and severe disabling conditions.

Projects of national significance—supports the development and demonstration of new and innovative program models and approaches in the preparation of personnel to work with children with disabilities.

PART E—TECHNICAL ASSISTANCE, SUPPORT, AND DISSEMINATION OF INFORMATION (SECS. 641–644)

A new Part E provides authorizations for parent training and information centers, technical assistance, support, dissemination, and technology and media activities which are to be coordinated with system change initiatives funded under Part C and other activities that are designed to improve educational and transitional services and results for children with disabilities. [Consolidates activities authorized in various Parts of current law, especially Parts G and F; removes numerous authorization earmarks.]

Sec. 641—Findings and Purposes

Sec. 642—Definitions

Sec. 643—Parent Training and Information

Provides support for Statewide Parent Training and Information Center activities, as authorized in current law, with the following additions:

Supports collaboration between Centers and other parent groups in a State and between parent groups and systems change activities in States.

Requires Centers to work together through national and regional networks, and to address the needs of unserved and underserved parents in their State.

Provides support for Community-based Parent and Information Programs:

Supports the building of capacity, demonstration, and replication of models to ensure that parents of children with disabilities from unserved and underserved populations participate in parent training and information activities.

Supports the provision of services to parents of children with disabilities from unserved and underserved populations.

Supports the provision of training and information concerning children inappropriately identified as disabled.

Supports technical assistance activities to develop, coordinate, and disseminate information.

Sec. 644—Coordinated Technical Assistance and Dissemination

Supports systemic technical assistance to States, local education agencies, and other entities to plan and conduct comprehensive systems change activities.

Supports inter-organizational technical assistance activities to address interagency barriers to systems change and to improved transitional and educational results for children with disabilities.

Supports national dissemination activities in areas related to: Infants, toddlers, children, and youth with disabilities and their families; provision of services and supports for deaf-blind children; services to blind and print disabled children; postsecondary services to individuals with disabilities; personnel to provide services to children with disabilities.

Supports national technical assistance and dissemination coordination activities.

Sec. 645—Technology Development, Demonstration, and Utilization and Media Services

Supports research, development, and demonstration of innovative and emerging technology benefiting children with disabilities.

Supports dissemination and transfer of technology for use by children with disabilities.

Supports video descriptions, and open and closed captioning of television programs.

Supports recorded free educational materials and textbooks for visually impaired and print-disabled students in elementary, secondary, postsecondary, and graduate school.

Supports activities of the National Theater of the Deaf.

Requires the collection and reporting of appropriate evaluation data concerning technology and media activities.

PART H—INFANTS AND TODDLERS WITH DISABILITIES (SECS. 671–687)

The early intervention program for infants and toddlers with disabilities under Part H of this Act is an evolving program that has proven successful and enjoyed strong support since its enactment in 1986. Therefore, no major amendments are proposed. However, the bill:

1. Provides greater flexibility in addressing the needs of ''at risk infants and toddlers'' in those States not currently serving such children—by permitting Part H funds to be used for referring those children to other (non-Part H) services, and conducting periodic follow-ups on each referral to determine if the child's eligibility under Part H has changed.

2. Provides for a review of the definition of ''developmental delay''—by requiring the Federal Interagency Coordinating Council (FICC) to convene a panel to develop recommendations regarding a model definition of ''developmental delay''—to assist States, as appropriate, with their own respective definitions.

3. Facilitates the provision requiring a smooth transition for toddlers with disabilities from the Part H program to preschool services under Part B—by permitting the planning to begin up to 6 months before the child's 3rd birthday, if the parents and agencies agree.

4. Provides technical changes related to (1) membership on the FICC (2) responsibilities of the State and Federal Interagency Coordinating Councils, and (3) definitions of terms; and makes other technical and conforming changes.

THE FIRST BILL—COMMONSENSE IMPROVEMENTS TO IDEA

1. Eliminates the major bureaucratic burden of three-year plan submissions.—State and local educational agencies will make only one plan or application, instead of the currently mandated submission of once every three years. Under the First bill, state and local agencies will update their plans only if they report substantial changes.

2. Reduces burden on school funding sources to pay for supports and related services.—The First bill helps local districts pay for supports and related services by requiring that other agencies pay their fair share of the cost of services to children who are eligible for those agencies' services.

3. Cuts mandatory data collection by 50%.—The First bill cuts data collection and reporting burdens on state and local educational agencies. Currently, agencies are required to report numbers of children receiving special education by age, by four placement categories and by the disability of the student. Under the Frist bill, agencies will report only the total number of children receiving special education and the number of children in each of only two placement categories.

4. Reduces litigation by adding mediation.—If there is a dispute over an IEP, school districts and families will be able to use mediation to try to resolve issues instead of automatically having to go to a due process hearing.

5. Eliminates regulation through Department of Education policy letters.—The Frist bill will reduce the burden of new regulations on state and local educational agencies. Policy letters issued by the Department of Education will no longer be used for purposes of eligibility and compliance monitoring. Letters may be issued only for nonregulatory guidance and purposes of explanation and clarification of existing policy.

6. Relieves burden by allowing flexible local control of funds:

A. Allows flexibility in the use of funds for school improvement and coordination with general education reform.—States will be allowed to use up to 1% of the funds received under Part B, and local districts may use up to 5% of Part B funds to develop better services for all children, including children with disabilities. In addition, school districts will be allowed all of their Part B funds to establish school-based improvement plans designed to improve educational results for children with disabilities.

B. Relieves financial burden of the current maintenance of effort requirement.—The Frist bill allows local education agencies to reduce the overall level of spending for educating children with disabilities by the following; when the reduction results from lower per-teacher staff costs or per-pupil student costs, when a reduction is due to a one-time expenditure in the preceeding fiscal year, or when there are decreases in district enrollment of students with disabilities.

C. Eliminates wasteful fiscal tracking mandates.—Building and district administrators will no longer be required to keep track of the educational benefits to non-disabled children when a child with a disability is provided special education and related services in the regular education classroom.

7. Reduces the administrative burden of student evaluations.—The Frist bill will simplify and streamline the process of student evaluation. Initial evaluations and reevaluations will focus on collecting only the information that is necessary for educational planning. Reevaluations will take place when additional information is needed, or at natural transitions such as when a student moves from elementary school to junior high.

8. Cuts data collection requirements of personnel development programs.—The Frist bill simplifies and reduces data collection requirements for a state to maintain its Comprehensive System of Personnel Development (CSPD). In addition, local control will increase because school districts will decide their level of participation in the state's CSPD.

9. Cuts paperwork and providers administrative relief in IEP process.—The Frist bill eliminates mandated short-term objectives in an IEP. Paperwork will be reduced by the elimination of short-term objective tracking and repetitive reporting of test results and other information in the IEP. A flexible, sensible, workable schedule of educational reports to parents of children with disabilities will be determined by the IEP team.

10. Empowers school officials in disciplining children.—For the first time since its enactment, IDEA will contain comprehensive language that will untie school officials' hands when disciplining students with disabilities. [Currently under discussion, will be worked out by date of mark-up and then inserted]

● Mr. HARKIN. Mr. President, as ranking member of the Subcommittee on Disability Policy, I am pleased to join Senator FRIST, the chair of that subcommittee, in introducing the Individuals With Disabilities Education Act [IDEA] Amendments of 1996. It has been a privilege and a pleasure for me to work with Senator FRIST and our respective staffs in developing this reauthorization proposal. I also would like to compliment Pat Morrissey, Senator FRIST's staff director for the Subcommittee on Disability Policy for her efforts to enhance the partnership between parents of children with disabilities and the educational community.

The amendments we are proposing today provide fine-tuning to powerful education legislation with a long and successful history. Just 3 months ago, on November 29, we celebrated the 20th anniversary of the signing of Public Law 94–142, the Education for All Handicapped Children Act of 1975, now known as part B of IDEA. The purpose of this law is simple—to assist States and local communities to meet their obligations to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

As we look back on that day two decades ago, we know that this law has literally changed the world for millions of children with disabilities. Prior to the enactment of Public Law 94–142, 1 million children with disabilities in the United States were excluded entirely from the public school system, and more than half of all children with disabilities did not receive appropriate educational services.

On that day in 1975, we lit a beacon of hope for millions of children with disabilities and their families. We sent a simple, yet powerful message heard around the world that the days of exclusion, segregation, and denial of education for children with disabilities are over in this country. And we sent a powerful message that families count and they must be treated as equal partners

Because of IDEA, tremendous progress has been made in addressing the problems that existed in 1975. Today, every State in the Nation has laws in effect assuring the provision of a free appropriate public education for all children with disabilities. And over 5,000,000 children with disabilities are now receiving special education and related services.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. IDEA gives us the strength to face the challenges of bringing up a child with a disability. It has kept our family together. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as ''one of the guys.'' I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.

In May, Danette Crawford, a senior at Urbandale High School in Des Moines, testified before the Disability Policy Subcommittee. Danette, who has cerebral palsy, testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA, I am convinced I would not be receiving the quality education that Urbandale High School provides me.

We are now graduating the first generation of students who have had the benefits of the provisions of IDEA. Already, for example, since 1978 the percentage of incoming college freshman with disabilities has more than tripled from 2.4 percent to over 9 percent. We once heard despondency and anger from parents. We now hear enthusiasm and hope, as I have, from a parent from Iowa writing about her 7-year-old daughter with autism. She said, ''I have no doubt that my daughter will live nearly independently as an adult, will work, and will be a very positive contributor to society. That is very much her dream, and it is my dream for her. The IDEA has made this dream capable of becoming a reality.''

Mr. President, these are not isolated statements from a few parents in Iowa. They are reflective of the general feeling about the law across the country. The National Council on Disability [NCD] recently conducted 10 regional meetings throughout the Nation regarding progress made in implementing the IDEA over the past 20 years. In its report, NCD stated that ''in all of the 10 regional hearings * * * there were ringing affirmations in support of IDEA and the positive difference it has made in the lives of children and youth with disabilities and their families.'' The report adds that ''all across the country witnesses told of the tremendous power of IDEA to help children with disabilities fulfill their dreams to learn, to grow, and to mature.''

These comments, as well as testimony presented at the four hearings held by the Subcommittee on Disability Policy, make it clear to me that major changes in IDEA are not needed nor wanted. IDEA is as critical today as it was 20 years ago, particularly the due process protections. These provisions level the playing field so that parents can sit down as equal partners in designing an education for their children.

The witnesses at these hearings did make it clear, however, that we need to fine-tune the law—in order to make sure that children with disabilities are

not left out of educational reform efforts that are now underway, and to take what we have learned over the past 20 years and use it to update and improve this critical law.

Based on 20 years of experience and research in the education of children with disabilities, we have reinforced our thinking and knowledge about what is needed to make this law work, and we have learned many new things that are important if we are to ensure an equal educational opportunity for all children with disabilities.

For example, our experience and knowledge over the past 20 years have reaffirmed that the provision of quality education and services to children with disabilities must be based on an individualized assessment of each child's unique needs and abilities; and that, to the maximum extent appropriate, children with disabilities must be educated with children who are not disabled and children should be removed from the regular educational environment only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

We have also learned that students with disabilities achieve at significantly higher levels when schools have high expectations—and establish high goals—for these students, ensure their access to the general curriculum, whenever appropriate, and provide them with the necessary services and supports. And there is general agreement that including children with disabilities in general State and districtwide assessments is an effective accountability mechanism and a critical strategy for improving educational results for these children.

Our experience over the past 20 years has underscored the fact that parent participation is a crucial component in the education of children with disabilities, and parents should have meaningful opportunities, through appropriate training and other supports, to participate as partners with teachers and other school staff in assisting their children to achieve to high standards.

There is general agreement today at all levels of government that State and local educational agencies must be responsive to the increasing racial, ethnic, and linguistic diversity that prevails in the nation's public schools today. Steps must be taken to ensure that the procedures used for referring and evaluating children with disabilities include appropriate safeguards to prevent the over or under-identification of minority students requiring special education. Services, supports, and other assistance must be provided in a culturally competent manner. And greater efforts must be made to improve post-school results among minority students with disabilities.

The progress that has been made over the past 20 years in the education of children with disabilities has been impressive. However, it is clear that significant challenges remain. We must ensure that this crucial law not only remains intact as the centerpiece for ensuring equal educational opportunity for all children with disabilities, but also that it is strengthened and updated to keep current with the changing times.

The basic purposes of Public Law 94–142 must be retained under the proposed reauthorization of IDEA: To assist States and local communities in meeting their obligation to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services that are designed to meet the unique needs of these children and enable them to lead productive independent adult lives; to ensure that the rights of children with disabilities and their parents are protected; and to assess and ensure the effectiveness of efforts to educate children with disabilities.

We also need to expand those purposes to promote the improvement of educational services and results for children with disabilities and early intervention services for infants and toddlers with disabilities—by assisting the systems change initiatives of State educational agencies in partnerships with other interested parties, and by assisting and supporting coordinated research and personnel preparation, and coordinated technical assistance, dissemination, and evaluation, as well as technology development and media services.

Mr. President, this bipartisan bill we are presenting here today provides the fine-tuning that is needed to up-date current law along the lines I have described. These amendments will help ensure that children with disabilities have equal educational opportunities along with their nondisabled peers to leave school with the skills necessary for them to be included and integrated in the economic and social fabric of society and to live full, independent productive lives as adults.

In closing, Mr. President, I would like to quote Ms. Melanie Seivert of Sibley, IA, who is the parent of Susan, a child with Downs syndrome. She states:

> Our ultimate goal for Susan is to be educated academically, vocationally, [and] in life-skills and community living so as an adult she can get a job and live her life with a minimum of management from outside help. Through the things IDEA provides . . . we will be able to reach our goals.
>
> Does it not make sense to give all children the best education possible? Our children need IDEA for a future.

Mr. President, IDEA is the shining light of educational opportunity. And we, in the Congress, must make sure that the light continues to burn bright. We still have promises to keep. I urge my colleagues to support the Individuals With Disabilities Education Act Amendments of 1996.●

By Mr. GLENN (for himself, Mr. STEVENS, Mr. LEVIN, Mr. COCHRAN, Mr. PRYOR, Mr. COHEN, Mr. LIEBERMAN, and Mr. BROWN):

S. 1579. A bill to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the ''Single Audit Act''); to the Committee on Governmental Affairs.

THE SINGLE AUDIT ACT AMENDMENTS OF 1996

Mr. GLENN. Mr. President, today, I am introducing legislation to amend the Single Audit Act of 1984. This legislation will both improve financial management of Federal funds and reduce paperwork burdens on State and local governments, universities and other nonprofit organizations that receive Federal assistance. I am happy that the chairman of the Governmental Affairs Committee, Senator STEVENS, joins with me in cosponsoring the bill, as do Senators LEVIN, COCHRAN, PRYOR, COHEN, LIEBERMAN, and BROWN, all fellow members of the Governmental Affairs Committee.

Over the last several years we have made great strides in reforming the sloppy and wasteful state of Federal financial management. The Chief Financial Officers Act of 1990, which I strongly support, was a major accomplishment in this regard. Much more remains to be done, however, to achieve greater accountability for the hundreds of billions of dollars of Federal assistance that go to or through State and local governments and nonprofit organizations. Much more also remains to be done to reduce the auditing and reporting burdens of the Federal assistance management process. The Single Audit Act Amendments of 1996, which I introduce today, goes a long way toward achieving these goals.

The Single Audit Act was enacted in 1984 to overcome serious gaps and duplications that existed in audit coverage over Federal funds provided to State and local governments, which now amount to about $200 billion a year. Some governments rarely saw an auditor interested in examining Federal funds, others were swamped by auditors, each looking at a separate grant award. The Single Audit Act remedied that problem by changing the audit focus from compliance with individual Federal grant requirements to a periodic single overall audit of the entity receiving Federal assistance. The act also set specific dollar thresholds to exempt small grant recipients from regular audit requirements. This structured approach of entity-wide audits simplified overlapping audit requirements and improved grantee-organization administrative controls.

The Single Audit Act also served an important purpose of prompting State and local governments to improve their general financial management practices. The act encouraged the governments to review and revise their financial management practices, including instituting annual financial statement audits, installing new accounting systems, and implementing monitoring systems. The improvements represented long-needed and long-lasting

financial management reforms. Studies by the General Accounting Office [GAO] confirmed these accomplishments. The success of the act also prompted the Office of Management and Budget [OMB] to apply single audit principles to educational institutions and other nonprofits that receive or passthrough Federal funds (OMB Circular No. A–133, ''Audits of Institutions of Higher Education and Other Nonprofit Organizations,'' March 1990).

During my tenure as chairman of the Governmental Affairs Committee, I requested that GAO study the implementation of the Single Audit Act and suggest any needed changes. The resulting report, Single Audit: Refinements Can Improve Usefulness (GAO/AIMD–94–133, June 1994), reviewed the successes of the act, but also pointed out specific modifications that could improve the act's usefulness. The legislation I introduce today is based on GAO's findings, and in fact, was developed in cooperation with GAO and OMB. Moreover, OMB is presently revising its Circular A–133 consistent with the purposes of this legislation. Finally, the bill also reflects comments received from State, local and private sector accounting, and audit professionals, as well as program managers. Altogether, the legislation will strengthen the act, while simultaneously reducing its burdens.

First, the legislation extends the act to cover nonprofit entities that receive Federal assistance. Again, these organizations are currently subject to the single audit process under OMB Circular A–133. Broadening the act's coverage in this way ensures that all non-Federal grantee organizations will be covered uniformly by a single audit process.

Second, the bill reduces audit and related paperwork burdens by raising the single audit threshold from $100,000 to $300,000. This would exempt thousands of smaller State and local governments and nonprofits from Federal single audit requirements. It would still ensure, however, that the vast majority of Federal funds would be subject to audit testing. Needless to say, it would also not interfere with the ability of Federal agencies to audit or investigate grantees when needed to safeguard Federal funds.

Third, the bill would improve audit effectiveness by establishing a risk-based approach for selecting programs to be tested during single audits for adequacy of internal controls and compliance with Federal program requirements, such as eligibility rules. The Single Audit Act has required audit testing solely on the basis of dollar criteria. Using the risk-based approach will ensure coverage of large programs, as well as others that are actually more at risk.

Fourth, the legislation improves the contents and timeliness of single audit reporting to make the reports more useful. Currently, auditors often include a number of different documents in a single audit report. These documents are designed to comply with auditing standards but leave many confused. A summary document, written in plain language, would greatly increase the usefulness of single audit reports.

Shortening the reporting timeframes will also make the single audit reports more useful. The current practice of filing reports 13 months after the end of the year that was audited significantly reduces their utility. An ideal period would be the Government Finance Officers Association's standard of 6 months for timely reporting by State and local governments. However, given the multiple audits that some State auditors have to perform, the legislation establishes a 9-month standard. Moreover, the legislation gives flexibility for extensions as needed. The overall goal, still, is to shorten the reporting timeframe to make the single audit reports more useful to assess the stewardship of organizations entrusted with Federal funds and to prompt any needed corrective actions.

Fifth, the legislation increases administrative flexibility. OMB is authorized to issue rules to implement the act and may revise certain audit requirements as needed, without seeking amendments to the act. For example, OMB would be authorized to raise even higher the $300,000 threshold. Auditors also will have greater flexibility to target programs at risk.

In these and other ways, the Single Audit Act Amendments of 1996 will streamline the underlying Single Audit Act, update its requirements, reduce burdens, and provide for more flexibility. This legislation builds on the significant accomplishments of the 1984 act and I am confident that the Senate will move the legislation expeditiously.

In December 1995, the Senate Committee on Governmental Affairs held a hearing on the status of Federal financial management, including the Single Audit Act. Charles Bowsher, the Comptroller General of the United States and, Kurt Sjoberg, the California State auditor, representing the National State Auditors Association, strongly supported the legislation and recommended that it be enacted. Edward DeSeve, Office of Management and Budget Controller, also applauded the legislative effort.

The support of the Comptroller General and the State auditors is especially important. The Comptroller General was instrumental in advising the Congress when the original Single Audit Act was enacted. He followed the subsequent implementation of the act and has made the recommendations for improving the act that was the basis for the current legislation. I give great weight to his recommendations for amending the Single Audit Act. State auditors, for their part, are key players in the single audit process. They conduct or arrange for thousands of single audits each year. So, their views are also critically important. Following the December hearing, the National State Auditors Association met to discuss the legislation and decided unanimously to support its enactment. I submit their letter of support for the RECORD.

Finally, I commend to my colleagues the fact that this legislation is bipartisan. Again, Senator STEVENS, chairman of the Governmental Affairs Committee, joins with me in cosponsoring the bill, as do Senators LEVIN, COCHRAN, PRYOR, COHEN, LIEBERMAN, and BROWN. This bipartisanship also extends to the House of Representatives. With this bipartisan support, I am sure that this good Government legislation can soon become law.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

S. 1579

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

SECTION 1. SHORT TITLE; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Single Audit Act Amendments of 1996''.

(b) PURPOSES.—The purposes of this Act are to—

(1) promote sound financial management, including effective internal controls, with respect to Federal awards administered by non-Federal entities;

(2) establish uniform requirements for audits of Federal awards administered by non-Federal entities;

(3) promote the efficient and effective use of audit resources;

(4) reduce burdens on State and local governments, Indian tribes, and nonprofit organizations; and

(5) ensure that Federal departments and agencies, to the maximum extent practicable, rely upon and use audit work done pursuant to chapter 75 of title 31, United States Code (as amended by this Act).

SEC. 2. AMENDMENT TO TITLE 31, UNITED STATES CODE.

Chapter 75 of title 31, United States Code, is amended to read as follows:

''CHAPTER 75—REQUIREMENTS FOR SINGLE AUDITS

''§ 7501. Definitions

''(a) As used in this chapter, the term—

''(1) 'Comptroller General' means the Comptroller General of the United States;

''(2) 'Director' means the Director of the Office of Management and Budget;

''(3) 'Federal agency' has the same meaning as the term 'agency' in section 551(1) of title 5;

''(4) 'Federal awards' means Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities;

''(5) 'Federal financial assistance' means assistance that non-Federal entities receive or administer in the form of grants, loans, loan guarantees, property, cooperative agreements, interest subsidies, insurance,

donated surplus property, food commodities, direct appropriations, or other assistance, but does not include amounts received as reimbursement for services rendered to individuals in accordance with guidance issued by the Director;

''(6) 'Federal program' means all Federal awards to a non-Federal entity assigned a single number in the Catalog of Federal Domestic Assistance or encompassed in a group of numbers or other category as defined by the Director;

''(7) 'generally accepted government auditing standards' means the government auditing standards issued by the Comptroller General;

''(8) 'independent auditor' means—

''(A) an external State or local government auditor who meets the independence standards included in generally accepted government auditing standards; or

''(B) a public accountant who meets such independence standards;

''(9) 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation (as defined in, or established under, the Alaskan Native Claims Settlement Act) that is recognized by the United States as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

''(10) 'internal controls' means a process, effected by an entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

''(A) Effectiveness and efficiency of operations.

''(B) Reliability of financial reporting.

''(C) Compliance with applicable laws and regulations;

''(11) 'local government' means any unit of local government within a State, including a county, borough, municipality, city, town, township, parish, local public authority, special district, school district, intrastate district, council of governments, any other instrumentality of local government and, in accordance with guidelines issued by the Director, a group of local governments;

''(12) 'major program' means a Federal program identified in accordance with risk-based criteria prescribed by the Director under this chapter, subject to the limitations described under subsection (b);

''(13) 'non-Federal entity' means a State, local government, or nonprofit organization;

''(14) 'nonprofit organization' means any corporation, trust, association, cooperative, or other organization that—

''(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

''(B) is not organized primarily for profit; and

''(C) uses net proceeds to maintain, improve, or expand the operations of the organization;

''(15) 'pass-through entity' means a non-Federal entity that provides Federal awards to a subrecipient to carry out a Federal program;

''(16) 'program-specific audit' means an audit of one Federal program;

''(17) 'recipient' means a non-Federal entity that receives awards directly from a Federal agency to carry out a Federal program;

''(18) 'single audit' means an audit, as described under section 7502(d), of a non-Federal entity that includes the entity's financial statements and Federal awards;

''(19) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian tribe; and

''(20) 'subrecipient' means a non-Federal entity that receives Federal awards through another non-Federal entity to carry out a Federal program, but does not include an individual who receives financial assistance through such awards.

''(b) In prescribing risk-based program selection criteria for major programs, the Director shall not require more programs to be identified as major for a particular non-Federal entity, except as prescribed under subsection (c) or as provided under subsection (d), than would be identified if the major programs were defined as any program for which total expenditures of Federal awards by the non-Federal entity during the applicable year exceed—

''(1) the larger of $30,000,000 or 0.15 percent of the non-Federal entity's total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed $10,000,000,000;

''(2) the larger of $3,000,000, or 0.30 percent of the non-Federal entity's total Federal expenditures, in the case of a non-Federal entity for which such total expenditures for all programs exceed $100,000,000 but are less than or equal to $10,000,000,000; or

''(3) the larger of $300,000, or 3 percent of such total Federal expenditures for all programs, in the case of a non-Federal entity for which such total expenditures for all programs equal or exceed $300,000 but are less than or equal to $100,000,000.

''(c) When the total expenditures of a non-Federal entity's major programs are less than 50 percent of the non-Federal entity's total expenditures of all Federal awards (or such lower percentage as specified by the Director), the auditor shall select and test additional programs as major programs as necessary to achieve audit coverage of at least 50 percent of Federal expenditures by the non-Federal entity (or such lower percentage as specified by the Director), in accordance with guidance issued by the Director.

''(d) Loan or loan guarantee programs, as specified by the Director, shall not be subject to the application of subsection (b).

''§ 7502. Audit requirements; exemptions

''(a)(1)(A) Each non-Federal entity that expends a total amount of Federal awards equal to or in excess of $300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such non-Federal entity shall have either a single audit or a program-specific audit made for such fiscal year in accordance with the requirements of this chapter.

''(B) Each such non-Federal entity that expends Federal awards under more than one Federal program shall undergo a single audit in accordance with the requirements of subsections (b) through (i) of this section and guidance issued by the Director under section 7505.

''(C) Each such non-Federal entity that expends awards under only one Federal program and is not subject to laws, regulations, or Federal award agreements that require a financial statement audit of the non-Federal entity, may elect to have a program-specific audit conducted in accordance with applicable provisions of this section and guidance issued by the Director under section 7505.

''(2)(A) Each non-Federal entity that expends a total amount of Federal awards of less than $300,000 or such other amount specified by the Director under subsection (a)(3) in any fiscal year of such entity, shall be exempt for such fiscal year from compliance with—

''(i) the audit requirements of this chapter; and

''(ii) any applicable requirements concerning financial audits contained in Federal statutes and regulations governing programs under which such Federal awards are provided to that non-Federal entity.

''(B) The provisions of subparagraph (A)(ii) of this paragraph shall not exempt a non-Federal entity from compliance with any provision of a Federal statute or regulation that requires such non-Federal entity to maintain records concerning Federal awards provided to such non-Federal entity or that permits a Federal agency, pass-through entity, or the Comptroller General access to such records.

''(3) Every 2 years, the Director shall review the amount for requiring audits prescribed under paragraph (1)(A) and may adjust such dollar amount consistent with the purposes of this chapter, provided the Director does not make such adjustments below $300,000.

''(b)(1) Except as provided in paragraphs (2) and (3), audits conducted pursuant to this chapter shall be conducted annually.

''(2) A State or local government that is required by constitution or statute, in effect on January 1, 1987, to undergo its audits less frequently than annually, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

''(3) Any nonprofit organization that had biennial audits for all biennial periods ending between July 1, 1992, and January 1, 1995, is permitted to undergo its audits pursuant to this chapter biennially. Audits conducted biennially under the provisions of this paragraph shall cover both years within the biennial period.

''(c) Each audit conducted pursuant to subsection (a) shall be conducted by an independent auditor in accordance with generally accepted government auditing standards, except that, for the purposes of this chapter, performance audits shall not be required except as authorized by the Director.

''(d) Each single audit conducted pursuant to subsection (a) for any fiscal year shall—

''(1) cover the operations of the entire non-Federal entity; or

''(2) at the option of such non-Federal entity such audit shall include a series of audits that cover departments, agencies, and other organizational units which expended or otherwise administered Federal awards during such fiscal year provided that each such audit shall encompass the financial statements and schedule of expenditures of Federal awards for each such department, agency, and organizational unit, which shall be considered to be a non-Federal entity.

''(e) The auditor shall—

''(1) determine whether the financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles;

''(2) determine whether the schedule of expenditures of Federal awards is presented fairly in all material respects in relation to the financial statements taken as a whole;

''(3) with respect to internal controls pertaining to the compliance requirements for each major program—

''(A) obtain an understanding of such internal controls;

''(B) assess control risk; and

''(C) perform tests of controls unless the controls are deemed to be ineffective; and

''(4) determine whether the non-Federal entity has complied with the provisions of laws, regulations, and contracts or grants pertaining to Federal awards that have a direct and material effect on each major program.

''(f)(1) Each Federal agency which provides Federal awards to a recipient shall—

''(A) provide such recipient the program names (and any identifying numbers) from which such awards are derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter; and

''(B) review the audit of a recipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the recipient by the Federal agency.

''(2) Each pass-through entity shall—

''(A) provide such subrecipient the program names (and any identifying numbers) from which such assistance is derived, and the Federal requirements which govern the use of such awards and the requirements of this chapter;

''(B) monitor the subrecipient's use of Federal awards through site visits, limited scope audits, or other means;

''(C) review the audit of a subrecipient as necessary to determine whether prompt and appropriate corrective action has been taken with respect to audit findings, as defined by the Director, pertaining to Federal awards provided to the subrecipient by the pass-through entity; and

''(D) require each of its subrecipients of Federal awards to permit, as a condition of receiving Federal awards, the independent auditor of the pass-through entity to have such access to the subrecipient's records and financial statements as may be necessary for the pass-through entity to comply with this chapter.

''(g)(1) The auditor shall report on the results of any audit conducted pursuant to this section, in accordance with guidance issued by the Director.

''(2) When reporting on any single audit, the auditor shall include a summary of the auditor's results regarding the non-Federal entity's financial statements, internal controls, and compliance with laws and regulations.

''(h) The non-Federal entity shall transmit the reporting package, which shall include the non-Federal entity's financial statements, schedule of expenditures of Federal awards, corrective action plan defined under subsection (i), and auditor's reports developed pursuant to this section, to a Federal clearinghouse designated by the Director, and make it available for public inspection within the earlier of—

''(1) 30 days after receipt of the auditor's report; or

''(2)(A) for a transition period of at least 2 years after the effective date of the Single Audit Act Amendments of 1996, as established by the Director, 13 months after the end of the period audited; or

''(B) for fiscal years beginning after the period specified in subparagraph (A), 9 months after the end of the period audited, or within a longer timeframe authorized by the Federal agency, determined under criteria issued under section 7505, when the 9-month timeframe would place an undue burden on the non-Federal entity.

''(i) If an audit conducted pursuant to this section discloses any audit findings, as defined by the Director, including material noncompliance with individual compliance requirements for a major program by, or reportable conditions in the internal controls of, the non-Federal entity with respect to the matters described in subsection (e), the non-Federal entity shall submit to Federal officials designated by the Director, a plan for corrective action to eliminate such audit findings or reportable conditions or a statement describing the reasons that corrective action is not necessary. Such plan shall be consistent with the audit resolution standard promulgated by the Comptroller General (as part of the standards for internal controls in the Federal Government) pursuant to section 3512(c).

''(j) The Director may authorize pilot projects to test alternative methods of achieving the purposes of this chapter. Such pilot projects may begin only after consultation with the Chair and Ranking Minority Member of the Committee on Governmental Affairs of the Senate and the Chair and Ranking Minority Member of the Committee on Government Reform and Oversight of the House of Representatives.

''§ 7503. Relation to other audit requirements

''(a) An audit conducted in accordance with this chapter shall be in lieu of any financial audit of Federal awards which a non-Federal entity is required to undergo under any other Federal law or regulation. To the extent that such audit provides a Federal agency with the information it requires to carry out its responsibilities under Federal law or regulation, a Federal agency shall rely upon and use that information.

''(b) Notwithstanding subsection (a), a Federal agency may conduct or arrange for additional audits which are necessary to carry out its responsibilities under Federal law or regulation. The provisions of this chapter do not authorize any non-Federal entity (or subrecipient thereof) to constrain, in any manner, such agency from carrying out or arranging for such additional audits, except that the Federal agency shall plan such audits to not be duplicative of other audits of Federal awards.

''(c) The provisions of this chapter do not limit the authority of Federal agencies to conduct, or arrange for the conduct of, audits and evaluations of Federal awards, nor limit the authority of any Federal agency Inspector General or other Federal official.

''(d) Subsection (a) shall apply to a non-Federal entity which undergoes an audit in accordance with this chapter even though it is not required by section 7502(a) to have such an audit.

''(e) A Federal agency that provides Federal awards and conducts or arranges for audits of non-Federal entities receiving such awards that are in addition to the audits of non-Federal entities conducted pursuant to this chapter shall, consistent with other applicable law, arrange for funding the full cost of such additional audits. Any such additional audits shall be coordinated with the Federal agency determined under criteria issued under section 7504 to preclude duplication of the audits conducted pursuant to this chapter or other additional audits.

''(f) Upon request by a Federal agency or the Comptroller General, any independent auditor conducting an audit pursuant to this chapter shall make the auditor's working papers available to the Federal agency or the Comptroller General as part of a quality review, to resolve audit findings, or to carry out oversight responsibilities consistent with the purposes of this chapter. Such access to auditor's working papers shall include the right to obtain copies.

''§ 7504. Federal agency responsibilities and relations with non-Federal entities

''(a) Each Federal agency shall, in accordance with guidance issued by the Director under section 7505, with regard to Federal awards provided by the agency—

''(1) monitor non-Federal entity use of Federal awards, and

''(2) assess the quality of audits conducted under this chapter for audits of entities for which the agency is the single Federal agency determined under subsection (b).

''(b) Each non-Federal entity shall have a single Federal agency, determined in accordance with criteria established by the Director, to provide the non-Federal entity with technical assistance and assist with implementation of this chapter.

''(c) The Director shall designate a Federal clearinghouse to—

''(1) receive copies of all reporting packages developed in accordance with this chapter;

''(2) identify recipients that expend $300,000 or more in Federal awards or such other amount specified by the Director under section 7502(a)(3) during the recipient's fiscal year but did not undergo an audit in accordance with this chapter; and

''(3) perform analyses to assist the Director in carrying out responsibilities under this chapter.

''§ 7505. Regulations

''(a) The Director, after consultation with the Comptroller General, and appropriate officials from Federal, State, and local governments and nonprofit organizations shall prescribe guidance to implement this chapter. Each Federal agency shall promulgate such amendments to its regulations as may be necessary to conform such regulations to the requirements of this chapter and of such guidance.

''(b)(1) The guidance prescribed pursuant to subsection (a) shall include criteria for determining the appropriate charges to Federal awards for the cost of audits. Such criteria shall prohibit a non-Federal entity from charging to any Federal awards—

''(A) the cost of any audit which is—

''(i) not conducted in accordance with this chapter; or

''(ii) conducted in accordance with this chapter when expenditures of Federal awards are less than amounts cited in section 7502(a)(1)(A) or specified by the Director under section 7502(a)(3), except that the Director may allow the cost of limited scope audits to monitor subrecipients in accordance with section 7502(f)(2)(B); and

''(B) more than a reasonably proportionate share of the cost of any such audit that is conducted in accordance with this chapter.

''(2) The criteria prescribed pursuant to paragraph (1) shall not, in the absence of documentation demonstrating a higher actual cost, permit the percentage of the cost of audits performed pursuant to this chapter charged to Federal awards, to exceed the ratio of total Federal awards expended by such non-Federal entity during the applicable fiscal year or years, to such non-Federal entity's total expenditures during such fiscal year or years.

''(c) Such guidance shall include such provisions as may be necessary to ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals will have the opportunity to participate in the performance of contracts awarded to fulfill the audit requirements of this chapter.

''§ 7506. Monitoring responsibilities of the Comptroller General

''(a) The Comptroller General shall review provisions requiring financial audits of non-Federal entities that receive Federal awards that are contained in bills and resolutions reported by the committees of the Senate and the House of Representatives.

''(b) If the Comptroller General determines that a bill or resolution contains provisions that are inconsistent with the requirements of this chapter, the Comptroller General shall, at the earliest practicable date, notify in writing—

''(1) the committee that reported such bill or resolution; and

''(2)(A) the Committee on Governmental Affairs of the Senate (in the case of a bill or resolution reported by a committee of the Senate); or

''(B) the Committee on Government Reform and Oversight of the House of Representatives (in the case of a bill or resolution reported by a committee of the House of Representatives).

''§ 7507. Effective date

''This chapter shall apply to any non-Federal entity with respect to any of its fiscal years which begin after June 30, 1996.''.

SEC. 3. TRANSITIONAL APPLICATION.

Subject to section 7507 of title 31, United States Code (as amended by section 2 of this Act) the provisions of chapter 75 of such title (before amendment by section 2 of this Act) shall continue to apply to any State or local government with respect to any of its fiscal years beginning before July 1, 1996.

SINGLE AUDIT ACT AMENDMENTS OF 1996

This bill amends the Single Audit Act of 1984 (P.L. 98–502). The 1984 Act replaced multiple grant-by-grant audits with an annual entity-wide audit process for State and local governments that receive Federal assistance. The new bill would broaden the scope of the Act to cover universities and other nonprofit organizations, as well. It would also streamline the process. Thus, the bill would improve accountability for hundreds of billions of dollars of Federal assistance, while also reducing auditing and paperwork burdens on grant recipients.

The bill was developed on the basis of GAO review of implementation of the Single Audit Act ''*Single Audit: Refinements Can Improve Usefulness*,'' GAO/AIMD–94–133, June 21, 1994). Major stakeholders in the single audit process were consulted during the drafting process. Support for the bill was confirmed at a December 14, 1995, hearing of the Senate Committee on Governmental Affairs.

The 10 years' experience under the 1984 Act demonstrated that the single audit concept promotes accountability over Federal Assistance and prompts related financial management improvements by covered entities. Experience also showed, however, that process can be strengthened. This bill would (1) improve audit coverage of federal assistance, (2) reduce Federal burden on non-Federal entities, (3) improve audit effectiveness, (4) improve single audit reporting, and (5) increase administrative flexibility.

IMPROVE AUDIT COVERAGE

The bill would improve audit coverage of Federal assistance by including in the single audit process all State and local governments and nonprofit organizations that receive Federal assistance. Currently, the Act only applies to State and local governments. Nonprofit organizations are subject administratively to single audits under OMB Circular A–133, ''Audits of Institutions of Higher Education and Other Nonprofit Organizations.'' –Including nonprofit organizations under the Act would result in a common set of single audit requirements for Federal assistance.

REDUCE FEDERAL BURDEN

The bill would simultaneously reduce Federal burdens on thousands of State and local governments and nonprofits, and ensure audit coverage over the vast majority of Federal assistance provided to those organizations. It would do so by raising the dollar threshold for requiring a single audit from $100,000 to $300,000. While this would relieve many grantees of Federal single audit mandates, GAO estimated that a $300,000 threshold would cover, for example, 95% of direct Federal assistance to local governments. This is commensurate with the coverage provided at the $100,000 threshold when the Act was passed in 1984. Thus, exempting thousands of entities from single audits would reduce audit and paperwork burdens, but not significantly diminish the percentage of Federal assistance covered by single audits.

IMPROVE AUDIT EFFECTIVENESS

The bill would improve audit effectiveness by directing audit resources to the areas of greatest risk. Currently, auditors must perform audit testing on the largest—but not necessarily the riskiest—programs that an entity operates. The bill would require auditors to assess the risk of the programs an entity operates and select the riskiest programs for testing. As the President of the National State Auditors Association said, ''It makes good economic sense to concentrate audits where increased corrective action and recoveries are likely to result.''

IMPROVE SINGLE AUDIT REPORTING

The bill would greatly improve the usefulness of single audit reports by requiring auditors to provide a summary of audit results. The reports would also be due sooner—9 months after the year-end rather than the current 13 months. Interpretations of current rules lead auditors to include 7 or more separate reports in each single audit report. Such a large number of reports tends to confuse rather than inform users. A summary of the audit results would highlight important information and thus enable users to quickly discern the overall results of an audit. Federal managers surveyed by GAO overwhelmingly support the summary reporting and faster submission of reports.

INCREASE ADMINISTRATIVE FLEXIBILITY

The bill would enable the single audit process to evolve with changing circumstances. For example, rather than lock specific dollar amount audit thresholds into law, OMB would have the authority to periodically revise the audit threshold above the new $300,000 threshold. OMB also could revise criteria for selecting programs for audit testing. By giving OMB such authority, specific requirements within the single audit process could be revised administratively to reflect changing circumstances that affect accountability for Federal financial assistance.

CONCLUSION: GOOD GOVERNMENT REFORM

Developed by GAO and endorsed by the National State Auditors Association, the Single Audit Act Amendments of 1996 represents consensus good government legislation that will improve accountability over Federal funds and reduce burdens on State and local governments and nonprofit organizations.

NATIONAL STATE
AUDITORS ASSOCIATION,
Baltimore, MD, January 29, 1996.

Hon. JOHN GLENN,
Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: The National State Auditors Association has voted unanimously to support the proposed bill to amend the Single Audit Act of 1984. My state audit colleagues and I believe that the proposed legislation is an excellent measure that deserves to be passed into law as soon as possible.

The Single Audit Act amendments provide a unique opportunity to address the needs of federal, state and local government auditors and program managers. The original act is over 10 years old and the amendments address many of the changes that have occurred over the years in the auditing profession and in government financial management. The bill is the result of open and constructive dialog along the stakeholders. Over the last several months, we have worked closely with congressional staff as well as representatives of the General Accounting Office and the Office of Management and Budget. As currently drafted, the bill provides needed improvements to financial accountability over federal grant funds.

While there are several excellent provisions in the amended act, two are particularly noteworthy. First, the minimum threshold of receipts requiring any entity to have a single audit performed is raised in the bill to $300,000. Similarly, the thresholds for larger recipients are also adjusted. These modifications will relieve many state and local governments of unnecessary federal mandates and generate savings of audit costs. Second, the amendments allow federal and state governments to focus audit resources on ''high-risk'' grants where the potential for savings is the greatest. It makes good economic sense to concentrate audits where increased corrective action and recoveries are likely to result.

In summary, the National State Auditors Association is pleased to fully support the amendments to the Single Audit Act of 1984 and assist you in any way possible to facilitate its passage this year.

Sincerely,

ANTHONY VERDECCHIA,
President.

By Mr. KYL (for himself, Mr. COVERDELL, Mr. CRAIG, Mr. FAIRCLOTH, Mr. GRAMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. LOTT, Mr. MCCAIN, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Mr. THOMAS, and Mr. THOMPSON):

S.J. Res. 49. A joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes; to the Committee on the Judiciary.

TAX LIMITATION CONSTITUTIONAL AMENDMENT

• Mr. KYL. Mr. President, during the next 8 weeks, millions of Americans will file their income tax returns. According to estimates by the Internal Revenue Service, individuals will have spent about 1.7 billion hours on tax-related paperwork by the time their returns are completed. Businesses will spend another 3.4 billion hours. The Tax Foundation estimates that the cost of compliance will approach $200 billion.

Mr. President, if that is not evidence that our Tax Code is one of the most inefficient and wasteful ever created, I do not know what is. Money and effort that could have been put to productive use solving problems in our communities, putting Americans to work, putting food on the table, or investing in the Nation's future are instead devoted to convoluted paperwork.

It is no wonder that the American people are frustrated and angry, and that they are demanding radical change in the way their Government taxes and spends. It is no wonder that tax reform has become one of the major issues of this year's Presidential campaign.

Mr. President, today I am introducing a resolution with more than a dozen of my colleagues that represents the first concrete step toward comprehensive tax reform. The resolution, which we call the tax limitation amendment, would establish a constitutional requirement for a two-thirds majority vote in each House of Congress for the approval of tax-rate increases.

A companion resolution, House Joint Resolution 159, was introduced in the House of Representatives on February 1 by Congressman JOE BARTON of Texas and 155 other House Members.

The two-thirds supermajority that we have proposed was among the recommendations of the National Commission on Economic Growth and Tax Reform, appointed by Majority Leader BOB DOLE and Speaker GINGRICH. The Commission, chaired by former HUD Secretary Jack Kemp, advocated a supermajority requirement in its recent report on how to achieve a simpler, single-rate tax to replace the existing maze of tax rates, deductions, exemptions, and credits that makes up the Federal income tax as we know it today.

Here are the words of the Commission:

The roller-coaster ride of tax policy in the past few decades has fed citizens' cynicism about the possibility of real, long-term reform, while fueling frustration with Washington. The initial optimism inspired by the low rates of the 1986 Tax Reform Act soured into disillusionment and anger when taxes subsequently were hiked two times in less than seven years. The commission believes that a two-thirds super-majority vote of Congress will earn Americans' confidence in the longevity, predictability, and stability of any new tax system.

Mr. President, in the 10 years since the last attempt at comprehensive tax reform, Congress and the President have made some 4,000 amendments to the Tax Code. Four thousand amendments. That means that taxpayers have never been able to plan for the future with any certainty about the tax consequences of the decisions they make. They are left wondering whether saving money for a child's education today will result in an additional tax burden tomorrow. They can never be sure that if they make an investment, the capital gains tax will not be increased when they are ready to sell. Rules are changed in the middle of the game, and in some cases, the rules have been changed even after the game is over. President Clinton's tax increase in 1993 retroactively raised taxes on many Americans, including some who had died.

The volatility of the Tax Code is not new. You will recall that the income tax was established in 1913 with a top rate of 7 percent; fewer than 2 percent of American families were even required to file a tax return. Just 3 years later, on the eve of the First World War, the top rate soared to 67 percent. By the Second World War, the top rate had risen again—to 94 percent—and it remained in that range through the 1950's. Of course, by that time, the tax had been expanded to cover almost every working American.

Ten years ago, President Reagan succeeded in reducing the number of tax rates to just two—15 percent and 28 percent. But it was not long before additional rates were established, and taxes were raised again under the Clinton administration.

The tax limitation amendment would put an end to the roller coaster ride of tax policy that has so bedeviled hardworking Americans. And it guarantees more than stability and predictability. It will also ensure that taxes cannot be raised—whether we ultimately adopt a single-rate tax as the Kemp commission has proposed, a national sales tax as Senator LUGAR has proposed, or some alternative—unless there is sufficient consensus and strong bipartisan support in Congress and around the country.

Mr. President, the last tax increase to have cleared the Congress was proposed by President Clinton in 1993, and you will remember that it was the largest tax increase in history.

I was serving in the House of Representatives at the time. It seemed to me that most Americans strongly opposed the plan. The calls, letters, and faxes from my constituents in Arizona ran about 10 to 1 in opposition to the President's tax plan. There was a lot of opposition in Congress, too. The opposition was bipartisan—Republicans and Democrats. Unfortunately, the President was able to hold onto enough members of his own party in the House to pass it there, but only with partisan Democrat support.

The story was different in the Senate. Not more than 50 Senators were willing to support the largest tax increase in history. A measure would normally fail on a tie vote—in this case, 50 to 50. The reason the tax increase passed was that the Vice President, as in the case of any tie in the Senate, had the right to cast the deciding vote. That is his right under the Constitution. The tax bill was not passed improperly, but it is notable that the largest tax increase in history managed to become law without the support of a majority of the people's elected Senators. To me, that is a travesty.

The tax increase of 1990—the next largest in history after the 1993 law—passed with a majority of 54 percent in the Senate and 53 percent in the House. That was only slightly better. Yet given the size of the increase and the burden it placed on the American economy, it seems to me that there should have been greater consensus to pass it, too. Taxing away people's hard-earned income is an extraordinary event—or at least it should be. However, in Washington, it has become routine.

A two-thirds majority vote is, as George Will put it, ''one way of building into democratic decisionmaking a measurement of intensity of feeling as well as mere numbers.'' He noted that supermajority requirements are a device for assigning special importance to certain matters, and maybe taxation should be one of them.

The last two tax increases were passed without much intensity of feeling at all—without any real consensus that a majority of Americans supported them.

Some people might say, fine, there should be consensus, but ours is a government of majority rule. I would respond by noting that supermajority requirements are not new to the Constitution. Two-thirds votes are required for the approval of treaties, for conviction in an impeachment proceeding, for expulsion of a member from either body, for proposed constitutional amendments, and for certain other actions.

If it is appropriate to require a two-thirds vote to ratify a compact with a foreign country, it seems to me that it is certainly appropriate to require a two-thirds vote to approve a compact with our own citizens that requires them to turn over a greater share of what is theirs to the Government.

I want to quote briefly from one of our Founding Fathers, James Madison. He was, of course, a strong supporter of majority rule. Yet he argued eloquently that the greatest threat to liberty in a republic would come from unrestrained majority rule. This is what he said in ''Federalist No. 51'':

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part.

If Madison were here today, I believe he would conclude, first of all, that the Tax Code is oppressive to our people. Americans never paid an income tax until early in this century. By 1948, the average American family paid only about 3 percent of its income to the Federal Government. The average family now sends about 25 percent of its income to Washington. Add State and local taxes to the mix, and the burden approaches 40 percent. That is oppression.

Note that Madison also warned, in the quotation I just read, about pitting one part of America against the rest of the country. That is happening here as well. Certain segments of our society—some call them special interests—have learned in recent years how to feed at the public trough while spreading the cost among all taxpayers. This cost-shifting has left the country with a debt that is $4.9 trillion and growing. Our Founding Fathers could never have imagined such profligacy, or I believe they would have imposed constitutional limits on taxing and spending at the very start of the Republic.

If you are interested in lobbying reform, I will tell you this: a two-thirds requirement for tax changes would probably do more to curtail lobbying for special breaks than just about anything else we could do. Since every tax break must be offset with a tax increase on someone else to ensure revenue neutrality—and the second part of the equation, remember, would be out of reach without massive political support—the two-thirds requirement would make it virtually impossible for special interests to gain special advantage in the Tax Code.

Confidence. Stability. Predictability. These are things that a two-thirds supermajority would bring to the Tax

Code. Combine this with comprehensive tax reform that is aimed at simplifying the law and minimizing people's tax burden, and we could see an explosion of economic growth and opportunity unmatched in this country for many years.

Mr. President, I invite my colleagues to join me in supporting the tax limitation amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 49

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. Any bill to levy a new tax or increase the rate or base of any tax may pass only by a two-thirds majority of the whole number of each House of Congress.

''SECTION 2. The Congress may waive section 1 when a declaration of war is in effect. The Congress may also waive section 1 when the United States is engaged in military conflict which causes an imminent and serious threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. Any provision of law which would, standing alone, be subject to section 1 but for this section and which becomes law pursuant to such a waiver shall be effective for not longer than 2 years.

''SECTION 3. All votes taken by the House of Representatives or the Senate under this article shall be determined by yeas and nays and the names of persons voting for and against shall be entered on the Journal of each House respectively.''.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 356

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 673

At the request of Mrs. KASSEBAUM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 673, a bill to establish a youth development grant program, and for other purposes.

S. 794

At the request of Mr. LUGAR, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 948

At the request of Mr. DORGAN, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Ohio [Mr. DEWINE], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 948, a bill to encourage organ donation through the inclusion of an organ donation card with individual income refund payments, and for other purposes.

S. 984

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 984, a bill to protect the fundamental right of a parent to direct the upbringing of a child, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1317

At the request of Mr. D'AMATO, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1317, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1995, and for other purposes.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

S. 1379

At the request of Mr. SIMPSON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1379, a bill to make technical amendments to the Fair Debt Collection Practices Act, and for other purposes.

S. 1397

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1423

At the request of Mr. GREGG, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Indiana [Mr. COATS], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1481

At the request of Mr. HATCH, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1481, a bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes.

S. 1483

At the request of Mr. KYL, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. LOTT], the Senator from New York [Mr. D'AMATO], the Senator from Arizona [Mr. MCCAIN], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Maine [Ms. SNOWE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. COVERDELL], the Senator from Idaho [Mr. CRAIG], the Senator from Colorado [Mr. CAMPBELL], the Senator from Alabama [Mr. SHELBY], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 1483, a bill to control crime, and for other purposes.

S. 1491

At the request of Mr. HEFLIN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

At the request of Mr. GRAMS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1491, supra.

S. 1505

At the request of Mr. LOTT, the names of the Senator from Montana [Mr. BURNS], the Senator from Alabama [Mr. SHELBY], the Senator from Hawaii [Mr. INOUYE], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1547

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1547, a bill to limit the provision of assistance to the Government of Mexico using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code, and for other purposes.

S. 1553

At the request of Mr. MCCAIN, the names of the Senator from Florida [Mr.

MACK] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1553, a bill to provide that members of the Armed Forces performing services for the peacekeeping effort in the Republic of Bosnia and Herzegovina shall be entitled to certain tax benefits in the same manner as if such services were performed in a combat zone.

S. 1560

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1560, a bill to require Colombia to meet antinarcotics performance standards for continued assistance and to require a report on the counternarcotics efforts of Colombia.

S. 1567

At the request of Mr. LEAHY, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1567, a bill to amend the Communications Act of 1934 to repeal the amendments relating to obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1995.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 133

At the request of Mr. HELMS, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of Senate Resolution 133, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that, because the United Nations Convention on the Rights of the Child could undermine the rights of the family, the President should not sign and transmit it to the Senate.

SENATE RESOLUTION 215

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of Senate Resolution 215, a resolution to designate June 19, 1996, as ''National Baseball Day.''

SENATE RESOLUTION 218

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 218, a resolution expressing the sense of the Senate regarding the failure of Mexico to cooperate with the United States in controlling the transport of illegal drugs and controlled substances and the denial of certain assistance to Mexico as a result of that failure.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, February 29, 1996, at 9:30 a.m. and 2 p.m. to review the operations of the Secretary of the Senate, the Sergeant at Arms, the Architect of the Capitol, and to receive testimony on the establishment of criteria for the Architect of the Capitol.

For further information concerning the hearing, please contact Ed Edens of the committee staff on 224–3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nominations of Thomas Paul Grumbly to be Under Secretary of Energy, and Alvin L. Alm to be Assistant Secretary of Energy for Environmental Management, and Charles William Burton to be a member of the Board of Directors of the U.S. Enrichment Corporation.

The hearing will take place Tuesday, March 5, 1996 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 6, 1996, at 9 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the issue of competitive change in the electric power industry. It will focus on what State public utility commissions are doing to make electric utilities more competitive. Although an oversight hearing, witnesses are asked to provide comment on S. 1526 as it relates to this issue.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Judy Brown or Howard Useem at (202) 224–6567.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that the oversight hearing regarding competitive change in the electric power industry scheduled for Wednesday, March 6, 1996, before the Committee on Energy and Natural Resources will now begin at 9:30 a.m. instead of 9 a.m. as previously scheduled.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Tuesday, February 27, 1996, in executive session, to consider certain pending military nominations.

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

ADDITIONAL STATEMENTS

ON THE RETIREMENT OF DEREK VANDER SCHAAF AS DEPUTY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

● Mr. LEVIN. Mr. President, the taxpayers will lose one of their best friends in the Department of Defense next month, when Derek J. Vander Schaaf retires as deputy inspector general.

Mr. Vander Schaaf has served as one of the Pentagon's top watchdogs for almost 15 years, since December 1981. During that tenure, Mr. Vander Schaaf has managed an aggressive program of audit, inspection, and investigation which has ferreted out waste, fraud, and abuse in DOD activities, resulting in more than $20 billion of documented savings to the taxpayer.

Mr. Vander Schaaf has also provided invaluable assistance to the Congress with his honest and forthright comments on DOD's policies and programs. Over the years, Mr. Vander Schaaf has testified before the Senate Governmental Affairs Committee and the Senate Armed Services Committee, on which I serve, on numerous occasions. He has met personally with me and my staff on many more occasions to brief us on DOD programs and proposals. Mr. Vander Schaaf's testimony has always been informative, and it has often been crucial to the success of our oversight and investigative efforts.

Mr. Vander Schaaf is a forceful advocate of increased competition in DOD procurement, independent testing and evaluation of new weapons systems, improvements in DOD financial systems, and increased use of commercially available products and services. We have relied upon his support in our efforts to eliminate wasteful and unlawful practices such as excessive inventory spending, abusive off-loading of contracts from DOD to other agencies, and the improper disclosure of confidential procurement information. The savings from these efforts have been substantial.

Mr. Vander Schaaf has not always been the most popular figure at the Pentagon. Nobody who takes on as

many issues and makes as many tough calls as he has could be. But this is a price willingly paid by one who, like Mr. Vander Schaaf, believes that service to the public and to the taxpayer is the highest obligation.

And so we thank Mr. Vander Schaaf for his service. We will miss him, and the taxpayers will miss him.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through February 13, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.7 billion in budget authority and by $16.9 billion in outlays. Current level is $43 million below the revenue floor in 1996 and $5.6 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $262.6 billion, $17 billion above the maximum deficit amount for 1996 of $245.6 billion.

Since my last report, dated January 23, 1996, Congress cleared and the President signed the Gloucester, Massachusetts Marine Fisheries Laboratory Act (the targeted CR, P.L. 104–91), two continuing resolutions (P.L. 104–92 and P.L. 104–99), the Saddleback Mountain-Arizona Settlement Act of 1995 (P.L. 104–102), the Telecommunications Act of 1996 (P.L. 104–104), the Farm Credit System Regulatory Relief Act (P.L. 104–105), the National Defense Authorization Act for 1996 (P.L. 104–106), the Foreign Operations Appropriations Act (P.L. 104–107), an act to extend certain expiring authorities of the Department of Veterans Affairs (P.L. 104–110), and an act to award a Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111). These actions changed the current level of budget authority, outlays, and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 14, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through February 13, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report dated January 22, 1996, Congress cleared, and the President signed, the Gloucester, Massachusetts Marine Fisheries Laboratory Act (P.L. 104–91), two continuing resolutions (P.L. 104–92 and P.L. 104–99), the Saddleback Mountain—Arizona Settlement Act of 1995 (P.L. 104–102), the Telecommunications Act of 1996 (P.L. 104–104), the Farm Credit System Regulatory Relief Act (P.L. 104–105), the National Defense Authorization Act for 1996 (P.L. 104–106), the Foreign Operations Appropriations Act (P.L. 104–107), an act to extend certain expiring authorities of the Department of Veterans Affairs (P.L. 104–110), and an act to award a Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1996, 104TH CONGRESS, 2ND SESSION, AS OF CLOSE OF BUSINESS FEB. 13, 1996

[In billions of dollars]

	Budget resolution (H. Con. Res. 67)	Current level [1]	Current level over/ under resolution
On-budget			
Budget authority	1,285.5	1,301.2	15.7
Outlays	1,288.1	1,305.0	16.9
Revenues:			
1996	1,042.5	1,042.5	[2] −0.
1996–2000	5,691.5	5,697.1	5.6
Deficit	245.6	262.6	17.0
Debt subject to limit	5,210.7	4,900.0	−310.7
Off-budget			
Social Security outlays:			
1996	299.4	299.4	0.0
1996–2000	1,626.5	1,626.5	0.0
Social Security revenues:			
1996	374.7	374.7	0.0
1996–2000	2,061.0	2,061.0	0.0

[1] Current level represents the estimated revenues and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEB. 13, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
Enacted in First Session			
Appropriation bills:			
1995 Rescissions and Department of Defense Emergency Supplements Act (P.L. 104–6)	−100	− −885	
1995 Rescissions and Emergency Supplements for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2ND SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS FEB. 13, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization bills:			
Self-Employment Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	
Fisherman's Protective Act Amendments of 1995 (P.L. 104–43)		(6)	
Perishable Agricultural Commodities Act Amendments of 1995 (P.L. 104–48)	1	(6)	1
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(6)
Total enacted first session	366,191	245,845	−100
Enacted in Second Session			
Appropriation bills:			
Seventh Continuing Resolution (P.L. 104–92) [1]	13,165	11,037	
Ninth Continuing Resolution (P.L. 104–92) [1]	792	−825	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Authorization bills:			
Gloucester Marine Fisheries Act (P.L. 104–91) [2]	30,502	19,151	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain-Arizona Settlement Act of 1995 (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104) [3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(6)	(6)	
Total enacted second session	56,884	35,613	
Continuing Resolution Authority			
Ninth Continuing Resolution (P.L. 104–99) [4]	116,863	54,882	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	131,056	127,749	
Total Current Level [5]	1,301,247	1,305,048	1,042,457
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			43
Over Budget Resolution	15,747	16,948	

[1] P.L. 104– and P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.

[4] This is an annualized estimate of discretionary funding that expires March 15, 1996, for the following appropriation bills: Commerce-Justice, Interior, Labor-HHS-Education and Veterans-HUD.

[5] In accordance with the Budget Enforcement Act, the total does not include $3,417 million in budget authority and $1,599 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

[6] Less than $500,000

Notes.—Detail may not add due to rounding.●

THE STING OF SHAME

• Mr. SIMON. Mr. President, George Will recently had a column about our method of punishment in the United States.

We have chosen prison as a way to solve our problems of crime, and unquestionably, there are many people who commit crimes of violence who must be put into prison.

But it is also true that many are in prison who are not there for crimes of violence.

Obviously, we should do more to deal with the causes of crime. Show me an area of high unemployment—whether it is African-American, Hispanic-American, or white—and I will show you an area of high crime. To effectively prevent crime, we have to do more in the area of job creation for people of limited skills.

The suggestion of shame as a punishment strikes me as being much less expensive and perhaps just as effective. We ought to at least experiment with it.

The old stockades that the Puritans used had shame as the main punishment.

The George Will column, which I ask to be printed at the end of my remarks, ought to be considered carefully by people in the penal field.

The column follows:

[From the Washington Post, Feb. 1, 1996]

THE STING OF SHAME

(By George F. Will)

A New Hampshire state legislator says of teenage vandals, ''These little turkeys have got total contempt for us, and it's time to do something.'' His legislation would authorize public, bare-bottom spanking, a combination of corporal punishment and shaming-degradation to lower the offender's social status.

In 1972 Delaware became the last state to abolish corporal punishment of criminals. Most states abandoned such punishments almost 150 years ago, for reasons explained by Prof. Dan M. Kahan of the University of Chicago Law School in an essay to be published in the spring issue of that school's Law Review. But he also explains why Americans are, and ought to be, increasingly interested in punishment by shaming. Such punishment uses the infliction of reputational harm to deter crime and to perform an expressive function.

Around America various jurisdictions are punishing with stigmatizing publicity (publishing in newspapers or on billboards or broadcasting the names of drug users, drunk drivers, or men who solicit prostitutes or are delinquent in child support); with actual stigmatization (requiring persons convicted of drunk driving to display license plates or bumper stickers announcing the conviction and requiring a woman to wear a sign reading ''I am a convicted child molester''), with self-debasement (sentencing a slumlord to house arrest in one of his rat-infested tenements and permitting victims of burglars to enter the burglars' homes and remove items of their choosing); with contrition ceremonies (requiring juvenile offenders to apologize while on their hands and knees).

In ''What Do Alternative Sanctions Mean?'' Kahan argues that such penalties can be efficacious enrichments of the criminal law's expressive vocabulary. He believes America relies too heavily on imprisonment, which is extraordinarily expensive and may not be more effective than shaming punishments at deterring criminal actions or preventing recidivism.

There are many ways to make criminals uncomfortable besides deprivation of liberty. And punishment should do more than make offenders suffer; the criminal law's expressive function is to articulate society's moral condemnation. Actions do not always speak louder than words, but they always speak—always have meaning. And the act of punishing by shaming is a powerful means of shaping social preferences by instilling in citizens an aversion to certain kinds of prohibited behavior.

For most violent offenses, incarceration may be the only proper punishment. But most of America's inmates were not convicted of violent crimes. Corporal punishment is an inadequate substitute for imprisonment because, Kahan says, of ''expressive connotations'' deriving from its association with slavery and other hierarchical relationships, as between kings and subjects.

However, corporal punishment became extinct not just because democratization made American sensibilities acutely uncomfortable with those connotations. Shame, even more than the physical pain of the lash and the stocks, was the salient ingredient in corporal punishment. But as communities grew and became more impersonal, the loosening of community bonds lessened the sting of shame.

Not only revulsion toward corporal punishment but faith in the ''science,'' as it was called, of rehabilitation produced America's reliance on imprisonment. And shame—for example, allowing the public to view prisoners at work—occasionally was an additive of incarceration. It is so today with the revival of chain gangs.

Recent alternatives to imprisonment have included fines and sentencing to community service. However, both are inadequately expressive of condemnation. Fines condemn ambivalently because they seem to put a price on behavior rather than proscribe it. The dissonance in community-service sentences derives from the fact that they fail to say something true, that the offenders deserve severe condemnation, and that they say something false, that community service, an admirable activity that many people perform for pleasure and honor, is a suitable way to signify a criminal's disgrace.

Sentences that shame not only do reputational harm and lower self-esteem, their consequences can include serious financial hardship. And Kahan argues: ''The breakdown of pervasive community ties at the onset of the Industrial Revolution may have vitiated the stake that many individuals had in social status; but the proliferation of new civic and professional communities—combined with the advent of new technologies for disseminating information—have at least partially restored it for many others.''

Today America has 519 people imprisoned for every 100,000 citizens. The figures for Mexico and Japan are 97 and 36 respectively. America needs all the prison cells it has and will need more. But policies of indiscriminate incarceration will break states' budgets: The annual cost of incarceration is upward of $20,000 per prisoner and $69,000 for prisoners over age 60. It would be a shame to neglect cheaper and effective alternatives.•

NATIONAL ENGINEERS WEEK—FEBRUARY 18–24

• Mrs. HUTCHISON. Mr. President, the week of February 18–24 has been designated ''National Engineers Week.'' It is with great pleasure that I rise today to speak in appreciation of the contributions of the engineering profession's 1.8 million members.

It is fitting that we celebrate National Engineers Week around the time of George Washington's birthday. Our first President was, in many respects, the country's first engineer. Trained as a surveyor and engineer, President Washington encouraged private initiatives for invention, technical advancements, and education. He also promoted the construction of roads, canals, and docks and ports—often with private capital. He also sought appropriate designs for the new Nation's public buildings.

The engineering disciplines have had a tremendously positive and pervasive influence on our society. Their achievements are represented in bridges, roads, harbors, canals, and ship channels, and also in our architecture, manufacturing, scientific technology, industrial design, transport, and the delivery of various forms of energy to the Nation's factories, farms, schools, businesses, and homes.

Creative engineering is manifest also in the spirit of invention and exploration. From the development of new oil drilling equipment to the space program, engineering is a key source of our prosperity. Indeed, engineering's achievements are so widespread we tend to take them for granted, but we must not. By acknowledging the accomplishments of the Nation's engineers we also generate support for engineering education and interest in pursuing careers in the profession.

Mr. President, the finals of the National Engineers Week Future City Competition are held during this commemorative week. The competition features seven teams of seventh and eighth grade students who present their designs for cities in the 21st century using computer simulations and scale models. I want to congratulate all the engineers, teachers, and students from each of the regions competing in this demanding process, and wish each of them well in this contest and in their future endeavors.

I would also like to particularly salute the more than two dozen prominent engineers among the 1996 all stars of the profession who are leading others in a variety of activities, from school visits to media forum events.

Among the 1996 all stars are: Ron Haddock, president and CEO, Fina Oil and Chemical Co.—Dallas; Tommy Knight, president and CEO, Brown and Root—Houston; John Murphy, CEO, Dresser Corp.—Dallas; Stephen D. Bechtel, chairman Emeritus, The Bechtel Group, Inc.; Dr. Mary Cleave of NASA's Goddard Space Flight Center; John H. Gibbons, assistant to the President for Science and Technology; PBS' Bill Nye, the science guy; Dr. Arati Prabhaker, director of the National Institute of Standards and Technology; and John F. Welch, chairman and CEO, General Electric Co.•

THE RETIREMENT OF BRUNO M. PONTERIO

• Mr. MOYNIHAN. Mr. President, I rise today to wish great congratulations to Bruno M. Ponterio, who retired on December 22, 1995, after 32 years of dedicated service to the Ridge Street School in Rye Brook, NY.

Mr. Ponterio was honored on December 12, 1995 by generations of students, teachers, families, and friends of the Ridge Street School at a ceremony celebrating his magnificent career. Mr. Ponterio was the school's assistant principal for 7 years and its beloved principal for 25 years. He announced his retirement in June of 1995 but as a testimony to their love and appreciation for his work, school officials, parents, and children appealed to him to stay on until the end of the year.

Marked by a constant dedication to the future of both the Ridge Street School and the children who roam its corridors, Mr. Ponterio has set an example for educators nationwide. For 32 years he has served as a role model, a father figure, a leader, and a friend and it is fitting that the Blind Brook Board of Education has decided to rename the school the Bruno M. Ponterio Ridge Street School. I congratulate him on a wonderful career and on behalf of so many in New York thank him for his years of service and guidance.

Mr. President, I hope my colleagues will join me in wishing him the best of luck in his much deserved retirement.•

THE TRAVELERS AID SOCIETY OF DETROIT

• Mr. LEVIN. Mr. President, I rise today to honor the Travelers Aid Society of Detroit, MI. The Travelers Aid Society provides many needed and worthwhile services to tens of thousands of residents of Metro Detroit.

Travelers Aid Society of Detroit assists people in crises related to mobility—the homeless, victims of domestic violence, children traveling alone, the physically challenged, and 50,000 travelers each year at Detroit Metropolitan Airport.

Through their programs of comprehensive case management, including the Homeward Bound Program, TAS has pioneered the ''Continuum of Care'' concept of helping families and individuals climb out of homelessness. Homeward Bound, begun in 1992, was developed with the collaboration of 38 public and private human service agencies and organizations. To date, more than 500 families have recovered from the effects of homelessness because of the project.

TAS has been a pioneering agency in adopting comprehensive case management for the human services field. Travelers Aid is also the State of Michigan's representative to the Interstate Compact on Runaways, helping to return home some 250 runaway youths each year.

I know my Senate colleagues join me in honoring Travelers Aid Society for the fine work it has done for people of the Detroit area.•

IN OPPOSITION TO ACTIONS TAKEN BY THE CUBAN GOVERNMENT

• Mr. CRAIG. Mr. President, on Saturday afternoon we were all troubled by the announcements that two civilian aircraft belonging to the Brothers to the Rescue, organization had been shot down by a Cuban Mig–29. This event, described by the President and other world leaders as ''abominable'' and ''abhorrent'' is yet another signal that business as usual continues in Castro's tyrannical regime.

President Clinton has referred to the attack in the press as, ''an appalling reminder of the nature of the Cuban regime: repressive, violent, scornful of international law.'' I couldn't agree with him more. However, this action requires more than just a rhetorical response. Almost a year ago Senator JESSE HELMS, chairman of the Senate Foreign Relations Committee, had begun work on legislation designed to tighten the embargo and isolate the brutal regime of Fidel Castro. It is time for the Congress to complete action on this bill.

The President announced a series of actions he proposed in response to this unwarranted attack. These included: ensuring that the families of the pilots are compensated; imposing restrictions on Cuban nationals traveling in the United States; suspending United States charter flights into Cuba; and passing the Helms-Burton Act. The Helms-Burton legislation, referred to as the Cuban Libertad Act, includes a number of provisions which would: strengthen international sanctions against the Castro government in Cuba; develop a plan to support a transition government leading to a democratically elected government in Cuba; and enact provisions addressing the unauthorized use of United States-citizen-owned property confiscated by the Castro government.

Mr. President, I am pleased to see that President Clinton has committed to take action on this situation and has decided to support the Cuban Libertad Act. This is a welcome shift in his policy of engagement with Fidel Castro, to include steps taken last year to ease the Cuban sanctions.

Mr. President, the policy of engagement has failed. Therefore, it is time to complete action on the Helms-Burton bill, the Cuba Libertad Act. This is the next step in a long road leading toward releasing Castro's dictatorial ties that have bound the people of Cuba.•

RECOGNIZING THE CONTRIBUTIONS OF AFRICAN-AMERICAN SERVICE MEMBERS

• Mr. SIMPSON. Mr. President, I would like to take a moment to recognize a courageous group of 1.25 million veterans whose contributions in our victory in the Second World War have gone for too long largely unnoticed. The military policy at that time, of segregation and exclusion from combat roles, would make one believe that there were no African-American combatants in the war against Nazi Germany.

In late 1944, German forces mounted what would be their final offensive in the Belgian Ardennes. This maneuver, later to gain infamy as the ''Battle of the Bulge,'' pressed into service 2,500 black troops as separate platoons in white companies. Black units, like the 333d Field Artillery Battalion, would also participate as combatants.

These brave young men performed superbly. They were part of the valiant effort to hold off the Germans until help, in the form of General Patton's 3d Army, could defeat the last gasp of the Third Reich.

As chairman of the Senate Committee on Veterans' Affairs, I feel it is so appropriate that we recognize those soldiers who served their Nation so proudly overseas—despite the second-class treatment they then received here. Specifically I would like to single out a group of 11 soldiers from the 333d Field Artillery Battalion who made the ultimate sacrifice in the defense of our Nation.

It is common knowledge that the battle in Bastogne saw the massacre of American POW's by German troops. The tragedy of Malmedy immediately comes to many minds. The event was well documented and the town's inhabitants erected a monument in honor of the troops who were trying to deliver their town to freedom.

A similar horrible event occurred only 14km away in Wereth. Here the 11 black soldiers who were executed and tortured there, go almost wholly unmentioned in most texts about the fight for Bastogne. Their unit had become bogged down in the mire and mud and had suffered casualties from both artillery and Luftwaffe attacks. Much of the unit was captured. These 11 men escaped on foot, armed with only 2 rifles. In the town of Wereth they found refuge with a Belgian family, but were later captured by German troops. Because they refused to tell the Germans the identities of Allied sympathizers, they suffered a similar fate as their comrades in Malmedy. The Panzer troops first humiliated, then beat, and finally executed the 11 black soldiers.

War crimes investigators had no witnesses to the massacre and the inquiry was ended. The incident was nearly forgotten after the war.

After many years the town of Wereth dedicated a permanent monument to the men who lost their lives to free Belgium and defend liberty.

It is long past time that America too learn of and appreciate the sacrifice of these soldiers. During this Black History Month let us commemorate the supreme effort and sacrifice of the men of the 333d Field Artillery Battalion and all patriotic black veterans who

have answered the call to defend this great Nation of ours. Many faced cruel prejudice at home and in the military, yet they went on to truly distinguish themselves when their country needed them most. May they rest in peace. Thank God for them.●

WILLIAM D. SHAW

● Mr. LEVIN. Mr. President, I rise today to honor William D. Shaw of Swartz Creek, MI. On Saturday, March 2, 1996, William will celebrate his retirement from the Swartz Creek School District, marking the end of a career in education that has spanned four decades.

Mr. Shaw received a bachelor of science in economics degree in 1959. He later went on to receive a masters of art in teaching in 1967, and a Ph.D. in curriculum, instruction, and supervision in 1974.

Mr. Shaw's career in education began in 1962 as an elementary school teacher in Concord, MI. Since then, he has had experience in every level of education. He has been a high school and middle school principal. He has served as a professor and adjunct lecturer at Michigan State and Central Michigan Universities. Mr. Shaw began working for Swartz Creek School District as the assistant superintendent for instruction in 1978. He held this position until 1993, when he became the assistant superintendent for instruction and business operations.

Through his membership in professional and civic organizations, and his work for the Swartz Creek School District, William Shaw has been an invaluable asset for Michigan's educational system and his community. I know that my colleagues in the Senate will join me in congratulating William D. Shaw on the great contribution he has made to Michigan's school system.●

DEATH OF DR. HARRY HAMILTON

● Mr. FEINGOLD. Mr. President, I rise today with deep sadness to pay tribute to the life of an outstanding educator and civil rights leader, Dr. Harry Hamilton, who died on Monday, February 5, after a battle with Alzheimer's disease.

Dr. Hamilton was most recently Director of the Minority and Disadvantaged Student Program at the University of Wisconsin-Madison College of Agricultural and Life Sciences where he had a positive impact on countless people. In this position, Dr. Hamilton helped to recruit minority students to the agricultural program at the University of Wisconsin. As a distinguished chemist, Dr. Hamilton was also editor of the Madison based Agronomy Journal. Dr. Hamilton's reputation was one of the reasons the University of Wisconsin is consistently recognized as one of the top public institutions of higher learning in the world.

Not only was Harry Hamilton an exceptional educator, he was a leader in race relations in my State of Wisconsin. Dr. Hamilton was one of the founders of the Madison, WI, chapter of the National Association for the Advancement of Colored People in the 1940's, and was also the chapter's president in the 1940's. As a prominent civil rights leader, Dr. Hamilton was also a member of the Mayor's Commission on Human Rights in the 1960's and was chairman, in 1963, of the local chapter of the United Negro College Fund. He was an active member in his church, the First Congregational United Church of Christ and was sent as an official delegate to the funeral of Martin Luther King in 1968.

Dr. Hamilton was born in Talladega, AL, in 1907 where he went to college and later taught as a chemistry professor at Talladega College. Dr. Hamilton also attended the University of Wisconsin-Madison where he earned a master's degree in chemistry in 1935 and a Ph.D. in 1948. Yet, with all of these personal accomplishments, Dr. Hamilton's sense of civic responsibility increased. He was a tremendous role model for anyone who wants to make their community a better place to live.

Dr. Hamilton is survived by his wife of 61 years, Velma, and three children, Harry Jr., Muriel, and Patricia, who, like Dr. Hamilton, have been recognized for their contributions to the community. Both Harry and Velma Hamilton were awarded the Alexander Company's Civic Leadership Award and have been recognized by the Madison Rotary Club with a Humanitarian Service Award for their efforts. The Van Hise Middle School in Madison, WI was renamed Hamilton Middle School in honor of Velma and the school's science lab was named for Harry Hamilton. The Hamilton family has earned each and every recognition they have received and should serve as a powerful example of true public service.

The death of Dr. Harry Hamilton is a loss to all of us. Without his presence it is more important today that we focus our efforts on the things that Dr. Hamilton valued. His commitment to family, the students he taught and mentored, volunteerism, and the cause of civil rights must continue if we are to honor his memory. In this way, his legacy will live on for generations to come.●

SEABEES BATTALION 27

● Mr. KERRY. Mr. President, I would like to commend the great service that was performed by the men of Naval Mobile Construction Battalion Twenty Seven in September of 1995 after the tornado that ransacked Great Barrington, MA in May. Their ability to clear massive amounts of debris without damage to nearby civilian residences is worthy of praise. The dedication and hard work exhibited by each of the SeaBees was combined in a solid team effort that succeeded in removing debris and constructing firebreaks in a quick and efficient manner. As a result, the residents of the Great Barrington area were spared further destruction and loss.

The men of the Naval Mobile Construction Battalion 27, LCDR A.M. Edgar, EOC Timothy R. Burns, EAC Carl A. Passarelli, EO1 Willard H. Card III, EO1 Harold T. Reinhard, UT1 Mark C. Shea, SW2 James Hughes, BU2 Morris A. Wells, BU1 R.L. Clawson, EO1 John A. Neville, and BU3 Robert Tanner, have displayed skills and capabilities in this aid effort of which they and the Navy can and should be proud.

The commendable efforts of the SeaBees in this endeavor are greatly appreciated by the citizens of South Berkshire County, MA. I wish to publicly express my gratitude before the Senate and pay tribute to their efforts.●

ONE CHILD AT A TIME

● Mr. SIMON. Mr. President, usually we insert articles in the CONGRESSIONAL RECORD because we have some specific legislative remedy that the item we insert in the RECORD supports. In December, I read an article in Newsweek by Margaret Crane and cut it out and put it aside. I have just re-read that article. It is the story of one child but really is the story of many children.

I do not know what we should do in terms of policy, other than I know we should be more sensitive to children all over this country who have enormously serious problems.

I am asking that the Crane article be printed in the RECORD, not with the idea that I have any immediate legislative remedy, but because we should be reflecting on this type of need.

The article follows:

[From Newsweek, Dec. 11, 1995]

ONE CHILD AT A TIME

(By Margaret Crane)

The 10-year-old came toward me. She looked like a typical preteen: small-boned with a face like a flower, dark eyes and a tiny turned-up nose covered by freckles resembling sprinkles of nutmeg. Her shoulder-length blond hair was pulled back with a black velvet headband. She started talking animatedly about her friends, her favorite subjects in school and how much she loved to ride a 10-speed bike. This was my first meeting with Mary (not her real name) a year ago.

The more she talked, the less she resembled the child I'd read about who had lived through torment that most of us never experience in our worst nightmares. She entered the juvenile system five years ago. She had been sexually abused by an uncle, her father and her father's friend. Her divorced mother, an attractive woman who is borderline retarded, is now seeing a man whose children may be be taken from him by the state. The boyfriend has a history of child abuse documented in a report that is longer than a Russian novel. The child's paternal grandfather molested another of his daughters and served time in prison.

Since Mary was removed from her home, she has been caught in that purgatory known as protective care and passed around like a stack of papers—three foster homes, two residential treatment centers and eight schools.

Her appearance is deceptive. When I first met her, she was very troubled. She wet her pants and was on medication to control the problem. She behaved sexually toward boys and could get verbally and physically aggressive. She threatened suicide a couple of times and mutilated herself, pulling out her hair or banging her head against a wall during tantrums. With intensive therapy she has learned to better manage her anger.

I am Mary's Court Appointed Special Advocate—a voice speaking up for her in court. I'm neither a social worker nor a lawyer, but a trained volunteer assigned by a family-court judge to look out for Mary's ''best interests'' so she doesn't languish in protective custody.

I became a CASA after a friend asked me to get involved. She felt that I could empathize with these kids because of the complexities of my own childhood. I agreed to do it and went through 30 hours of training, because as a mother of three healthy kids, I felt I could not ignore other children who are in greater need. My only hesitation was the time commitment. I'm a freelance writer, and I was concerned about juggling two jobs.

There are some 37,000 advocates like me across the country. We telephone and visit families, gathering facts to track kids and their parents who get lost in the labyrinth of foster care. CASAs report their findings to judges who often have just minutes to decide where a child will live and for how long.

The importance of our work is underscored by the highly publicized death of Elisa Izquierdo, 6, in New York last month. Elisa, living with her father, was returned to her mother after his death last year. Her mother allegedly smashed the child's head against a wall. How do these youngsters fall through the cracks? In my district, social workers may be assigned more than 50 cases, supervisors twice as many. CASA volunteers are assigned only one. We serve, at no cost to taxpayers, as an additional safety net, working alongside a multitude of professionals to try and ensure that children like Elisa do not return to unsafe homes.

Elisa's tragedy has spurred me to fight harder to help Mary. Since I took on her case, I've had unique access to a family file filled with incidents of abuse that would sicken the hardest heart.

In a summer hearing, the court brushed aside the mother's poor choice of companion and her lack of parenting skills, and moved toward reunifying mother and daughter. The mother's psychological evaluation suggested that she should have her child back as long as they both continue therapy and Mom attended parenting and life-skills classes. Mary was then staying with her mother every other weekend. The judge decided to increase visits by one day a week and assess the case in two months.

In September the judge ruled that Mary should return home full time under the legal, watchful eye of the Division of Family Services. Early next year the case will be reviewed for the mother to regain permanent custody. I worry that this decision will be based not only on what's best for the child but on the need to clear an overcrowded docket of a case that has gone on too long and is costing too much.

I'm not convinced living with her mother is the safest place for Mary. Mom is a good person who loves her daughter, Mary loves her mother and wants to remain home. But Mom has displayed poor parental judgment in the past. Once she failed to get medical attention for Mary when she injured herself seriously on a visit.

From the beginning, I knew reunification was the goal. But I really hoped it might not happen. Those handling the case, including the social worker, therapists, lawyers and I, charted Mary's future: where she'd be safest, have friends and someone to help with her homework. In my opinion, she should be with a paternal aunt who clearly loves her niece and wants to help.

In my area, there are some 800 kids who've been removed from their homes and placed in care. Before I became an advocate, I had no idea what happened to these youngsters and never considered how I could help. As more of us fight for these abused and neglected children, perhaps the level of public awareness will be raised and we'll be able to protect more before they're lost forever.

I'm still aghast at the judge's recent decision to send the child home full time with Mom pending the final court ruling next year. The county's family services will continue to insist Mary and her mom attend therapy and have intervention services until that time, and I'll continue to monitor the whole family.

For the next few months I have a fighting chance to keep my one CASA child safe, if they let me. At least I can comfort myself with the knowledge that as long as I'm on this case, I will do the best that I can with the worst that I have to deal with.●

UNITED STATES CONGRESS-GERMAN PARLIAMENT STAFF EXCHANGE

● Mr. LIEBERMAN. Mr. President, since 1983, the United States Congress and the German Parliament, the Bundestag, have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and convey Members' views on issues of mutual concern.

A staff delegation from the United States Congress will be chosen to visit Germany May 19 to June 1 of this year. During the 2 week exchange, the delegation will attend meetings with Bundestag Members, Bundestag party staff members, and representatives of political, business, academia, and the media. Cultural activities and a weekend visit in a Bundestag Member's district will complete the schedule.

A comparable delegation of German staff members will visit the United States for 3 weeks this summer. They will attend similar meetings here in Washington and visit the districts of congressional Members over the Fourth of July recess.

The Congress-Bundestag Exchange is highly regarded in Germany, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries.

The U.S. delegation should consist of experienced and accomplished Hill staff members who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staff professionals to the United States. The United States endeavors to reciprocate.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite United States delegation should exhibit a range of expertise in issues of mutual concern in Germany and the United States such as, but not limited to, trade, security, the environment, immigration, economic development, health care, and other social policy issues.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staff people in their Member's district over the July Fourth break, or to arrange for such a visit to another Member's district.

Participants will be selected by a committee composed of U.S. Information Agency personnel and past participants of the exchange.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state why they believe they are qualified, and some assurances of their ability to participate during the time stated. Applications may be sent to Kathie Scarrah, in my office at 316 Hart Senate Building, by Friday, March 15.●

TRADE DISPUTE WITH RUSSIA

● Mr. BIDEN. Mr. President, I rise today to address a recent trade dispute which threatens tens of thousands of American jobs and hundreds of millions in American exports.

On February 19, the Russian Government notified us that it will soon stop importing poultry products if its complaints about American food safety standards are not met. On top of this, what little will enter Russia these next few weeks will be subject to a sharp increase in their taxes on imported poultry.

American poultry exports to Russia—our largest poultry export customer—total more than $700 million a year and represent over 20 percent of all American exports to Russia.

Mr. President, the Delmarva Peninsula is home to 21,000 poultry workers, produces more than 600 million birds per year, and is a major supplier to the Russian poultry market. Last summer, for example, Allen's Family Food, of Seaford, DE, exported 1,300 tons of frozen poultry to Russia.

At one time or another, I have probably met with every poultry grower and processor in my State of Delaware. I've seen every step in the process, from the poultry house to the packaging plant to the freezers at the Port of Wilmington. I'll put the Delaware poultry industry up against any foreign or domestic challenger in terms of sanitary standards, particularly any Russian plant.

But teams of Russian inspectors have come into our country, into our poultry processing facilities—including plants such as Manor Farms and Allen's Foods in my own State of Delaware—and have failed each and every operation. Literally a 100 percent failure rate.

I find this simply unbelievable. This tells me that their real agenda is not health and safety. We demand the same standards for the poultry we ship to Russia as we do for poultry which shows up in American supermarkets and on our kitchen tables every day.

That's why in recent years, Russia's consumers, particularly in the great urban centers such as Moscow and St. Petersburg, have bought more and more poultry products from America. They recognize a good value when they see it. We can produce better tasting, more nutritious, less expensive poultry in America, and ship it to Russia, for a lower price than the current Russian poultry industry can. They are still struggling to get out from under the inefficiencies of the old economic system.

If this ban goes into effect, Mr. President, the Russian people will lose a major high-quality supplier for a popular staple of their diet, and their food bills will go up.

The last thing that the Russian economy needs now is an increase in the price of an important food commodity. It is largely because of inflation that the ruble, and with it the Russian economy, is in so much trouble already.

And if this ban goes into effect, Mr. President, American poultry growers and processors, in Delaware and in the rest of the country, will be denied access to an important market. They have earned their place on the shelves of Russian stores through their hard work, know-how, and efficiency. They should not be shut out by some bureaucrats' arbitrary ruling.

Now, Mr. President, I understand that there are a lot of things going on behind the decision to ban American poultry exports. There is the still powerful pull of the old bureaucratic ways—old habits are hard to break, especially when it comes to protecting domestic industries from the new experience of foreign competition.

Here is a good example of how our domestic industry, which has grown up in a highly competitive environment, can do well in international markets. It's no wonder the Russian domestic poultry industry wants some protection, even if it means higher costs and lower quality for Russian consumers.

Mr. President, here in the United States, arguably the freest market in the world, we are in the midst of a heated national debate on international trade and competition. Just imagine what they are going through in the states of the former Soviet Union, where competition on the basis of quality and price is a new concept.

And this is a Presidential election year over there, too. I know that I don't have to explain how the elimination of a major foreign competitor could fit into an election year agricultural policy.

But that is no excuse for the Russian Government's action against American poultry producers. We cannot allow this decision to stand.

I have spoken to Agriculture Secretary Dan Glickman directly, and I applaud the effort he and his negotiating team have made to resolve this dispute.

The Russian Government must be made to understand that these steps against the United States poultry industry are steps away from the international economic community they tell us they are eager to join.

The IMF has just announced another loan to Russia, worth $10.2 billion. This money is intended to smooth the transition from the old Communist command economy to a more efficient, open, market economy. The terms of the loan include requirements that the Russians continue to reform their economy.

And as the Russians are well aware, the terms of the loan provide for monthly installments over those 3 years. Evidence of backsliding, of reneging on commitments to open the Russian economy, could be grounds for terminating the loan at any point.

Russia tells us that they want to join the World Trade Organization and America has supported their application to join the WTO. As a matter of fact, right now the United States has a representative on the WTO working group that must approve Russia's trade practices.

Our representative must make crystal clear to the Russians that actions like the bogus ban on American poultry imports violates the spirit and the letter of international agreements, such as the WTO.

I can't imagine they would want this stain on their record when they come to argue that they are ready to undertake the responsibilities of full participation in the international trading system.

But, because this review process could take up to a year, I am asking President Clinton to appoint an interagency working group to investigate immediate retaliatory trade actions against the Russians.

I sincerely hope that before any such retaliation becomes necessary, we can convince the Russian Government to turn back from the course that they have announced.●

TELL THE TRUTH ON THE BUDGET

● Mr. HOLLINGS. Mr. President, I would like to draw everyone's attention to a column written about 2 weeks ago by Washington Post writer William Raspberry. In ''The Awful Truth About a Tax Cut,'' he outlines chapter and verse on how America simply cannot afford a tax cut at a time that a fiscal cancer is eating away the country. While pollster politicians are talking about a tax cut, the debt grows and interest payments on that debt are spiraling out of control.

We have to wake up and take responsible action to kill this fiscal cancer. Otherwise, the America we know will cease to exist.

Mr. President, I ask that Mr. Raspberry's February 12 column be printed in the RECORD.

The column follows:

[From the Washington Post, Feb. 12, 1996]

THE AWFUL TRUTH ABOUT A TAX CUT

(By William Raspberry)

If telling unpalatable truth is political suicide, Sen. Ernest F. Hollings must have a death wish. He's not just figuratively shouting from the rooftop the politically unspeakable—that there can be no balanced federal budget without a tax increase; he's threatened to throw himself from the rooftop if anybody proves him wrong.

''If anybody comes up with a seven-year balanced budget without a tax increase,'' he said again the other day, ''I'll jump off the Capitol dome.''

But surely that's an empty threat. Aren't the White House and congressional Republicans both claiming to have achieved what Hollings says is impossible? Isn't the only substantial difference between them the size of the tax cut? So why isn't Hollings jumping?

''None of the plans they're talking about balances the budget—or comes near it,'' the South Carolina Democrat told me. ''Just the service on the debt is growing so fast it's just not going to be possible without a tax increase.''

What masks this painful truth, he says, is a ruse practiced by Democrats and Republicans alike: counting the Social Security trust fund as an asset that reduces the apparent size of the budget shortfall.

With the huge ''baby boom'' cohort now paying more in Social Security taxes than current retirees take out, the system is running a theoretical surplus. But this surplus is being spent along with the general revenues for current government expenses. The trust fund gets an IOU that must eventually be redeemed by—guess who?—taxpayers.

The point Hollings wants to make, though, is not just that this amounts to dishonest bookkeeping. It is, he insists, also illegal.

He ought to know. It was legislation he wrote (along with the late John Heinz ''who did the work on this'') that made it illegal. Nearly six years ago, Congress passed—and President Bush signed into law—Section 13301 of the Budget Enforcement Act that includes this language:

''The concurrent resolution shall not include the outlays and revenue totals of the old-age, survivors and disability insurance programs established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection...''

''That says in plain language they can't use the trust fund to cut the deficit,'' Hollings observes. ''And yet they keep doing it. The president and the Congress like to spend the Social Security money because it makes the budget look like it's moving toward balance. Wall Street likes it because if we don't come scurrying in to borrow from Wall Street, interest rates don't go up.

''But it's illegal, and they know it. I complain, they shrug their shoulders; they call it a 'unified budget,' as though that changes something. If they don't like the law, why don't they change it? The truth is they're

afraid to repeal it, and they're afraid to obey it.''

Hollings insists it's not wounded pride of authorship that has him shouting into the wind. The important issue is not the technical violation but the disaster it hides. Says Hollings:

''Everybody is wringing their hands about what will happen on Social Security seven years from now, or in the year 2025, or whatever. The problem is here and now. We are broke right now. Not Social Security. Social Security is paid for. Medicare is paid for. It's the general government—defense and the rest of it—that's not paid for. And because it's not, interest on the debt is running about a billion dollars a day. And here's the point: There's just no amount of spending cuts and loophole closings and freezes that is going to produce a savings of a billion dollars a day.

''Unless we raise taxes, we are just 'fiddling while Rome burns.'''

He says it, knowing that a call for a tax increase (while his colleagues debate the size of the tax cut) is, if not suicidal, at least politically dangerous.

''Look, we all have to run for reelection, and we all take polls,'' he said. ''To do what I'm doing is sheer stupidity—unless you can get a movement going to face up to what has to be done.''

Unfortunately, no such movement seems in the offing. The people are in a mood to punish any politician who tells them the truth as they know the truth to be about our fiscal disorder. It's time to pay the piper. And that's the truth.●

PEACEMAKERS ARE UP AGAINST AN UNDETERRED CHINA

● Mr. SIMON. Mr. President, our policy toward China is, in the words of our colleague from California, Senator FEINSTEIN, one of zigzagging.

I want to have a good relationship with China, but I do not want it at expense of a free Taiwan that has a free press and a multiparty system.

Recently, I read an excellent column by Georgie Anne Geyer, who has had a great deal of experience in the field of international relations.

Her comments on the China situation should be of interest to all of my colleagues, as well as their staffs, and I ask that they be printed in the RECORD at the end of my remarks.

The column follows:

PEACEMAKERS ARE UP AGAINST AN UNDETERRED CHINA

WASHINGTON.—Now, let's see if I understand this:

Last summer, the more-or-less communist government in Beijing (population China: 1.2 billion) set its People's Liberation Army loose to make Taiwan (population: 21 million) sit up and take notice. First, Beijing stirred things up a bit by conducting ballistic missile tests off the Taiwanese coast—not exactly a neighborly act.

Then, the Chinese leaders provided Ambassador Charles Freeman, a specialist on China who was visiting Beijing this winter, with the astonishing news that they were seriously considering launching missile strikes on Taiwan this spring every day for a month. Freeman, who was for many years in our Beijing Embassy, took their warnings most seriously, and in a recent speech at The Heritage Foundation, went so far as to say:

''These exercises are not an empty show of force. They are a campaign of military intimidation that could, and may well as the coming year unfolds, extend into the actual outbreak of combat in the Taiwan Strait and even strikes against Taiwan targets.''

So what do our doughty leaders here do? Well, these warlike growls from Beijing did not seem very nice at all (wasn't China supposed to become capitalist now, anyway?). At first, our responses were just the kind the frontal-assault Chinese like to evoke in barbarians: ambiguous. The new American ambassador to Beijing, former Sen. James Sasser of Tennessee, went so far as to suggest, when asked at a press conference in Beijing what the United States would do if the Chinese did attack Taiwan, that, aster all, we had long recognized that Taiwan was a part of China . . .

And how the Chinese smiled behind their missiles.

Then, for once in the past three years of China-bungling, the administration actually did the right thing. On Dec. 19, it quietly sent the USS Nimitz to the Taiwan Straits, the politically treacherous waterway between Taiwan and China. This was important: It marked the first time American ships had patrolled the straits since the Nixon/Kissinger ''peace'' with China in 1976.

It is hard to ignore the Nimitz, if only because the nuclear-powered U.S. carrier comes with five escort ships equipped with Tomahawk cruise missiles. But the master chess-playing Chinese also understood perfectly: This was exactly the way they had always played the ''Great Game'' in Asia.

Ah, but then the White House got cold feet over having done such an awful thing. ''No, no, not us,'' they said—in effect. ''We didn't send that big bad Nimitz. (Would we do such a thing? Nobody here but us peacemakers.)'' No, the decision to sail in waters that, for political reasons, we had not entered for 17 years had been made by the ship's commander alone—and that was because of bad weather in alternate waters.

Now, unfortunately or fortunately, Hong Kong has an active weather bureau, and those officious fellows there immediately took on what was clearly none of their business and said the weather had been just fine in those days. And so the Chinese, who don't know much about us either, wrote the whole thing off as just ''more American lying.''

In the end, the threat was dispensed with, the Chinese remained undeterred, and American policy toward China was and is as imprecise and lacking in consensus as ever (Secretary of State Warren Christopher did not even mention the word ''China'' in a recent major foreign-policy address at Harvard).

Let us try to make some sense of all this:

China and, indeed, all of Asia are at a turning point whose outcome will assuredly shape the form of Asia, and our interests in it, for the next 20 years. In China, as Deng Xiao Ping comes to the end of his life. President Jiang Zemin is becoming more and more hard-line (he has even been wearing the once-hated Mao suits). Increasingly he has been placating the hard-line People's Liberation Army.

Gerrit Gong, director of Asian Studies for the Center for Strategic and International Studies here, recently met with the military command in Beijing, and told me that he sees the military pressures on the government as becoming intense. ''The older military feel that the revolution is not over,'' he said, ''and that their comrades' blood must still be vindicated. They want to send a message to Taiwan and Japan that they're still strong.''

The Taiwan elections in March, plus Beijing's fear of American recognition of a potentially ''independent'' Taiwan, are what drives the Chinese. With their studied obstreperousness, blended with the constantly reinforced belief that they can bluff this administration, they are playing two games: (1) to threaten and contain the United States, and (2) to diminish the international standing or independent dreams of little, but rich Taiwan.

Emboldened by no real American policy—and now assured by the White House that the Nimitz was just ''off course''—Beijing this last week took the first steps toward setting an actual timetable for the ''reunification'' of Taiwan with the mainland—after Hong Kong in 1997 and Macao in 1999. This is serious business.

Our former ambassador to Beijing, James Lilley, who understands these games, shakes his head at the seeming ''mystery'' that so many here see in how to deal with them. ''The Nimitz was exactly the right signal to China,'' he told me. ''The sea is our battleground. Actually we are in the catbird's seat—but we are letting ourselves be jerked around.''●

THE 100TH ANNIVERSARY OF SPARROW HOSPITAL

● Mr. LEVIN. Mr. President, I rise today to congratulate Sparrow Hospital in Lansing, MI, on its 100th anniversary. Sparrow Hospital has a long and activist history of serving the people of mid-Michigan.

In 1896, a group of dedicated young women met at Lansing's Downey Hotel to discuss the growing need for a community hospital. Armed with sheer determination, the 114 charter members of the Women's Hospital Association opened an 11-bed hospital. The women's dream of hospital ownership was realized with the purchase of the James Mead House on North Cedar Street in 1899.

Realizing that a larger health care facility was needed to meet the demands of the growing Lansing area, Edward W. Sparrow, one of Lansing's pioneer developers, whose wife was a member of the Women's Hospital Association, donated the $100,000 and land at 1215 E. Michigan Avenue to build a new hospital. Two years later, on November 6, 1912, the 44-bed Edward W. Sparrow Hospital opened its doors. At the dedication ceremonies, it was avowed that the purpose of the new hospital was ''receiving, caring for and healing the sick and injured, without regard to race, creed or color.''

Sparrow Hospital has continued to live up to its avowed purpose. Sparrow is a not-for-profit organization, guided by volunteer boards, comprised of people who represent a wide spectrum of the community. Since 1896, Sparrow has provided care to mid-Michigan residents regardless of their ability to pay.

Through the efforts of its founders and many others, Lansing's first health service has grown to become today's Sparrow Hospital. Sparrow Hospital currently has over 600 physicians, nearly 3,000 associates and 1,400 volunteers in a comprehensive health system for an eight-county population of nearly 1 million people. Each year, Sparrow Hospital treats over 120,000 people.

The spirit of volunteerism has made Sparrow Health System a very special organization, an organization where service to the community comes first. I know that my Senate colleagues join me in honoring Sparrow Hospital on its 100th anniversary.●

ORDERS FOR WEDNESDAY, FEBRUARY 28, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. on Wednesday, February 28, and following the prayer, the Journal of proceedings be deemed approved to date, and the Senate then begin a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak for up to 10 minutes each with the following exceptions: 20 minutes for Senator DOMENICI, 15 minutes for Senator MURKOWSKI.

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

PROGRAM

Mr. LOTT. For the information of all Senators, there will be an attempt to turn to the legislation to extend the authority for the Special Committee To Investigate Whitewater and other items that are cleared for action. Therefore, rollcall votes could occur tomorrow, Wednesday, February 28; also a second cloture petition was filed on the D.C. appropriations conference report. That cloture vote will occur, as I just announced, on Thursday at a time to be determined.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:17 p.m., recessed until Wednesday, February 28, 1996, at 11:30 a.m.