PROPOSED AGREEMENT FOR COOPERATION BETWEEN UNITED STATES AND UKRAINE CONCERNING PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 105–248)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153 (b), (d)), the text of a proposed Agreement for Cooperation Between the United States of America and Ukraine Concerning Peaceful Uses of Nuclear Energy, with accompanying annex and agreed minute. I am also pleased to transmit my written approval, authorization, and determination concerning the agreement, and the memorandum of the Director of the United States Arms Control and Disarmament Agency with the Nuclear Proliferation Assessment Statement concerning the agreement. The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy, which includes a summary of the provisions of the agreement and various other attachments, including agency views, is also enclosed.

The proposed agreement with Ukraine has been negotiated in accordance with the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978 and as otherwise amended. In my judgment, the proposed agreement meets all statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States. The agreement provides a comprehensive framework for peaceful nuclear cooperation between the United States and Ukraine under appropriate conditions and controls reflecting our common commitment to nuclear nonproliferation goals.

The proposed new agreement with Ukraine permits the transfer of technology, material, equipment (including reactors), and components for nuclear research, and nuclear power production. It provides for U.S. consent rights to retransfers, enrichment, and reprocessing as required by U.S. law. It does not permit transfers of any sensitive nuclear technology, restricted data, or sensitive nuclear facilities or major critical components of such facilities. In the event of termination, key conditions and controls continue with respect to material and equipment subject to the agreement.

Ukraine is a nonnuclear weapon state party to the Treaty on the nonproliferation of Nuclear Weapons (NPT). Following the dissolution of the Soviet Union, Ukraine agreed to the removal of all nuclear weapons from its territory. It has a full-scope safeguards agreement in force with the International Atomic Energy Agency (IAEA) to implement its safeguards obligations under the NPT. Ukraine was accepted as a member of the Nuclear Suppliers Group in April 1996, and as a member of the NPT Exporters Committee (Zangger Committee) in May 1997.

I have considered the views and recommendations of the interested agencies in reviewing the proposed agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the agreement and authorized its execution and urge that the Congress give it favorable consideration.

Because this agreement meets all applicable requirements of the Atomic Energy Act, as amended, for agreements for peaceful nuclear cooperation, I am transmitting it to the Congress without exempting it from any requirement contained in section 123a. of that Act. This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations and House International Relations Committees as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session provided for in section 123d. shall commence.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *May 6, 1998.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–511) on the resolution (H. Res. 420) providing for consideration of the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HIGHER EDUCATION AMENDMENTS OF 1998

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 411 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 6.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, with Mr. EWING (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Tuesday, May 5, 1998, title VII was open for amendment at any point.

LIMITING DEBATE ON AMENDMENT NO. 75 AND ALL AMENDMENTS THERETO

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that debate on the amendment numbered 75, and all amendments thereto, be limited to 1 hour, equally divided and controlled by Representative HASTERT of Illinois or his designee and Representative ROEMER of Indiana or his designee.

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

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—ADDITIONAL PROVISIONS

SEC. 801. STUDY OF TRANSFER OF CREDITS.

(a) STUDY REQUIRED.—The Secretary of Education shall conduct a study to evaluate policies or practices instituted by recognized accrediting agencies or associations regarding the treatment of the transfer of credits from one institution of higher education to another, giving particular attention to—

(1) adopted policies regarding the transfer of credits between institutions of higher education which are accredited by different agencies or associations and the reasons for such policies;

(2) adopted policies regarding the transfer of credits between institutions of higher education which are accredited by national agencies or associations and institutions of higher education which are accredited by regional agencies and associations and the reasons for such policies;

(3) the effect of the adoption of such policies on students transferring between such institutions of higher education, including time required to matriculate, increases to the student of tuition and fees paid, and increases to the student with regard to student loan burden;

(4) the extent to which Federal financial aid is awarded to such students for the duplication of coursework already completed at another institution; and

(5) the aggregate cost to the Federal Government of the adoption of such policies.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit a report to the Chairman and Ranking Minority Member of the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate detailing his findings regarding the study conducted under subsection (a). The Secretary's report shall include such recommendation with respect to the recognition of accrediting agencies or associations as the Secretary deems advisable.

SEC. 802. STUDY OF MARKET MECHANISMS IN FEDERAL STUDENT LOAN PROGRAMS.

(a) STUDY REQUIRED.—The Comptroller General, in consultation with interested parties,

shall conduct a study of the potential to use auctions or other market mechanisms in the delivery of Federal student loans in order to reduce costs both to the Federal Government and to borrowers. Such study shall include an examination of—

(1) the feasibility of using an auction of lending authority for Federal student loans, and the appropriate Federal role in the operation of such an auction or other alternative market mechanisms;

(2) methods for operating such a system to ensure loan access for all eligible borrowers, while maximizing the cost-effectiveness (for the Government and borrowers) in the delivery of such loans;

(3) the impact of such mechanisms on student loan availability;

(4) any necessary transition procedures for implementing such mechanisms;

(5) the costs or savings likely to be attained for the Government and borrowers;

(6) the feasibility of incorporating income-contingent repayment options into the student loan system and requiring borrowers to repay through income tax withholding, and the impact of such an option on the willingness of lenders to participate in auctions or other market mechanisms and on the efficiency of Federal management of student loan programs;

(7) the ability of the Department of the Treasury to effectively auction the right to make student loans; and

(8) other relevant issues.

(b) RECOMMENDATIONS.—Within 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the study required by subsection (a) and shall include with such report any legislative recommendations the Comptroller General considers appropriate.

SEC. 803. IMPROVEMENTS IN MARKET INFORMATION AND PUBLIC ACCOUNTABILITY IN HIGHER EDUCATION.

(a) IMPROVED DATA COLLECTION.—

(1) DEVELOPMENT OF UNIFORM METHODOLOGY.—The Secretary shall direct the Commissioner of Education Statistics to convene a series of forums to develop nationally consistent methodologies for reporting costs incurred by postsecondary institutions in providing postsecondary education.

(2) SEPARATION OF UNDERGRADUATE AND GRADUATE COSTS.—Such consistent methodologies shall permit the Secretary to collect and disseminate separate data with respect to the costs incurred in providing undergraduate and graduate postsecondary education.

(3) REDESIGN OF DATA SYSTEMS.—On the basis of the methodologies developed pursuant to paragraph (1), the Secretary shall redesign relevant parts of the postsecondary education data systems to improve the usefulness and timeliness of the data collected by such systems.

(b) DATA DISSEMINATION.—The Secretary shall publish, in both printed and electronic form, of the data collected pursuant to subsection (a). Such data shall be available in a form that permits the review and comparison of the data submissions of individual institutions of higher education. Such data shall be presented in a form that is easily understandable and allows parents and students to make informed decisions based on the following costs for typical full-time undergraduate or graduate students—

(1) tuition charges published by the institution;

(2) the institution's cost of educating students on a full-time equivalent basis;

(3) the general subsidy on a full-time equivalent basis;

(4) instructional cost by level of instruction;

(5) the total price of attendance; and

(6) the average amount of per student financial aid received, including and excluding assistance in the form of loans.

SEC. 804. DIFFERENTIAL REGULATION.

(a) GAO STUDY.—The Comptroller General shall conduct a study of the extent to which unnecessary costs are imposed on postsecondary education as a consequence of the applicability to postsecondary facilities and equipment of regulations prescribed for purposes of regulating industrial and commercial enterprises.

(b) REPORT REQUIRED.—Within one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study required by subsection (a).

SEC. 805. ANNUAL REPORT ON COST OF HIGHER EDUCATION.

(a) GAO REPORT REQUIRED.—The Comptroller General shall conduct an on-going analysis of the following:

(1) The increase in tuition compared with other commodities and services.

(2) Trends in college and university administrative costs, including administrative staffing, ratio of administrative staff to instructors, ratio of administrative staff to students, remuneration of administrative staff, and remuneration of college and university presidents or chancellors.

(3) Trends in (A) faculty workload and remuneration (including the use of adjunct faculty), (B) faculty-to-student ratios, (C) number of hours spent in the classroom by faculty, and (D) tenure practices, and the impact of such trends on tuition.

(4) Trends in (A) the construction and renovation of academic and other collegiate facilities, and (B) the modernization of facilities to access and utilize new technologies, and the impact of such trends on tuition.

(5) The extent to which increases in institutional financial aid and tuition discounting have affected tuition increases, including the demographics of students receiving such aid, the extent to which such aid is provided to students with limited need in order to attract such students to particular institutions or major fields of study, and the extent to which Federal financial aid, including loan aid, has been used to offset such increases.

(6) The extent to which Federal, State, and local laws, regulations, or other mandates contribute to increasing tuition, and recommendations on reducing those mandates.

(7) The establishment of a mechanism for a more timely and widespread distribution of data on tuition trends and other costs of operating colleges and universities.

(8) The extent to which student financial aid programs have contributed to changes in tuition.

(9) Trends in State fiscal policies that have affected college costs.

(10) Other related topics determined to be appropriate by the Comptroller General.

(b) ANNUAL REPORT TO CONGRESS.—The Comptroller General shall submit to the Congress an annual report on the results of the analysis required by subsection (a).

SEC. 806. REPEALS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

(a) HIGHER EDUCATION AMENDMENTS OF 1986.—Title XIII of the Higher Education Amendments of 1986 (20 U.S.C. 1091 note, 1121 note, 1221e–1 note, 1011 note, 1070a note, 1071 note, 1221–1 note, 1091 note) is repealed.

(b) HIGHER EDUCATION AMENDMENTS OF 1992.—

(1) TITLE XIV.—Title XIV of the Higher Education Amendments of 1992 (20 U.S.C. 1071 note, 1080 note, 1221e note, 1070 note, 1221e–1 note, 1070a–21 note, 1134 note, 1132a note, 1221–1 note, 1101 note) is repealed.

(2) TITLE XV.—Parts A, B, C, D, and E of title XV of the Higher Education Amendments of 1992 (29 U.S.C. 2401 et seq., 20 U.S.C. 1452 note, 1101 note, 1145h, 1070 note) are repealed.

SEC. 807. LIMITATION.

None of the funds appropriated under the Higher Education Act of 1965 or any other Act shall be made available by any Federal agency to the National Board for Professional Teaching Standards.

AMENDMENT NO. 70 OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 70 offered by Mr. MILLER of California:

Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

It is the sense of the Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed merchandise is not made by sweatshop and exploited adult or child labor either domestically or abroad and that such codes should include at least the following:

(1) public reporting of the code and the companies adhering to it;

(2) independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms;

(3) an explicit prohibition on the use of child labor;

(4) an explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime;

(5) an explicit requirement that companies allow workers the right to organize without retribution; and

(6) an explicit requirement that companies maintain a safe and healthy workplace.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, today all across America, consumers are taking a closer look at how products that they buy are made. There are some things consumers have always wanted to know: How much does it cost? Where is it made? What is it made of? And was it made with union labor? Was it made with recycled products?

For many years, there have been labels on these products to provide consumers this information. Today, however, on the heels of a number of embarrassing incidents involving high-profile personalities and well-known companies, consumers want to know more about the products they buy. They want to know under what conditions were these products made. They want to know, for example, whether the T-shirts, the baseball caps, the sweatpants, and the soccer balls they buy for themselves and for their children were made by children. They want to know if the products they are buying with their hard-earned money were made by workers who were exploited in sweatshops or by child labor. There are no labels to tell consumers that kind of information.

Until there is a better way to inform consumers about labor practices, about the methods of production, we think that one of the best ways to do this is for purchasers of these items to engage in voluntary codes of conduct, codes of

conduct that are backed up by independent monitoring.

We now have some of these voluntary codes of conduct with members of the apparel industry. Some of the big names in the apparel industry, the designer labels, have agreed to voluntary codes of conduct to monitor under what conditions their garments are made, how they are made, who made them, and whether or not it is exploited labor.

What we now see on our university and college campuses is that many goods are sold on college campuses in the bookstores, sports memorabilia, college educational memorabilia items, such as this, a baseball cap. A simple baseball cap that might be sold on the university campus, it turns out that it is made in a sweatshop. It is made by exploited labor. In some cases it is made by child labor.

Some universities, when they have learned this information, have immediately taken the items off of their shelves. They refuse to sell them. Cornell University just did this. Other universities have said, if we had known that, we would never have purchased them. Duke University and Brown University have just entered into voluntary codes of conduct for the purchasing of these materials.

Duke University and Brown University sell a lot of this memorabilia. Alumni go there, the students go there, they buy it for gifts for their brothers and sisters. They have no way of knowing it was made with exploited labor or made with child labor. So now they have a voluntary code of conduct to protect the purchasers, to protect their student body from this kind of condition.

The code stipulates that the companies must certify, if they are going to sell to these universities, that this is not made with child labor, that this is not made in sweatshops, that the minimum wage in the area was paid. Different universities have different approaches, but it is to try to raise the awareness and to make sure that the university could protect its consumers.

This is a market that is over $2 billion. Over $2 billion of these sweatshirts and sweatpants and T-shirts and baseball caps and other paraphernalia are purchased. Some universities sell a huge amount of this, Harvard University, Duke University, University of Southern California, Notre Dame, and others. Duke University estimates that it sells about $20 million of this licensed merchandise. Cornell says it receives about $15,000 in royalties.

What my amendment does is express the sense of Congress to encourage the adoption of these voluntary codes of conduct by colleges and universities governing the merchandise that they license for manufacture. By passing this measure, Congress will lend a helping hand to a growing private sector movement to restore a sense of integrity and decency to our marketplace.

As one indication of the growing importance of this issue, the Association of Collegiate Licensing Administrators will convene their annual meeting later this month, and this topic of discussion is on their agenda to discuss such codes as were adopted by Duke University and Brown.

In addition, the Collegiate Licensing Company, which represents 160 schools, including Cornell, is in the process of writing a code of conduct for its clients. When we asked Duke, which had adopted its code in March, ''Why did you do so?'' they said for two reasons: One, on moral grounds, it was absolutely the right thing to do; and it was also smart economically.

The universities have come to recognize, as pointed out both again by people at Duke and by the provost of Harvard University, that the university has to protect the integrity of its name. If its name is associated with sweatshop merchandise, if its name is associated with child labor, exploited labor, it cheapens the name and integrity of the university.

So they have a reason to do this, and yet, these very same universities in a recent report found that a company named BJ&B is running sweatshops in the Dominican Republic making baseball caps for leading American universities, Harvard, Cornell, Notre Dame, Georgetown, Duke, and others and they did not know it. So now they are moving in this direction.

I would hope that the Congress would support this effort with this sense of Congress resolution for these voluntary codes of conduct. These are baseball caps that sell for about $20, for about $20. The university gets about $1.50 in royalty and licensing fee. The worker gets 7 cents. So, obviously, there is improvement that can be made here in terms of compensating the people who are making these products.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Many of these workers work up to or in excess of 56 hours a week. Very often they are not compensated for overtime, they are not paid the minimum wage that is required by law in the country, and very often they are hired for short periods of time and they are forced out of the job because they prefer to have younger workers and they force people out after the age of 25.

Many of the workers are given quotas that are almost unachievable. It means that they then have to come in and work off of the clock so they can start their new day of work.

Mr. Chairman, I want to applaud Duke University and Brown University and Cornell University, who is now in the process of considering these codes of conduct and those who have already passed codes of conduct, because I think that they are returning to the roots of the university system and demanding the excellence and integrity and dignity of their name and of those things that are associated with them. I would hope that all schools of higher education would support this effort.

Let me also make it clear that I do not believe that code of conduct is enough to ensure honest wages and safety from exploitative workplaces. But our committee has a number of those topics under discussion and those are topics for another time. These voluntary code of conducts, finally let me say, do work.

Over 2 years ago an effort was started in both the public and private sector to ask questions about soccer balls. Soccer balls were made in Malaysia, Indonesia, Bangladesh and elsewhere using very, very young children because they had tiny hands that could sew the soccer ball; and they used them until they could no longer do it, and then they were thrown out on the streets.

We started a campaign that was started by young children, a school-aged boy from Canada, a young boy from India that started this campaign. And today, today the International Soccer Federation will not give its consent to its name being put on a soccer ball if it is made with child labor.

Nike and Reebok, when they learned of this, completely reorganized how they construct these balls. They brought it in house. They do not allow labor to be exploited.

So a voluntary effort can make a big difference, as we are starting to see in some parts of the apparel industry, as we saw in the Soccer Federation, and I hope we will start to see on the university campuses. I would urge all of my colleagues to support this.

I would like to thank so many of the students across the country who have taken up this effort, have brought this to the attention of the university administrations. And I would hope that we would soon have a university-wide voluntary code of conduct with respect to the purchase of this.

Mr. Chairman, I would like to submit for the RECORD several additional items, including: my complete floor statement; the list of the members of the Apparel Industry Partnership; a copy of the report of the Apparel Industry Partnership to President Clinton that includes the code of conduct that has become the basis for codes being used by other universities and colleges; and, three editorials on the Apparel Industry Partnership's report.

Participants in the Apparel Industry Partnership include: Liz Claiborne Inc.; Nike; Phillips-Van Heusen; Reebok; L.L. Bean; Patagonia; Tweeds; Nicole Miller; Karen Kane; UNITE; the Retail, Wholesale, Department Store Union; Business for Social Responsibility; the Interfaith Center on Corporate Responsibility; the International Labor Rights Fund; Lawyers Committee for Human Rights; the National Consumers League; and the RFK Memorial Center for Human Rights.

REPORT OF APPAREL INDUSTRY PARTNERSHIP

The members of the Apparel Industry Partnership hereby report to the President and to the public on:

The announcement of the attached ''Workplace Code of Conduct'' as a set of standards defining decent and humane working conditions;

The individual determination of each company participating in the Partnership to adhere to the Code and to implement as soon as reasonably practicable a monitoring program consistent with the attached ''Principles of Monitoring,'' by adopting an internal monitoring program consistent with such Principles and utilizing an independent external monitor that agrees to conduct its monitoring consistent with such Principles; and

The Partnership's commitment to work together to form, during a six-month transition period, a nonprofit association that would have the following functions intended to provide the public with confidence about compliance with the Code:

To determine the criteria for company membership in the association and for companies to remain members in good standing of the association;

To develop criteria and implement procedures for the qualification of independent external monitors;

To design audit and other instruments for the establishment of baseline monitoring practices;

To continue to address questions critical to the elimination of sweatshop practices;

To develop means to maximize the ability of member companies to remedy any instances of noncompliance with the Code; and

To serve as a source of information to consumers about the Code and about companies that comply with the Code.

The association would be governed by a board whose members would be nominated by companies, labor unions and consumer, human rights and religious groups. The Partnership would work together during this transition period to further determine the governance of the association.

WORKPLACE CODE OF CONDUCT

The Apparel Industry Partnership has addressed issues related to the eradication of sweatshops in the United States and abroad. On the basis of this examination, the Partnership has formulated the following set of standards defining decent and humane working conditions. The Partnership believes that consumers can have confidence that products that are manufactured in compliance with these standards are not produced under exploitative or inhumane conditions.

Forced Labor. There shall not be any use of forced labor, whether in the form of prison labor, indentured labor, bonded labor or otherwise.

Child Labor. No person shall be employed at an age younger than 15 (or 14 where the law of the country of manufacture[1] allows) or younger than the age for completing compulsory education in the country of manufacture where such age is higher than 15.

Harassment or Abuse. Every employee shall be treated with respect and dignity. No employee shall be subject to any physical, sexual, psychological or verbal harassment or abuse.

Nondiscrimination. No person shall be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin.

Health and Safety. Employers shall provide a safe and healthy working environment to prevent accidents and injury to health arising out of, linked with, or occurring in the course of work or as a result of the operation of employer facilities.

Freedom of Association and Collective Bargaining. Employers shall recognize and respect the right of employees to freedom of association and collective bargaining.

Wages and Benefits. Employers recognize that wages are essential to meeting employees' basic needs. Employers shall pay employees, as a floor, at least the minimum wage required by local law or the prevailing industry wage, whichever is higher, and shall provide legally mandated benefits.

Hours of Work. Except in extraordinary business circumstances, employees shall (i) not be required to work more than the lesser of (a) 48 hours per week and 12 hours overtime, or (b) the limits on regular and overtime hours allowed by the law of the country of manufacture or, where the laws of such country do not limit the hours of work, the regular work week in such country plus 12 hours overtime and (ii) be entitled to at least one day off in every seven day period.

Overtime Compensation. In addition to their compensation for regular hours of work, employees shall be compensated for overtime hours at such premium rate as is legally required in the country of manufacture or, in those countries where such laws do not exist, at a rate at least equal to their regular hourly compensation rate.

Any company that determines to adopt the Workplace Code of Conduct shall, in addition to complying with all applicable laws of the country of manufacture, comply with and support the Workplace Code of Conduct in accordance with the attached Principles of Monitoring and shall apply the higher standard in cases of differences or conflicts. Any company that determines to adopt the Workplace Code of Conduct also shall require its contractors and, in the case of a retailer, its suppliers to comply with applicable local laws and with this Code in accordance with the attached Principles of Monitoring and to apply the higher standard in cases of differences or conflicts.

PRINCIPLES OF MONITORING

I. Obligations of Companies[2]

A. Establish Clear Standards

Establish and articulate clear, written workplace standards;[3]

Formally convey those standards to company factories as well as to contractors and suppliers;[4]

Receive written certifications, on a regular basis, from company factories as well as contractors and suppliers that standards are being met, and that employees have been informed about the standards; and

Obtain written agreement of company factories and contractors and suppliers to submit to periodic inspections and audits, including by independent external monitors, for compliance with the workplace standards.

B. Create An Informed Workplace

Ensure that all company factories as well as contractors and suppliers inform their employees about the workplace standards orally and through the posting of standards in a prominent place (in the local languages spoken by employees and managers) and undertake other efforts to educate employees about the standards on a regular basis.

C. Develop An Information Database

Develop a questionnaire to verify and quantify compliance with the workplace standards; and

Require company factories and contractors and suppliers to complete and submit the questionnaire to the company on a regular basis.

D. Establish Program to Train Company Monitors

Provide training on a regular basis to company monitors about the workplace standards and applicable local and international law, as well as about effective monitoring practices, so as to enable company monitors to be able to assess compliance with the standards

E. Conduct Periodic Visits and Audits

Have trained company monitors conduct periodic announced and unannounced visits to an appropriate sampling of company factories and facilities of contractors and suppliers to assess compliance with the workplace standards; and

Have company monitors conduct periodic audits of production records and practices and of wage, hour, payroll and other employee records and practices of company factories and contractors and suppliers.

F. Provide Employees With Opportunity to Report Noncompliance

Develop a secure communications channel, in a manner appropriate to the culture and situation, to enable company employees and employees of contractors and suppliers to report to the company on noncompliance with the workplace standards, with security that they will not be punished or prejudiced for doing so.

G. Establish Relationships with Labor, Human Rights, Religious or Other Local Institutions

Consult regularly with human rights, labor, religious or other leading local institutions that are likely to have the trust of workers and knowledge of local conditions and utilize, where companies deem necessary, such local institutions to facilitate communication with company employees and employees of contractors and suppliers in the reporting of noncompliance with the workplace standards;

Consult periodically with legally constituted unions representing employees at the worksite regarding the monitoring process and utilize, where companies deem appropriate, the input of such unions; and

Assure that implementation of monitoring is consistent with applicable collective bargaining agreements.

H. Establish Means of Remediation

Work with company factories and contractors and suppliers to correct instances of noncompliance with the workplace standards promptly as they are discovered and to take steps to ensure that such instances do not recur; and

Condition future business with contractors and suppliers upon compliance with the standards.

II. Obligations of independent external monitors

A. Establish Clear Evaluation Guidelines and Criteria

Establish clear, written criteria and guidelines for evaluation of company compliance with the workplace standards

B. Review Company Information Database

Conduct independent review of written data obtained by company to verify and quantify compliance with the workplace standards

C. Verify Creation of Informed Workplace

Verify that company employees and employees of contractors and suppliers have been informed about the workplace standards orally, through the posting of standards in a prominent place (in the local languages spoken by employees and managers) and through other educational efforts.

D. Verify Establishment of Communications Channel

Verify that the company has established a secure communications channel to enable company employees and employees of contractors and suppliers to report to the company on noncompliance with the workplace

standards, with security that they will not be punished or prejudiced for doing so.

E. Be Given Independent Access to, and Conduct Independent Audit of, Employee Records

Be given independent access to all production records and practices and wage, hour, payroll and other employee records and practices of company factories and contractors and suppliers; and

Conduct independent audit, on a confidential basis, of an appropriate sampling of production records and practices and wage, hour, payroll and other employee records and practices of company factories and contractors and suppliers.

F. Conduct Periodic Visits and Audits

Conduct periodic announced and unannounced visits, on a confidential basis, of an appropriate sampling of company factories and facilities of contractors and suppliers to survey compliance with the workplace standards.

G. Establish Relationships with Labor, Human Rights, Religious or Other Local Institutions

In those instances where independent external monitors themselves are not leading local human rights, labor rights, religious or other similar institutions, consult regularly with human rights, labor, religious or other leading local institutions that are likely to have the trust of workers and knowledge of local conditions; and

Assure that implementation of monitoring is consistent with applicable collective bargaining agreements and performed in consultation with legally constituted unions representing employees at the worksite.

H. Conduct Confidential Employee Interviews

Conduct periodic confidential interviews, in a manner appropriate to the culture and situation, with a random sampling of company employees and employees of contractors and suppliers (in their local languages) to determine employee perspective on compliance with the workplace standards; and

Utilize human rights, labor, religious or other leading local institutions to facilitate communication with company employees and employees of contractors and suppliers, both in the conduct of employee interviews and in the reporting of noncompliance.

I. Implement Remediation

Work, where appropriate, with company factories and contractors and suppliers to correct instances of noncompliance with the workplace standards.

J. Complete Evaluation Report

Complete report evaluating company compliance with the workplace standards.

Endnotes:

[1] All references to local law throughout this Code shall include regulations implemented in accordance with applicable local law.

[2] It is recognized that implementation by companies of internal monitoring programs might vary depending upon the extent of their resources but that any internal monitoring program adopted by a company would be consistent with these Principles of Monitoring. If companies do not have the resources to implement some of these Principles as part of an internal monitoring program, they may delegate the implementation of such Principles to their independent external monitors.

[3] Adoption of the Workplace Code of Conduct would satisfy the requirement to establish and articulate clear written standards. Accordingly, all references to the ''workplace standards'' and the ''standards'' throughout this document could be replaced with a reference to the Workplace Code of Conduct.

[4] These Principles of Monitoring should apply to contractors where the company adopting the workplace standards is a manufacturer (including a retailer acting as a manufacturer) and to suppliers where the company adopting the standards is a retailer (including a manufacturer acting as a retailer). A ''contractor'' or a ''supplier'' shall mean any contractor or supplier engaged in a manufacturing process, including cutting, sewing, assembling and packaging, which results in a finished product for the consumer.

[From the San Francisco Examiner, Apr. 17, 1997]

''NO SWEAT'' REQUIRES SWEAT EQUITY

A CODE OF CONDUCT PLEDGED BY NIKE, REEBOK AND OTHERS IS ONLY A FIRST STEP TOWARD ENDING INTERNATIONAL SWEATSHOP ABUSES

With strong caveats, we endorse the creation of a code of conduct to fight sweatshop practices around the world. It is a good first step if the participating shoe and apparel manufacturers are serious about making it work.

Agreement was announced Monday by several companies—including Nike, Reebok, Liz Claiborne, Patagonia and L.L. Bean—along with human rights and labor groups that joined together as members of a presidential task force. Some critics, however, said the code would only lead to ''kinder, gentler sweatshops.''

Required under the new code are the elimination of child labor, a guarantee of pay at the minimum wage prevailing in the country of manufacture, a maximum 60-hour week, the end of abusive working conditions and protection of workers' right to organize. Unsettled are details of inspections and sanctions, which are critical to success of the code.

In exchange, companies that comply will be able to emblazon merchandise with a ''No Sweat'' label, a signal to buyers that sweatshop labor was not used in its manufacture.

The responsibility of American manufacturers toward workers in their foreign plant—in Indonesia, Vietnam, Haiti and other countries—has been a controversial issue. Now, at least, the companies are publicly pledged to uphold minimum standards and to fight abusive conditions.

''This is a breakthrough agreement that really stands to benefit workers around the world,'' said Michael Posner, a task force member and executive director of the Lawyers Committee on Human Rights.

To prevent the code of conduct from becoming merely a public relations device—a coverup for continued sweatshop activity—we beleive two additional steps are necessary.

First, manufacturers must agree to factory inspections carried out by truly independent groups, not just auditors hired by the companies. Inclusion of internationally respected groups such as Amnesty International or Human Rights Watch would clinch the effort's credibility.

Second, violations must be announced publicly and quickly. This carries two beneficial effects: Consumers will be resurred that the inspections aren't a sham, and companies will be prodded to correct deficiencies without delay. Companies that don't must be stripped of their ''No Sweat'' logos.

The code will not solve all the world's problems. Nor should it be expected to do so. No realistic, economically sophisticated person should expect Nike or Reebok to pay workers far above their country 's prevailing wage, no matter how ''just'' that may seem to U.S. critics.

What's more important is halting abuses such as those reported by USA Today earlier this year in plants run by Nike subcontractors in Vietnam. One factory floor manager was convicted of beating Vietnamese workers with a shoe. Another Nike subcontractor was cited for making 58 Vietnamese women employees run laps as punishment until some dropped from exhaustion and had to be taken to a hospital.

Such revelations are not good news for Nike or any other manufacturer that basks in an all-American image. Self-interest, if not humanitarian zeal, ought to be an impetus to just do the right thing.

American companies that manufacture abroad are sometimes portrayed as economic pirates. Left unsaid is that they benefit hundreds of thousands of foreign workers, who, after all, are not coerced to work for Nike or Reebok but line up for the chance. They know that a job that pays even a few dollars a day is better than no job.

Nothing should absolve American companies of their wider social responsibilities. The code is a beginning. The debate will continue.

As long as it's sincere, this joint effort by companies and human rights groups can accomplish more than rhetorical campaigns to improve the lot of international workers. But the ''No Sweat'' labels must mean a real commitment and not a public relations gimmick. Over time, cheaters never win.

[From the Los Angeles Times, Apr. 16, 1997]

A BIG NO TO SWEATSHOPS

CLINTON PLAN FOR A CODE AND ''NO SWEAT'' LABEL ON CLOTHING IS LAUDABLE

The president of the United States has the ability to do many things but so far not to erase sweatshop labor practices in American and overseas clothing factories. Bill Clinton, however, at least is trying.

This week he proposed a voluntary code under which U.S. clothing companies would accept the presence of independent auditors to monitor compliance with a minimum set of workplace labor laws. The code would apply whether the work was done in the United States or abroad. Companies that pay at least the legal minimum wage in the country where the work is being done, use no child labor, have a workweek of no more than 60 hours and give workers at least one day off each week would be permitted to apply a ''No Sweat'' label to their clothes. Cute, and potentially effective.

Some critics will argue that the code merely sets forth standards that every company in the world should be observing anyway. But in fact few companies in the clothing industry or, for that matter, in some other handwork industries adhere to these minimum legal standards.

Another objection to the presidential initiative deals with the composition of the independent panel that would monitor compliance. Some American union leaders insist that non-governmental, religious and human rights organizations, plus union representatives, perform the process. Employers who have agreed to the code want an international firm of auditors to do that job.

This should not be an issue. As long as the auditors do not have any conflict of interest, there should be no problem. The program should have a grievance procedure, however. And there is no doubt that under a grievance process the workers would use their voice to complain about any injustice, whether covered in the code or not.

The real test for the presidential initiative will be whether consumers make the ''No Sweat'' label the decisive element when they go shopping for clothes. That will make all the difference.

[From the New York Times, Apr. 16]

A MODEST START ON SWEATSHOPS

A newly proposed code of conduct for domestic and overseas sweatshops makes useful pledges to improve the appalling working conditions of apparel workers around the world. But the code is so littered with loopholes its impact will probably be limited unless public and press attention remains fixed on the problems of sweatshop workers.

The Presidential task force that developed the code included industry giants like Nike, Reebok, L.L. Bean and Liz Claiborne, as well as representatives of labor and human rights groups. It got industry pledges to provide abuse-free factories, hire children at least 15 years old, limit workweek to 60 hours and protect the right of workers to organize without fear of retaliation by their employers. The code also calls for companies to hire independent monitors that would work with local human rights groups. This provision is vital, since in oppressive societies workers would only voice discontent to groups that have gained their trust.

Identifying and publicizing abuses is essential to improving conditions. The coverage of inhumane conditions at Central American factories turning out clothes for Wal-Mart under the name of Kathie Lee Gifford led to creation of the task force. Two years ago, the industry would have brushed off any proposal to monitor its third-world factories.

The weakness of the code is its lack of precise commitments. The accord suggests but does not require local independent monitoring of working conditions or public disclosure of infractions. The 60-hour limit on the workweek can be waived for what are called ''extraordinary'' circumstances.

Even if a follow-up commission strengthens the wording, the code cannot work unless American consumers penalize non-participants. Some companies will not sign the code. Warnaco, which makes Hathaway shirts, withdrew from the task force because the company fears that the public disclosure of monitors' reports will reveal trade secrets to competitors. If consumers flock to lower-priced clothes produced by companies that ignore the code, the effort will fail.

The task force correctly rejected the idea of imposing a ''living'' wage, calling instead for companies to pay only the locally prevailing minimum wage. An externally determined wage would almost surely victimize the world's worst-paid workers. Manufacturers would close shop in countries like Haiti and Vietnam where workers produce too little to cover the higher wage employers would be required to pay, and reopen somewhere else where factories are more productive. The more humane course is to rely on competition to drive up productivity and wages, as has happened in South Korea and other Asian economies.

At best, a voluntary accord that includes industry can only accomplish so much. The task force may help reduce the political heat on Mr. Clinton, labor unions and industry to deal with the working conditions in faraway factories. Whether third-world workers will ever see a benefit depends on sharpening the code and intensifying disclosure of companies that violate its provisions.

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

I do not plan to oppose the Miller amendment. It is a sense of Congress resolution. But I do want to make a couple of comments about it.

First of all, I appreciate the willingness of the gentleman from California (Mr. MILLER) to delete from his original amendment the list of findings that I think were problematic both from a germaneness point of view and in terms of some of the specific items that were included.

Secondly, I have a concern that the amendment urges American colleges and universities to do something that neither they nor we have much guidance on what is intended.

It is my understanding there are some universities that have adopted some type of codes of conduct for their licensed apparel. But we do not know how well these codes work at this particular time. It is unclear since it is a rather limited experience.

I understand the resolution basically says that codes of conduct are generally a good idea. Beyond that, we really do not have much information on how they work in the context of colleges' and universities' licensed apparel. I would particularly make the point with regard to the issue of monitoring. This has obviously been the most difficult issue with regard to voluntary codes of conduct.

On the one hand, there are those who believe that only independent monitoring is effective; on the other hand, there are always questions about who would do the monitoring, who would choose the monitors, what would the monitors use as a baseline, and so on. Because these questions remain, I believe it would be premature to endorse independent monitoring in terms of any direction we give to colleges and universities.

A few weeks ago, the gentleman from Michigan (Mr. HOEKSTRA) and I traveled to New York City and saw firsthand some of the most horrendous working conditions I have ever seen and certainly conditions that I did not expect ever to see in this country. And I know that sweatshops exist not just in other parts of the world but in this country.

So I do not oppose this amendment. I think it is important to emphasize that what it is saying basically, is that we think codes of conduct may be a good idea in helping to deal with them; and what we recognize is that it is much more difficult to actually implement a code of conduct and have it make a difference than it is to pass the resolution.

So we accept the Miller amendment.

Mr. BONIOR. Mr. Chairman, we all like to cheer for our favorite teams, and a lot of us proclaim our loyalty by wearing T-shirts and caps with the team logo.

Unfortunately, millions of these items are being produced overseas using child labor, in unsafe factories and at slave wages.

Take those baseball caps for example, the ones sporting names of major universities. They sell for $20 apiece all across America.

A lot of them are made in the Dominican Republic by people who get paid 8 cents a cap.

That's right—for each $20 cap a person sews, they get paid 8 cents.

Eight cents.

According to the New York Times, these hats are marketed under famous brand names such as Champion and Starter.

Well, I say it's time we start to champion a basic code of conduct.

A code of conduct to ensure that unscrupulous contractors are not exploiting people while profiting off the prestige of our great universities.

A code of conduct that enables fans to buy these shirts and caps and wear them with absolute pride.

A code of conduct that puts a premium on our principles, not just profit.

A code of conduct that will make a real difference in the daily lives of thousands of people—people we will never meet, but people whose only desire is the chance to make a decent living for their families.

The idea of a code of conduct is both creative and concrete.

It is a practical idea already in place at Duke University. Brown University is not far behind. Today I call on the universities in my state to follow their lead, especially the University of Michigan and Michigan State University.

This amendment will send a strong message that we oppose sweatshops, and that we urge this nation's colleges and universities to do their part to eradicate such abhorrent conditions.

Fans and consumers have a right to support their favorite schools without supporting sweatshops, and I strongly urge my colleagues to support this amendment.

Mr. SCHUMER. Mr. Chairman, as a supporter of H.R. 6, I'd like to draw your attention to part of the bill I helped author—the campus crime provisions.

Despite our best efforts with the 1990 Campus Crime bill, parents and students still don't know how safe their campuses are.

Colleges' typical reports of 3 or 4 burglaries, sexual assaults and alcohol violations are far too small to be believed by anyone—even the colleges themselves.

The bill we're considering today will bring us one step closer to our goal of making sure that parents have the information they need about campus safety.

The bill expands the people obligated to report crimes, expands the types of crime to be reported and, for the first time, opens up campus crime reports to the public through a campus crime log.

The log documents where, when and what crimes occur on campus.

Making these crime reports public will hold schools accountable for their accuracy.

Parents deserve to know how safe their children's campus is. And the campus security provisions of this bill will help them make that determination.

I want to thank the U.S. Students' Association, Chairman GOODLING and Representative DUNCAN for all their hard work on this issue.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. MILLER).

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

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from California (Mr. MILLER) will be postponed.

The point of no quorum is considered withdrawn.

Are there any further amendments to title VIII?

□ 1600

AMENDMENT NO. 58 OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. EWING). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. KILDEE:

Page 334, after line 19, insert the following new section (and redesignate the succeeding sections and conform the table of contents accordingly):

SEC. 806. STUDY OF CONSOLIDATION OPTIONS.

No later than 2 years after the date of enactment of this Act, the Secretary shall report to Congress on the desirability and feasibility of possible new Federal efforts to assist individuals who have substantial alternative student loans (other than direct student loans and federally guaranteed student loans) to repay their student loans. The report shall include an analysis of the extent to which the high monthly payments associated with such loans deter such individuals from jobs (including public-interest and public-service jobs) with lower salaries than the average in relevant professions. The report shall include an analysis of the desirability and feasibility of allowing the consolidation of alternative student loans held by such individuals through the Federal student loan consolidation program or the use of other means to provide income-contingent repayment plans for alternative student loans.

Mr. KILDEE. Mr. Chairman, I offer this amendment on behalf of the gentleman from Colorado (Mr. SKAGGS), who unfortunately is hospitalized with an emergency appendectomy. I know that everyone in the House wishes him a very speedy recovery.

The Skaggs amendment would require the Secretary of Education to examine the very serious and substantial debts that students are amassing because of loans, other than those authorized in this legislation, they must obtain in order to pay for a college education. Specifically, the Secretary would be charged with the responsibility of determining the desirability and feasibility of new Federal efforts to assist such individuals repay these loans.

I understand this amendment has been agreed to by the other side. I would urge its adoption.

Mr. MCKEON. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from California.

Mr. MCKEON. I thank the gentleman for yielding. Mr. Chairman, we do support this amendment. Likewise, we wish the best to the gentleman from Colorado (Mr. SKAGGS) and hope he is able to join with us quickly. This amendment will improve the bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. STUPAK:

Page 334, strike lines 20 and 21 and insert the following:

SEC. 806. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

Page 335, line 7, strike ''D, and E'' and insert ''and D''; and after line 7, insert the following:

(3) OLYMPIC SCHOLARSHIPS.—Section 1543(d) of the Higher Education Amendments of 1992 is amended by striking ''1993'' and inserting ''1999''.

Mr. STUPAK. Mr. Chairman, today I am offering an amendment which reauthorizes the Olympic Education Scholarship program. This valuable program was first authorized in the 1992 Higher Education Act. It is designed and its purpose is to assist Olympic athletes continue their pursuit of education while training at the various Olympic training and education centers by authorizing up to $5 million for college scholarships.

Olympic athletes train at four Olympic centers in the United States, Marquette, Michigan; Lake Placid, New York; Colorado Springs, Colorado; and San Diego, California. More than 450 athletes train full time at all of the training sites to prepare for the Olympic games and thousands more train there part time. Many of these athletes participated in the Nagano games just 3 months ago.

Last week the President hosted our Winter Olympic athletes from the 1998 games at the White House. Except for a very few sports, there is no post-Olympic professional athletic career for most Olympians. As a result, Mr. Chairman, education becomes a critical factor in the lives of these young people. But as so many of our American Olympians will attest, too often they must postpone or even forgo an education in order to prepare to represent the United States in the Olympic games. Many of the athletes would have greater access to college because of the Olympic scholarship, and the education they receive while training provides them with an excellent opportunity to prepare them for post-Olympic life.

Some athletes currently attend college while training. Many others, however, do not have the resources to pay for tuition and are unable to take classes. Unlike college athletes, many Olympic athletes spend thousands of dollars annually on equipment and travel to major events. The only way they can attend school is if scholarships are provided. That is why we need to reauthorize the Olympic scholarship program.

One example of this need of the Olympic education scholarship is Mark Lenzi, a gold medal winner diver at the Barcelona games in 1992. Mr. Lenzi announced on network television that he would sell his Olympic gold medal to help him pay for his college tuition.

Mr. Chairman, I am tremendously impressed with the dedication, determination and work ethic of our Olympic hopefuls. Given the opportunity, they apply the same dedication to their academic endeavors. Balancing a schedule of rigorous training and education is very difficult for any person. We should not, however, put our Olympic athletes in a position where they have to sacrifice an education in order to represent our country in the Olympic games.

Last week we had the Olympic dinner. Many of us attended and many of us patted the athletes on the back for a job well done. But what about an education? Last week when we were here, many Members had their photograph taken with the Olympic athletes. In fact, I was walking over on the other side and there were many of them out on the steps of the Capitol taking their picture with the Olympic athletes. But more than photo opportunities with congressional representatives and more than a dinner and more than a pat on the back, they need a helping hand and not a handout.

This is an opportunity to compete in the education field. Each Member in this House can help each Olympic athlete by reauthorizing this invaluable program. I know that there will be the other side who may say, well, we are not going to authorize new programs. This is a reauthorization of an old program. I know our job is only half done, that we still have to go to the Committee on Appropriations to get appropriations. Olympians know how to fight, they know how to compete. What we are asking for is to give them the opportunity to compete to reauthorize the Olympic Education Scholarship Program.

This amendment will simply give us a chance to continue the Olympic education scholarship to provide a commitment to our Olympic athletes beyond their performances in the games. I urge my colleagues to vote with me to reauthorize the Olympic Education Scholarship Program.

Mr. MCKEON. Mr. Chairman, I move to strike the last word. Mr. Chairman, one of the good things that we have done in this bill is we have eliminated 45 unfunded programs and 11 studies and commissions. This is an attempt to bring one of these programs back before we have even finally moved final passage.

This program is unfunded and repealed in H.R. 6 along with all of the other unfunded programs I mentioned. This is pursuant to an agreement between the chairman and ranking member of the subcommittee with jurisdiction. We have worked this out in a bipartisan way. We are happy with the product that we have produced. We think we are doing the best for students and for the most possible people with the money available.

Students pursuing a postsecondary education may receive Federal student aid if they qualify under the Higher Education Act. There is no need for a separate program and the increased administrative costs associated with the new program when student athletes are already eligible just like any other student.

In this reauthorization we have tried to eliminate unfunded programs and limit the number of new programs created so that the appropriators have a clear understanding of the priorities of the committee when it comes to funding the higher education programs.

Available funds should be committed to the programs which will work and serve the largest number of students. I urge a no vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

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

Mr. STUPAK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from Michigan (Mr. STUPAK) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title VIII?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT

Subpart 1—Gallaudet University

SEC. 901. BOARD OF TRUSTEES MEMBERSHIP.

Section 103(a)(1) of the Education of the Deaf Act of 1986 (20 U.S.C. 4303(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''twenty-one'' and inserting ''twenty-two'';

(2) in subparagraph (A), by striking ''and'' at the end;

(3) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(C) the liaison designated under section 206, who shall serve as an ex-officio, nonvoting member.''.

SEC. 902. ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 104(b)(3) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)(3)) is amended by striking ''intermediate educational unit'' and inserting ''educational service agency''.

(b) ADDITIONAL REQUIREMENTS.—Section 104(b)(4)(C) of such Act (20 U.S.C. 4304(b)(4)(C)) is amended by striking clauses (i) through (iv) and inserting the following:

''(i) Paragraph (1) and paragraphs (3) through (6) of subsection (b).

''(ii) Subsections (e) through (g).

''(iii) Subsection (h), except the provision contained in such subsection that requires that findings of fact and decisions be transmitted to the State advisory panel.

''(iv) Paragraphs (1) and (2) of subsection (i).

''(v) Subsection (j), except that such subsection shall not be applicable to a decision by the University to refuse to admit or to dismiss a child, except that, before dismissing any child, the University shall give at least 60 days notice to the child's parents and to the local educational agency in which the child resides.

''(vi) Subsections (k) through (m).''.

SEC. 903. AGREEMENT WITH GALLAUDET UNIVERSITY.

Section 105(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4305(a)) is amended—

(1) in the first sentence, by striking ''within 1 year after enactment of the Education of the Deaf Act Amendments of 1992, a new'' and inserting ''and periodically update, an''; and

(2) by amending the second sentence to read as follows: ''The necessity of the periodic update referred to in the preceding sentence shall be determined by the Secretary or the University.''.

Subpart 2—National Institute For The Deaf

SEC. 911. AGREEMENT FOR THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 112 of the Education of the Deaf Act of 1986 (20 U.S.C. 4332) is amended—

(1) in subsection (a)(2), by striking ''under this section'' and all that follows and inserting the following: ''under this section—

''(A) shall periodically assess the need for modification of the agreement; and

''(B) shall also periodically update the agreement as determined to be necessary by the Secretary or the institution.''; and

(2) in subsection (b)(3), by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''.

Subpart 3—General Provisions

SEC. 921. DEFINITIONS.

Section 201 of the Education of the Deaf Act of 1986 (20 U.S.C. 4351) is amended—

(1) in paragraph (1)(C), by striking ''Palau (but only until the Compact of Free Association with Palau takes effect),''; and

(2) in paragraph (5)—

(A) by inserting ''and'' before ''the Commonwealth of the Northern Mariana Islands''; and

(B) by striking '', and Palau'' and all that follows and inserting a period.

SEC. 922. AUDITS.

Section 203(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)) is amended in the first sentence by inserting before the period at the end the following: '', including the national mission and school operations of the elementary and secondary programs''.

SEC. 923. REPORTS.

Section 204 of the Education of the Deaf Act of 1986 (20 U.S.C. 4354) is amended in the matter preceding paragraph (1) by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''.

SEC. 924. MONITORING, EVALUATION, AND REPORTING.

Section 205(c) of the Education of the Deaf Act of 1986 (20 U.S.C. 4355(c)) is amended by striking ''1993, 1994, 1995, 1996, and 1997'' and inserting ''1999 through 2003''.

SEC. 925. RESPONSIBILITY OF THE LIAISON.

Section 206 of the Education of the Deaf Act (20 U.S.C. 4356) is amended—

(1) in subsection (a), by striking ''Not later than 30 days after the date of enactment of this Act, the'' and inserting ''The''; and

(2) in subsection (b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) serve as an ex-officio, nonvoting member of the Board of Trustees under section 103; and''.

SEC. 926. FEDERAL ENDOWMENT PROGRAMS.

(a) FEDERAL PAYMENTS.—Section 207(b) of the Education of the Deaf Act of 1986 (20 U.S.C. 4357(b)) is amended—

(1) in paragraph (2) to read as follows:

''(2) Subject to the availability of appropriations, the Secretary shall make payments to each Federal endowment fund in amounts equal to sums contributed to the fund from non-Federal sources during the fiscal year in which the appropriations are made available (excluding transfers from other endowment funds of the institution involved).''; and

(2) by striking paragraph (3).

(b) WITHDRAWALS AND EXPENDITURES.—Section 207(d)(2)(C) of such Act (20 U.S.C. 4357(d)(2)(C)) is amended by striking ''Beginning on October 1, 1992, the'' and inserting ''The''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 207(h) of such Act (20 U.S.C. 4357(h)) is amended by striking ''fiscal years 1993 through 1997'' each place it appears and inserting ''fiscal years 1999 through 2003''.

SEC. 927. SCHOLARSHIP PROGRAM.

Section 208 of the Education of the Deaf Act of 1986 (20 U.S.C. 4358) is hereby repealed.

SEC. 928. OVERSIGHT AND EFFECT OF AGREEMENTS.

Section 209 of the Education of the Deaf Act of 1986 (20 U.S.C. 4359) is amended—

(1) in subsection (a), by striking ''Committee on Education and Labor'' and inserting ''Committee on Education and the Workforce''; and

(2) by redesignating such section as section 208.

SEC. 929. INTERNATIONAL STUDENTS.

(a) ENROLLMENT.—Section 210(a) of the Education of the Deaf Act of 1986 (20 U.S.C. 4359a(a)) is amended to read as follows:

''(a) ENROLLMENT.—A qualified United States citizen seeking admission to the University or NTID shall not be denied admission in a given year due to the enrollment of international students.''.

(b) CONFORMING AMENDMENT.—Section 210 of such Act (20 U.S.C. 4359a) is amended by redesignating such section as section 209.

SEC. 930. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Education of the Deaf Act of 1986 (20 U.S.C. 4360) is amended—

(1) in subsection (a), by striking ''such sums as may be necessary for each of the fiscal years 1993 through 1997'' and inserting ''$83,480,000 for fiscal year 1999, $84,732,000 for fiscal year 2000, $86,003,000 for fiscal year 2001, $87,293,000 for fiscal year 2002, and $88,603,000 for fiscal year 2003'';

(2) in subsection (b), by striking ''such sums as may be necessary for each of the fiscal years 1993 through 1997'' and inserting ''$44,791,000 for fiscal year 1999, $46,303,000 for fiscal year 2000, $50,136,000 for fiscal year 2001, $50,818,000 for fiscal year 2002, and $46,850,000 for fiscal year 2003''; and

(3) by redesignating such section as section 210.

PART B—EXTENSION AND REVISION OF INDIAN HIGHER EDUCATION PROGRAMS

SEC. 951. TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) EXTENSION TO COLLEGES AND UNIVERSITIES.—The Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended—

(1) by striking ''community college'' each place it appears and inserting ''college or university'';

(2) by striking ''community colleges'' each place it appears and inserting ''colleges and universities'';

(3) by striking ''COMMUNITY COLLEGES'' in the heading of title I and inserting ''COLLEGES AND UNIVERSITIES'';

(4) by striking ''community college's'' in section 2(b)(5) and inserting ''college's or university's'';

(5) by striking ''the college'' in sections 102(b), 113(c)(2), and 305(a) and inserting ''the college or university'';

(6) by striking ''such colleges'' in sections 104(a)(2) and 111(a)(2) and inserting ''such colleges and universities'';

(7) by striking ''COMMUNITY COLLEGES'' in the heading of section 107 and inserting ''COLLEGES AND UNIVERSITIES'';

(8) by striking ''such college'' each place it appears in sections 108(a), 113(b)(2), 113(c)(2), 302, 303, 304, and 305 and inserting ''such college or university'';

(9) by striking ''such colleges'' in section 109(b) and inserting ''such college or university'';

(10) in section 110(a)(4), by striking ''Tribally Controlled Community Colleges'' and inserting ''tribally controlled colleges and universities'';

(11) by striking ''COMMUNITY COLLEGE'' in the heading of title III and inserting ''COLLEGE AND UNIVERSITY'';

(11) by striking ''that college'' in sections 302(b)(4) and 305(a) and inserting ''such college or university''; and

(12) by striking ''other colleges'' in section 302(b)(4) and insert ''other colleges and universities''.

(b) TITLE I ELIGIBLE GRANT RECIPIENTS.—Section 103 of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1804) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(4) has been accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward such accreditation.''.

(c) ELIGIBILITY AND ACCREDITATION.—Section 106 of such Act (25 U.S.C. 1806) is amended—

(1) in the section heading, by inserting ''AND ACCREDITATION PROGRAM'' after ''STUDIES'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

''(c) The Secretary of Education shall assist tribally controlled colleges and universities in the development of a national accrediting agency or association for such colleges and universities.''.

(d) AMOUNT OF TITLE I GRANTS.—Section 108(a)(2) of such Act (25 U.S.C. 1808(a)(2)) is amended by striking ''$5,820'' and inserting ''$6,000''.

(e) CLERICAL AMENDMENT.—Section 109 of such Act (25 U.S.C. 1809) is amended by redesignating subsection (d) as subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS FOR TITLE I.—Section 110 of such Act (25 U.S.C. 1810) is amended—

(1) by striking ''1993'' each place it appears and inserting ''1999''; and

(2) in subsection (a)(2), by striking ''$30,000,000'' and inserting ''$40,000,000''.

(g) AUTHORIZATION OF APPROPRIATIONS FOR TITLES III AND IV.—Sections 306 and 403 of such Act (25 U.S.C. 1836, 1852) are each amended by striking ''1993'' and inserting ''1999''.

SEC. 952. REAUTHORIZATION OF PROVISIONS FROM HIGHER EDUCATION AMENDMENTS OF 1992.

Title XIII of the Higher Education Amendments of 1992 (25 U.S.C. 3301 et seq.) is amended by striking ''1993'' each place it appears in sections 1348, 1365, and 1371(e), and inserting ''1999''.

SEC. 953. REAUTHORIZATION OF NAVAJO COMMUNITY COLLEGE ACT.

Section 5(a)(1) of the Navajo Community College Act (25 U.S.C. 640c–1) is amended by striking ''1993'' and inserting ''1999''.

AMENDMENT NO. 22 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. FOLEY:

Page 346, after line 24, insert the following new part (and conform the table of contents accordingly):

Part C—General Education Provisions Act

SEC. 961. ACCESS TO RECORDS CONCERNING CRIMES OF VIOLENCE.

Section 444(h) of the General Education Provisions Act (20 U.S.C. 1232g(h)) is amended to read as follows:

''(h) DISCIPLINARY RECORDS.—(1) Nothing in this section shall prohibit an educational agency or institution from—

''(A) including appropriate information in the education record of any student concerning disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community; or

''(B) disclosing such information to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

''(2) Nothing in this section shall prohibit any post-secondary educational agency or institution from disclosing disciplinary records of any kind which contain information that personally identifies a student or students who have either admitted to or been found to have committed any act, which is a crime of violence (as that term is defined in section 16 of title 18, United States Code), in violation of institutional policy, either as a violation of the law or a specific institutional policy, where such records are directly related to such misconduct.''.

Mr. FOLEY. Mr. Chairman, I rise in full support of the Higher Education Amendments of 1998, H.R. 6, and want to commend the fine work of the gentleman from Pennsylvania (Mr. GOODLING) for his efforts and labor of love on this important issue facing Americans, and that is higher education. This legislation will certainly go a long way to ensure that higher education remains an affordable option for our Nation's families.

I also want to commend the members of the Committee on Education and the Workforce for including in H.R. 6 important provisions of a bill that I cosponsored, the Accuracy in Crime Reporting Act. These provisions in H.R. 6 will improve the accuracy of information that parents and students receive about the dangers that exist on many of our college campuses.

I would like to take a moment to read from my hometown newspaper's editorial, the Sun-Sentinel, which appeared April 10, 1998. The editorial is titled Demand Accurate Crime Statistics From Colleges in Return for Funds.

College campuses are supposed to be sanctuaries of vigorous inquiry and quiet contemplation where truth and knowledge can be pursued in an atmosphere of security, dignity and mutual respect. But that academic ideal has become the exception rather than the rule at far too many contemporary colleges and universities, where the current epidemic of drug abuse, underage drinking, illegal gambling, sexual assault and violent crime have been one of the best-kept secrets in American society. Statistics compiled by Security on Campus, Inc., a nonprofit organization dedicated to making institutions of higher learning more accountable to the public, indicate that nationwide, 65 percent of fraternity members and 55 percent of sorority sisters can be characterized as binge drinkers, 15 percent to 20 percent of all students are recent users of illegal drugs and student-on-student offenses account for 80 percent of campus crime. Many, if not most, of these crimes never make it onto the police blotter or into the news media because of college officials' overly expansive definition of student privacy and law enforcement authorities' reluctance to infringe on the tradition of academic freedom. Increasingly, however, campus violence is reaching a point where it cannot easily be ignored or swept under the rug by the colleges' internal disciplinary systems. Students are dying of drug abuse, overdose and alcohol poisoning at an alarming rate. Rapes and murders on campuses are growing national problems.

However, by providing this amendment, I do want to clarify certain provisions of the Family Educational Rights and Privacy Act, known as FERPA. By preventing postsecondary institutions from disclosing education records to the public without the consent of students, FERPA guarantees that student academic and financial information remains confidential. This important protection should continue. However, the Department of Education has wrongly concluded that FERPA prevents universities from releasing to the public the results of campus disciplinary actions or proceedings. Under this interpretation of FERPA, student criminal activities like aggravated assault and rape are protected along with legitimately protected grade and financial aid information. This interpretation is wrong.

Escalating violence on college campuses across the Nation require that Congress clarify the intent of FERPA. I fully believe, Mr. Chairman, that every student has the right to privacy. But when a university finds through its own disciplinary proceedings that a student has committed an act of violence, such as sexual assault, the university community has a right to know about it. While I believe that campus disciplinary proceedings should be open to the public, I can appreciate the concerns many have raised against such a course of action.

Therefore, the amendment I am offering today simply removes the FERPA protection of disciplinary records that personally identifies a student who has either admitted to or been found to have committed any act of violence either as a violation of law or specific institutional policy. My amendment does not require any new obligation to disclose these records. On the contrary, it deregulates the issue from Federal purview and allows State public record law and common sense to take over.

When violence occurs on campuses, the university community needs to know about it. Only then will students be able to take appropriate precautions. I appreciate the leadership's willingness to work with us on this issue. I offer the amendment in the spirit of allowing parents, children and students to have access to this very vital and important information.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment. The Clery family from Pennsylvania lost a beautiful daughter some years ago who competed in tennis against my daughter because of a violent crime on the campus of Lehigh University. They have dedicated the rest of their lives to preventing other families from suffering the same tremendous loss. This is our continuing effort to help the Clerys in their fight to make college campuses crime-free.

The amendment continues the longstanding policy of protecting personally identifiable information included in a student's education record. However, it does not protect disciplinary records of students who have admitted to or been found to have committed any act that is a crime of violence. Information related to crimes of violence should not be protected from disclosure if we truly want our college campuses to be safe environments for all students. If students do not know about violent offenders in their college community, how will they know how to protect themselves? The records which may be disclosed under the gentleman's amendment are those which are directly related to a crime of violence which the offender has admitted to or been found to have committed. A crime of violence means an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another; or any other felony offense that by its nature involves a substantial risk that physical force against the personal property of another may be used in the course of committing the offense.

We should not be protecting these acts of violence simply because they occur on our Nation's college campuses. I support the gentleman's amendment. As I have said many times, up until recent years, I always thought that this violence was perpetrated by those who were coming from the town or community around onto the college campus, only to find out that drugs and alcohol are causing many violent crimes, particularly against women, on college campuses. I support the amendment.

□ 1615

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

Mr. Chairman, let me say that I rise today in strong support of the Foley amendment as well as H.R. 6, the Higher Education Amendments Act of 1998. I want to commend the gentleman from Florida (Mr. FOLEY) and the gentleman from Pennsylvania (Mr. GOODLING) for bringing this legislation to the floor and this amendment to the floor, as well as my colleagues on the Committee on Education and the Workforce for their fine work on this very, very important issue.

The amendment before us today will strengthen this higher education bill by rectifying an extremely troublesome situation regarding campus crime reporting.

As my good friend from Florida has explained, in 1974 the Family Educational Rights and Privacy Act was passed to protect the privacy rights of students and their educational records. Unfortunately, colleges and universities are using this law to hide violent crimes statistics from their student body as well as prospective students and parents. This is outrageous. By hiding this information, students are put at risk because they do not know when a violent crime has been committed by a student or if that student remains even on campus. We need to give parents and students the information that accurately measures the dangers that are present on many college campuses today.

We tried to solve some of this last year when we passed my legislation which made it a felony crime and threw the book at those that would use the drug Rohypnol against unsuspecting female students on campuses, and that bill has made a lot of difference. I do not think anyone is naive enough to believe that their campus is devoid of all crime. However, by trying to avoid bad publicity and hiding violent crime statistics, colleges and university administrators are playing a deadly game with the safety of their students.

The Foley amendment lessens the danger on campuses by doing away with the Federal prohibition on informing the public when a student has committed a violent crime. By supporting this amendment we can make our colleges and universities a safer place for students. Mr. Chairman, I urge all my colleagues to join me in supporting the Foley amendment.

Before I close, Mr. Chairman, I would just like to say that I would like to commend my colleagues for supporting the Souder amendment, passed last night by a voice vote. This amendment strengthens the provision based on legislation that I had introduced which suspends Federal financial funds to students who have been convicted of any Federal or State drug use. The amendment offered by my good friend, the gentleman from Indiana (Mr. SOUDER) reinforces this language by requiring that along with rehabilitation, a student must test negative for two unannounced drug tests to be eligible for Federal education benefits. I supported this additional language and appreciate his invaluable support on this important issue to identify those students with drug problems and put them on the road to recovery.

Mr. Chairman, as my colleagues know, a number of years ago we passed the Solomon amendment which suspended the drivers' licenses of all people who were convicted of drug felonies, either selling or using drugs. As my colleagues know, that legislation now has swept the Nation. In New Jersey alone, they have revoked 10,000 drivers' licenses, which means we removed 10,000 drug users from the highways. Many of those people have been rehabilitated now because that license meant so much to them, and now they are obeying the law, they are drug-free, and they have their licenses back. This is the kind of legislation that we need to focus these young men and women on to make sure we are going to have a drug-free society.

Again I commend the gentleman from Florida (Mr. FOLEY) and the gentleman from Pennsylvania (Mr. GOODLING) for the excellent legislation. I hope we all come over and vote for the Foley amendment, and then let us pass this great bill.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Florida (Mr. FOLEY) for offering this important amendment to the reauthorization of the Higher Education Act.

When a student makes the decision of what college or university to attend, this is one of the most important decisions in their lives. Unfortunately, our Nation's students are not able to make an informed decision about what college to attend because they do not have all the facts regarding each and every institution.

The Family Education Rights and Privacy Act provides institutions of higher education a method in which they may hide crime statistics from the public. Criminal misconduct can be filed away in confidential student grade and financial records.

The Foley amendment would seek to rectify this most serious abuse of the Family Education Rights and Privacy Act by permitting colleges and universities to tell their student bodies the names of students found to have committed violent crime. This knowledge would then be incorporated into the campus crime statistics. This will provide students with much needed information about the colleges they are attending or may choose to attend. Students and parents require this important information in order to make an informed decision about an institution as well as to empower them to make the necessary safety precautions when attending an institution.

In Pennsylvania, this initiative has been led and championed by the Cleary family, whose daughter was tragically murdered on a campus in Pennsylvania. We certainly do not want to see a repeat of this, and I compliment the Cleary family and the gentleman from Florida (Mr. FOLEY) for their leadership in moving this forward nationally.

The Foley amendment will not in any way expose victims or innocent students to the public. I believe that this is a well-balanced solution to the problem. The provisions will only apply to those who are found guilty by a university's plenary committee to have committed a conduct-code infraction involving a violent crime. When a violent act is committed, the campus community and indeed the community in general have a right to know. This amendment will provide this knowledge to the community.

Again I would like to thank the gentleman from Florida (Mr. FOLEY) for his leadership in offering this amendment and to the gentleman from Pennsylvania (Mr. GOODLING), and I urge my colleagues to adopt the amendment.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today in support of the amendment offered by the gentleman from Florida (Mr. FOLEY), but I was troubled by a comment that was made, a statistic, even though it may be true, about a high number of incidents of fraternities and sororities engaged in drinking and drug use on campus. While I know there are incidents that happen on campuses today, as they did when I was in college, and I know they probably always will with regard to alcohol and abuse of alcohol, but I do not want the impression left, Mr. Chairman, that all sororities and all fraternities and all students on all campuses engage in this kind of activity unlawfully. There are a number of national fraternity organizations, national sorority organizations, and nonfraternity and sorority organizations, the dorm leadership, employees and others who are very concerned about the alcohol problem, and they are making a very concerted effort in a very proper way to stop this kind of abuse on campus.

So while I do commend the gentleman for his amendment and realize that we need to have some statistical information that is appropriate under the circumstances I think we also have to recognize that on campuses today there is a very large group of students, Greek and nonGreek alike, who care very deeply about good conduct on campus and an anti-alcohol and antidrug abuse program. So I do not want the impression left that all Greeks and all, as my colleagues know, nonGreeks alike are abusive of alcohol and drugs, because they are not. And we have incidents around the country that show that there are problems with alcohol abuse and drug abuse, but there are an awful lot of good kids and an awful lot of good fraternities and sororities who are making a very strong effort to stop this kind of activity and speaking out very forcefully in favor of an antidrug abuse and anti-alcohol policy.

So with that, I would be happy to support the amendment.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. NETHERCUTT. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I appreciate the gentleman from Washington making those notations, and I think it is important to note when college fraternities and sororities have taken it upon themselves to change some of the behaviors among their peers, and I think it is laudable that we signal that there is a change on campuses now in that direction.

And I also wanted to, if I could, intrude on your time just to thank a school board member from Palm Beach County, Diane Heinz, Security on Campus, Howard and Connie Cleary, and my own staffer, Shawn Gallagher, who have worked very, very tirelessly on bringing this amendment to the floor and including it in the bill.

Mr. DUNCAN. Mr. Chairman, I rise in support of the Foley Amendment which would amend the federal academic privacy laws to exclude criminal actions.

I think that most people would think that matters like grades and financial aid records should be private matters between a student and his or her parents and their college or university. These records should not be released to the public. However, I think it is wrong that some students and colleges use these privacy laws to hide criminal acts.

This amendment is based on provisions of my bill H.R. 715, the Accuracy in Campus Crime Reporting Act. Both USA Today and the New Republic have supported my bill in full length stories. Both publications especially liked this bill because it amended the academic privacy laws. They do not think that federal law should be used to protest murderers and rapists.

At this time, the Department of Education is suing Miami University of Ohio to prevent them from obeying a Ohio Supreme Court ruling which ordered such criminal records to be released.

USA Today summarized the issue of federal law being used to protect and hide criminal activity:

The government argues that university criminal records constitute 'academic records' and therefore should be as private as student grades.

This outrage is just the [Education] Department's latest attempt to protect colleges' reputations as the expense of student safety. . . .

The Education Department is supporting a last-ditch effort by some universities to bury information about campus crimes. Students involved in criminal acts are commonly encouraged to use a college's private disciplinary board instead of the public criminal justice system.

USA Today concluded:

. . . it's a sad state of affairs when an act of Congress is necessary for the Education Department to protect students' safety.

I have been concerned about this issue for a long time and have been happy to work with Congressman Foley on this issue. I believe that this amendment will do a lot to make our campuses safer places by making students, their parents, and the general public aware of the dangers that exist on many college campuses.

The CHAIRMAN pro tempore (Mr. EWING). The question is the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there any further amendments to title IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—FACULTY RETIREMENT PROVISIONS

SEC. 1001. VOLUNTARY RETIREMENT INCENTIVE PLANS.

(a) IN GENERAL.—Section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) is amended by adding at the end the following:

''(m) Notwithstanding subsection (f)(2)(B), it shall not be a violation of subsection (a), (b), (c), (e), or (i) solely because a plan of an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))) offers employees who are serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) additional benefits upon voluntary retirement that are reduced or eliminated on the basis of age, if—

''(1) such institution does not implement with respect to such employees any age-based reduction or elimination of benefits that are not such additional benefits, except as permitted by other provisions of this Act; and

''(2) with respect to each of such employees who have, as of the time the plan is adopted, attained the minimum age and satisfied all non-age-based conditions for receiving a benefit under the plan, such employee is not precluded on the basis of age from having 1 opportunity lasting not less than 180-days to elect to retire and to receive the maximum benefit that would be available to a younger employee if such younger employee were otherwise similarly situated to such employee.''.

(b) CONSTRUCTION.—

(1) APPLICATION.—Nothing in the amendment made by subsection (a) shall be construed to affect the application of section 4 of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623) with respect to—

(A) any employer other than an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965); or

(B) any plan not described in subsection (m) of section 4 of such Act (as added by subsection (a)).

(2) RELATIONSHIP TO PROVISIONS RELATING TO VOLUNTARY EARLY RETIREMENT INCENTIVE PLANS.—Nothing in the amendment made by subsection (a) shall be construed to imply that a plan described in subsection (m) of section 4 of such Act (as added by subsection (a)) may not be considered to be a plan described in section 4(f)(2)(B)(ii) of such Act (29 U.S.C. 623(f)(2)(B)(ii)).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect on the date of enactment of this Act.

(2) EFFECT ON CAUSES OF ACTION EXISTING BEFORE DATE OF ENACTMENT.—The amendment made by subsection (a) shall not apply with respect to any cause of action arising under the Age Discrimination in Employment Act of 1967 prior to the date of enactment of this Act.

The CHAIRMAN pro tempore. Are there any amendments to title X?

If not, the Clerk will designate title XI.

The text of title XI is as follows:

TITLE XI—OFFSETS REQUIRED

SEC. 1101. ASSURANCE OF OFFSETS.

(a) DECLARATION.—None of the provisions in this Act should take effect unless it contains the mandatory offsets set forth in subsection (b).

(b) ENUMERATION OF OFFSETS.—The offsets referred to in subsection (a) are provisions that—

(1) change the definition of default contained in section 435(l) to extend the period of delinquency prior to default by an additional 90 days;

(2) capitalize the interest accrued on unsubsidized and parent loans at the time that the borrower enters repayment;

(3) recall $65,000,000 in guaranty agency reserves, in addition to the amount required to be recalled pursuant to the amendments in section 422 of the Higher Education Act of 1965 contained in this Act;

(4) eliminate the dischargeability in bankruptcy of student loans made after the date of enactment of this Act for the cost of attendance for a baccalaureate or advanced degree, and for which the first payment was due more than seven years before the commencement of the bankruptcy action; and

(5) sell sufficient commodities from the National Defense stockpile to generate receipts of $80,000,000 in fiscal year 1999 and $480,000,000 over five years.

The CHAIRMAN pro tempore. Are there any amendments to title XI?

If not, are there any amendments to the end of the bill?

AMENDMENT NO. 80 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 80 offered by Mr. KENNEDY of Massachusetts:

At the end of the bill add the following new title:

TITLE XI—ALCOHOL CONSUMPTION

SEC. 1101. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that, in an effort to change the culture of alcohol consumption on college campuses, all college and university administrators should adopt the following code of principles:

(1) For an institution of higher education, the president of the institution shall appoint a task force consisting of school administrators, faculty, students, Greek system representatives, and others to conduct a full examination of student and academic life at the institution. The task force will make recommendations for a broad range of policy and program changes that would serve to reduce alcohol and other drug-related problems. The institution shall provide resources to assist the task force in promoting the campus policies and proposed environmental changes that have been identified.

(2) The institution shall provide maximum opportunities for students to live in an alcohol-free environment and to engage in stimulating, alcohol-free recreational and leisure activities

(3) The institution shall enforce a ''zero tolerance'' policy on the illegal consumption and binge drinking of alcohol by its students and will take steps to reduce the opportunities for students, faculty, staff, and alumni to legally consume alcohol on campus.

(4) The institution shall vigorously enforce its code of disciplinary sanctions for those who violate campus alcohol policies. Students with alcohol or other drug-related problems shall be referred to an on-campus counseling program.

(5) The institution shall adopt a policy to discourage alcoholic beverage-related sponsorship of on-campus activities. It shall adopt polices limiting the advertisement and promotion of alcoholic beverages on campus.

(6) Recognizing that school-centered policies on alcohol will be unsuccessful if local businesses sell alcohol to underage or intoxicated students, the institution shall form a ''Town/Gown'' alliance with community leaders. That alliance shall encourage local commercial establishments that promote or sell alcoholic beverages to curtail illegal student access to alcohol and adopt responsible alcohol marketing and service practices.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to express my thanks and gratitude to the chairman of the committee, the gentleman from California (Mr. MCKEON) and as well as to the gentleman from Michigan (Mr. KILDEE) who has done a tremendous job on this committee for so many years.

This amendment should not take long, because of the agreements between both sides of the aisle on the important issue of binge drinking that continues to plague college students. A recent Harvard study found that more than 40 percent of college students are binge drinking these days. As farfetched as it may sound, in 1991 students spent more money on alcohol, over $5 billion, than on books. In colleges all across this country, alcohol abuse has become the unofficial college sport, sometimes with deadly consequences.

Alcohol is one of the leading causes of death, in fact the No. 1 cause of death of young people under the age of 24. Students at schools with high levels of binge drinking are three times more likely to be victims of sexual assault and violence. In the latest report, the Chronicle of Higher Education found that alcohol-related arrests on college campuses jumped 10 percent in 1996 alone.

Mr. Chairman, I ask that my colleagues join me in offering an amendment expressing the sense of the House that college administrators should adopt a code of principles and practices to first offer alcohol-free alternatives for students in terms of dorms, dances, concerts, and other kinds of activities; second, to work with local merchants to prevent alcohol sales to minors; third, to enforce a zero-tolerance policy for illegal alcohol and drug use on campus; and fourth, to provide alcohol and drug education and prevention and treatment on campuses and to discourage and limit alcohol sponsorship of on-campus events.

With that I want to thank again the gentleman from Indiana (Mr. SOUDER) who worked very hard with us on the committee for his hard work and his diligence, and I look forward to rapid movement on this amendment.

Mr. GOODLING. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, I want to thank the gentleman for bringing the program to our attention. Although it currently exists in the Elementary and Secondary Education Act, it is appropriate that we include it in the Higher Education Act.

□ 1630

Combating illegal drug and alcohol use on our college campuses is vital to the well-being of our Nation's college students.

During the committee's consideration of H.R. 6, we adopted the amendment offered by the gentleman from Indiana (Mr. SOUDER) and long championed by the gentleman from New York (Mr. SOLOMON) to prohibit students convicted of drug offenses from receiving Federal student aid until they have completed a rehabilitation program and get the help they need to fight their abuse problem.

Encouraging institutions of higher education to develop and implement drug and alcohol abuse prevention programs should serve to help combat the ongoing problems this country faces related to drug and alcohol abuse and the violence often associated with both.

Mr. Chairman, I support the gentleman's amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 64 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 64 offered by Mr. LIVINGSTON:

Add at the end the following new title (and conform the table of contents accordingly):

TITLE XI—PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS

SEC. 1101. PROTECTION OF STUDENT SPEECH AND ASSOCIATION RIGHTS.

(a) PROTECTION OF RIGHTS.—It is the sense of the House of Representatives that no student attending an institution of higher education on a full- or part-time basis should, on the basis of protected speech and association, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or official sanction under any education program, activity, or division directly or indirectly receiving financial assistance under the Higher Education Act of 1965, whether or not such program, activity, or division is sponsored or officially sanctioned by the institution.

(b) SANCTIONS FOR DISRUPTION PERMITTED.—Nothing in this section shall be construed to discourage the imposition of an official sanction on a student that was willfully participated in the disruption or attempted disruption of a lecture, class, speech, presentation, or performance made or scheduled to be made under the auspices of the institution of higher education.

(c) DEFINITIONS.—For the purposes of this section:

(1) PROTECTED SPEECH.—The term ''protected speech'' means speech that is protected under the 1st and 14th amendments to the United States Constitution, or would be so protected if the institution of higher education were subjected to those amendments.

(2) PROTECTED ASSOCIATION.—The term ''protected association'' means the right to join, assemble, and reside with others that is protected under the 1st and 14th amendments to the United States Constitution, or would be protected if the institution of higher education were subject to those amendments.

(3) OFFICIAL SANCTION.—The term ''official sanction''—

(A) means expulsion, suspension, probation, censure, condemnation, reprimand, or any other disciplinary, coercive, or adverse action taken by an institution of higher education or administrative unit of the institution; and

(B) includes an oral or written warning made by an official of an institution of higher education acting in the official capacity of the official.

Mr. LIVINGSTON. Mr. Chairman, a number of colleges throughout this country are vigorously attacking their students' constitutionally protected right of free speech and association. The controversy centers on a decision by some private schools to ban all single-sex organizations like fraternities and sororities and restrict any student involvement with them, even if it is off

campus and on their own time. Punishments for such offenses range from possible suspension to expulsion.

Mr. Chairman, disciplining students for attending a fraternity or sorority dinner, or a women's Bible study, or a YMCA event is obviously clearly a violation of the constitutionally protected rights of association and free speech. Public institutions are strictly prohibited from violating these rights, and they cannot bar single-sex organizations like fraternities and sororities without just cause.

Private colleges argue that they are not subject to the same constitutional statutory restrictions as public institutions. The colleges cite court rulings dating back to the Supreme Court's Dartmouth College case in 1819. Unfortunately, though, unlike the Dartmouth College case of 1819, many of the private colleges are today not truly private.

For example, many of these institutions receive State and Federal funding. Donations to them are exempt from taxation and, likewise, their property and income are often provided tax advantages, even though many private colleges own and operate businesses dealing directly with the public.

The right of association is well established, Mr. Chairman, in the Constitution. In Healy v. James, the Supreme Court said that the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools. The college classroom and its surrounding environment is the marketplace of ideas, and there is no new constitutional ground broken by reaffirming this Nation's dedication to safeguarding academic freedom.

Now, this amendment will simply express the sense of the House on this matter. It does not force schools to officially recognize student organizations. However, it will put Congress on record defending the rights of students who face expulsion and other severe consequences by daring to enjoy their most basic constitutional freedoms of speech and association, often off campus and on their own time.

This amendment of mine has the support of a number of organizations which reach across the political spectrum, including the Coalition for Freedom of Association, the Traditional Values Coalition, the ACLU, the National Interfraternity Conference, the U.S. Public Interest Research Group, the National Panhellenic Association, the Fraternity Executives Association, the Christian Coalition, and hundreds of local sororities and fraternities nationwide.

Mr. Chairman, our Nation has, since its inception, held that individuals have the right to associate and speak freely. In addition, our Nation has long recognized single-sex organizations, and we value their important contribution to our society. Students attending private colleges have the right to enjoy the same freedoms of association and speech that all of us hold everywhere else as American citizens. We owe it to them and to all of those who sacrifice so much for those freedoms to adopt my amendment.

Mr. Chairman, I urge the adoption of this amendment.

Mr. McKEON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from Louisiana (Mr. LIVINGSTON), the chairman of the Committee on Appropriations, would express the strong sense of this body that colleges and universities which accept Federal funds under the Higher Education Act should not restrict their students' rights to free speech or association, as protected under the first and the fourteenth amendments to the Constitution.

Recently, Members of this body have become concerned over efforts by some colleges and universities to restrict the actions of certain groups on these campuses. These efforts have included restrictions being placed on certain groups. In at least one instance, a school took action against students simply for wearing Greek letters on their clothing.

Throughout the reauthorization process, we have tried to reduce the regulatory burden placed on institutions of higher education, and we have attempted to avoid leveling mandates from Washington on schools. The gentleman's amendment sends a strong signal to schools which participate in programs funded under the Higher Education Act that we intend for them to honor the rights of their students under the Constitution, but it does so in a way that does not create a new mandate or pit the rights of the institution against those of the students.

Mr. Chairman, I urge a ''yes'' vote on this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Louisiana (Mr. LIVINGSTON).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 81 OFFERED BY MR. KENNEDY of massachusetts

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 81 offered by Mr. KENNEDY of Massachusetts:

At the end of the bill add the following new title:

TITLE XI—DRUG AND ALCOHOL PREVENTION

SEC. 1101. DRUG AND ALCOHOL ABUSE PREVENTION.

(a) GRANTS AND RECOGNITION AWARDS.—Section 111, as redesignated by section 101(a)(3)(E), is amended by adding at the end the following new subsections:

''(e) ALCOHOL AND DRUG ABUSE PREVENTION GRANTS.—

''(1) PROGRAM AUTHORITY.—The Secretary may make grants to institutions of higher education and consortia of such institutions and contracts with such institutions and other organizations to develop, implement, operate, improve, and disseminate programs of prevention, and education (including treatment-referral) to reduce and eliminate the illegal use of drugs and alcohol and their associated violence. Such contracts may also be used for the support of a higher education center for alcohol and drug abuse prevention which will provide training, technical assistance, evaluation, dissemination and associated services and assistance to the higher education community as defined by the Secretary and the institutions of higher education.

''(2) AWARDS.—Grants and contracts shall be made available under paragraph (1) on a competitive basis. An institution of higher education, a consortium of such institutions, or other organizations which desire to receive a grant or contract under paragraph (1) shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require by regulation.

''(3) ADDITIONAL REQUIREMENTS.—The Secretary shall make every effort to ensure—

''(A) the equitable participation of private and public institutions of higher education (including community and junior colleges), and

''(B) the equitable geographic participation of such institutions,

in grants and contracts under paragraph (1). In the award of such grants and contracts, the Secretary shall give appropriate consideration to institutions of higher education with limited enrollment.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''(f) NATIONAL RECOGNITION AWARDS.—

''(1) AWARDS.—For the purpose of providing models of alcohol and drug abuse prevention and education (including treatment-referral) programs in higher education and to focus national attention on exemplary alcohol and drug abuse prevention efforts, the Secretary of Education shall, on an annual basis, make 10 National Recognition Awards to institutions of higher education that have developed and implemented effective alcohol and drug abuse prevention and education programs. Such awards shall be made at a ceremony in Washington, D.C. and a document describing the programs of those who receive the awards shall be distributed nationally.

''(2) APPLICATION.—

''(A) IN GENERAL.—A national recognition award shall be made under paragraph (1) to institutions of higher education which have applied to such award. Such an application shall contain—

''(i) a clear description of the goals and objectives of the alcohol and drug abuse programs of the institution applying.

''(ii) a description of program activities that focus on alcohol and other drug policy issues, policy development, modification, or refinement, policy dissemination and implementations, and policy enforcement;

''(iii) a description of activities that encourage student and employee participation and involvement in both activity development and implementation;

''(iv) the objective criteria used to determine the effectiveness of the methods used in such programs and the means used to evaluate and improve the program efforts;

''(v) a description of special initiatives used to reduce high-risk behavior or increase low risk behavior, or both; and

''(vi) a description of coordination and networking efforts that exist in the community

in which the institution is located for purposes of such programs.

''(B) ELIGIBILITY CRITERIA.—All institutions of higher education which are two- and four-year colleges and universities that have established a drug and alcohol prevention and education program are eligible to apply for a National Recognition Award. To receive such an Award an institution of higher education must be nominated to receive it. An institution of higher education may nominate itself or be nominated by others such as professional associations or student organizations.

''(C) APPLICATION REVIEW.—The Secretary of Education shall appoint a committee to review applications submitted under subparagraph (A). The committee may include representatives of Federal departments or agencies whose programs include alcohol and drug abuse prevention and education efforts, directors or heads (or their representatives) of professional associations that focus on prevention efforts, and non-Federal scientists who have backgrounds in social science evaluation and research methodology and in education. Decisions of the committee shall be made directly to the Secretary without review by any other entity in the Department of Education.

''(D) REVIEW CRITERIA.—Specific review criteria shall be developed by the Secretary in conjunction with the appropriate experts. In reviewing applications under subparagraph (C) the committee shall consider—

''(i) measures of effectiveness of the program of the applicant that should include changes in the campus alcohol and other drug environment or climate and changes in alcohol and other drug use before and after the initiation of the program; and

''(ii) measures of program institutionalization, including an assessment of needs of the institution, the institution's alcohol and drug policies, staff and faculty development activities, drug prevention criteria, student, faculty, and campus community involvement, and a continuation of the program after the cessation of external funding.

''(3) AUTHORIZATION.—For the implementation of the awards program under this subsection, there are authorized to be appropriated $25,000 for fiscal year 1998, $66,000 for each of the fiscal years 1999 and 2000, and $72,000 for each of the fiscal years 2001, 2002, 2003, and 2004.

(b) REPEAL.—Section 4122 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7132) is repealed.

Mr. KENNEDY of Massachusetts. Mr. Chairman, again, let me thank the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, and the gentleman from California (Mr. MCKEON), as well as the gentleman from Michigan (Mr. KILDEE) for their support of this amendment.

A recent Harvard study found that 95 percent of all violent crimes and 90 percent of all rapes on college campuses are alcohol-related. Alcohol on campuses is a factor in 40 percent of all academic problems, and almost one-third of all college dropouts.

This should not come as any surprise to someone who has visited a college campus lately. From the very first day of school, students are bombarded with messages and promotions and peer pressure that encourage binge drinking. Local bars aggressively promote special offers like ''ladies drink free'' or ''dollar pitchers'' or ''bladder bust.'' But, Mr. Chairman, colleges and universities around the country are trying to figure out how to deal effectively with excessive alcohol use.

There are some terrific programs that should serve as models. For example, at Northern Illinois University in the district of the gentleman from Illinois (Mr. HASTERT), binge drinking has dropped by 30 percent as a result of a program that includes alcohol-free housing. Nonetheless, we need to ensure that every college and university can offer comprehensive and effective drug and alcohol programs.

The amendment I am offering would provide grants for colleges to establish alcohol and drug treatment counseling and drug education and alcohol education. Secondly, this amendment authorizes the Secretary of Education to confer national recognition awards each year to 10 schools that successfully address alcohol and drug abuse on campus.

Binge drinking robs the best and brightest of our children's futures, their health and too often their lives. Let us give parents and students and colleges the resources they need to effectively combat alcohol and drug abuse on campus.

Mr. Chairman, as the gentleman from Michigan (Mr. KILDEE) once said to me, ''Do not keep chasing a streetcar that you are already on,'' and in that regard, I will keep my remarks short.

Mr. GOODLING. Mr. Chairman, we rise in support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 77 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:.

Amendment No. 77 Offered by Mrs. MEEK of Florida:

Page 349, after line 9, insert the following:

TITLE XI—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES

SEC. 1101. DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES.

Subpart 2 of part A of title IV, as amended by section 405, is further amended by adding at the end the following:

CHAPTER 6—DEMONSTRATION PROJECTS ENSURING EQUAL OPPORTUNITY FOR INDIVIDUALS WITH LEARNING DISABILITIES

''SEC. 412A. PROGRAM AUTHORITY.

''(a) IN GENERAL.—The Secretary may award grants to, and enter into contracts and cooperative agreements with, not more than 5 institutions of higher education that are described in section 412B for demonstration projects to develop, test, and disseminate, in accordance with section 412C, methods, techniques, and procedures for ensuring equal educational opportunity for individuals with learning disabilities in postsecondary education.

''(b) AWARD BASIS.—Grants, contracts, and cooperative agreements shall be awarded on a competitive basis.

''(c) AWARD PERIOD.—Grants, contracts, and cooperative agreements shall be awarded for a period of 3 years.

''SEC. 412B. ELIGIBLE ENTITIES.

''Entities eligible to apply for a grant, contract, or cooperative agreement under this chapter are institutions of higher education with demonstrated prior experience in meeting the postsecondary educational needs of individuals with learning disabilities.

''SEC. 412C. REQUIRED ACTIVITIES.

''A recipient of a grant, contract, or cooperative agreement under this chapter shall use the funds received under this chapter to carry out each of the following activities:

''(1) Developing or identifying innovative, effective, and efficient approaches, strategies, supports, modifications, adaptations, and accommodations that enable individuals with learning disabilities to fully participate in postsecondary education.

''(2) Synthesizing research and other information related to the provision of services to individuals with learning disabilities in postsecondary education.

''(3) Conducting training sessions for personnel from other institutions of higher education to enable them to meet the special needs of postsecondary students with learning disabilities.

''(4) Preparing and disseminating products based upon the activities described in paragraphs (1) through (3).

''(5) Coordinating findings and products from the activities described in paragraphs (1) through (4) with other similar products and findings through participation in conferences, groups, and professional networks involved in the dissemination of technical assistance and information on postsecondary education.

''SEC. 412D. PRIORITY.

''The Secretary shall ensure that, to the extent feasible, there is a national geographic distribution of grants, contracts, and cooperative agreements awarded under this chapter throughout the States, except that the Secretary may give priority, with respect to one of the grants to be awarded, to a historically Black college or university that satisfies the requirements of section 412B.

''SEC. 412E. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this chapter $10,000,000 for each of the fiscal years 1999 through 2001.''.

Mrs. MEEK of Florida. Mr. Chairman, I thank the committees and the people who helped to bring this piece of legislation and this amendment to the floor. I want to thank the gentleman from Michigan (Mr. KILDEE); I want to thank the gentleman from California (Mr. MCKEON); and I want to thank the gentleman from Missouri (Mr. CLAY), who has sort of mentored me since I have been here; also, the gentleman from Pennsylvania (Mr. GOODLING); and of course my colleague, the gentlewoman from Kentucky (Mrs. NORTHUP) and her staff, who have been very helpful in putting this amendment together.

Mr. Chairman, what we are doing here is trying to help college students who have learning disabilities, and this amendment will bring that help to college students which now is already

being received by students in K through 12.

According to the National Institutes of Health, and I must cut this short because the gentleman from Missouri (Mr. CLAY) said they would take away the votes if I did not cut this discussion, but according to the National Institutes of Health, more than 39 million Americans have some type of learning disability. People really do not understand the impact of this disability, these disabilities.

The gentlewoman from Kentucky (Mrs. NORTHUP) and I cochair the Reading Caucus. Thanks to the gentlewoman, we are working on many of these problems, and this particular amendment, added to the Higher Education Act, will certainly focus the attention of the Nation on the need of helping college students with learning disabilities.

Many of these college students are very, very bright. They make excellent mathematicians, excellent academicians, but they do not read that well due to learning disabilities. Some of these learning disabilities are very well-known and others are not.

What we are saying here is that there are many, many things that colleges and universities can be doing, Mr. Chairman, in the area of auditory and visual kinds of learning devices, helping teachers learn how to teach these students better; being sure that the whole universe of education and higher education will understand the kinds of modalities and the types of learning techniques that can be utilized in helping these students. We feel that the Federal Government, to a great extent, is going to help in doing this by providing free and appropriate education for students who are in higher education.

Rather than break my vow, Mr. Chairman, I would like to say that when we get this in the Higher Education Act, it will mean a lot to many students. Think of them. Either we help them now, or we help them later. Many of the students who come into college with poor reading ability never get anyplace, even though they are very bright students, but because of their lack of reading ability, they have a problem.

So I appreciate so much the committee and the Members who have helped us put this together. It is a problem, and it is a modest step toward filling the gap. But we do know we are making a start here, the gentlewoman from Kentucky (Ms. NORTHUP) and I, and we are encouraged by this inclusion in the Higher Education Act.

MODIFICATION TO AMENDMENT NO. 77 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent to modify my amendment with the modification that is already at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The Clerk read as follows:

Modification to amendment No. 77 offered by Mrs. MEEK of Florida:

In the matter proposed to be added to the Higher Education Act of 1965 by the amendment, strike proposed section 412D and redesignate proposed section 412E as section 412D.

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentlewoman from Florida (Mrs. MEEK)?

There was no objection.

Mr. GOODLING. Mr. Chairman, we accept the amendment of the lovely lady from Miami (Mrs. MEEK).

Mrs. NORTHUP. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to speak in favor of this amendment and to thank the gentlewoman from Florida (Mrs. MEEK) for bringing it to the attention of this body.

As the mother of six children, I understand the frustration of trying to ensure that one's child receives the very best education available. If one's child has a learning disability, we know the frustration and the hopelessness of searching for the answers to provide one's son or daughter with the tools necessary for him or her to succeed in this world.

The gentlewoman from Florida (Mrs. MEEK) and I have had an opportunity to work closely together to ensure that children that have learning disabilities have a better opportunity to receive early in their education an opportunity to learn to read and learn to read well, so that they can achieve at every level in their education.

□ 1645

But unfortunately, some children today do not receive that intervention and some children have gone through the early years of their schooling without having the opportunity to fully develop their talents in school in some areas in which they are disabled. But that does not mean that they may not be very talented and students that can do very well in college.

Many colleges have struggled with giving these children better opportunities. They have set up programs for learning disabled kids and they are struggling to help them achieve at the highest level.

What this bill does is create five demonstration projects so that schools can look to the best examples of remediation in areas that children are weak so that in areas in which they are strong they can still be high achievers. We need every talent in our workplace today. We need for every child to be able to realize their dreams and their goals and their talents.

What this bill does is make sure that those children who have special needs and special talents receive the best opportunity at higher education levels so that they can become the chemists and the teachers and the people that are leaders in their areas tomorrow.

Mr. Chairman, I want to thank the gentlewoman from Florida (Mrs. MEEK) for all the time and energy she has put into this bill. She has been a leader on it. She has brought to the attention of many people in this Congress the problem of our talented children who are in higher education that have learning disabilities.

I believe this will not only help those kids that are being educated in these five institutions, but those other institutions around the country that are looking for the best examples so that they can pattern within their schools the best ways to help kids who are talented but struggling. I think this is good for a lot of children.

Mr. Chairman, I join the gentlewoman from Florida (Mrs. MEEK) in hoping that the Department of Education will seek out an institution that primarily serves minority students, since they are disproportionately represented in this population and ensure that one of those institutions will serve as an example.

Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for his willingness to accept this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

Unfortunately for many who suffer from a learning disability, there exists no cure. These serious impediments are a lifelong disorder for many and 15 percent of our population must learn to live with this disability. It is time that all of us as responsible Members of Congress address those 15 percent whose future in education depends on our actions here.

The amendment offered by the gentlewoman from Florida (Mrs. MEEK) and the gentlewoman from Kentucky (Mrs. NORTHUP) does just that. It will authorize the Secretary of Education to award grants, contracts, and cooperative agreements to institutions of higher education which competitively demonstrate methods, techniques and new approaches in educating students with learning disabilities.

Mr. Chairman, passing this amendment will be the first step in ensuring equal opportunities in post-secondary education for individuals with learning disabilities. Serious disorders such as dyslexia and attention hyperactivity disorder are currently affecting 2.6 million children who are diagnosed as learning disabled under the Individuals with Disabilities Education Act in elementary and secondary education.

Congress has already found that ''2 percent of all undergraduate students nationwide report having a learning disability.'' In fact, we have already recognized that different teaching strategies are needed to enable those students to develop their talents and performance up to their capabilities.

Let us help those students by passing the Meek-Northup amendment. Mr. Chairman, I also thank the gentleman from Pennsylvania (Chairman GOODLING), who has been very supportive and very cooperative on this serious issue.

Ms. BROWN of Florida. Mr. Chairman, I agree with my distinguished colleagues and

support their groundbreaking initiative to offer legislation which will provide continued support for college and university students with learning disabilities and this includes students who are attending community colleges as well.

The most recent survey of college freshmen with disabilities reported that the number of students with learning disabilities is increasing and the percentage is now at 32% for college freshmen.

These non-traditional college students deserve a chance, and we have the legislative strength to make a difference in their lives today, tomorrow, and in the future.

Support for this amendment will send a message to America, that Members of Congress care and believe education is key for our nation.

Mr. TOWNS. Mr. Chairman, I rise today in strong support of the Meek-Northup learning disabilities amendment to H.R. 6, the Higher Education Reauthorization Act.

According to the National Institute of Health, there are 39 million Americans with learning disabilities. This amendment would ensure that young people with the ability to be high achievers can accomplish their goals to be doctors, engineers, lawyers, and teachers.

While there are Federal programs to help elementary and secondary school students with learning disabilities, there are none for college students. This vital legislation authorizes $10 million a year for five demonstration projects at colleges or universities. Each institution would be responsible for developing programs, strategies, and approaches for teaching individuals with learning disabilities at the college level. It would also ensure that teachers and institutions across this nation have access to a national repository of information on teaching the learning disabled student.

As our global economy moves toward the 21st century, such efforts would create a level playing field for all children of this great nation. Our children are our future. It is our responsibility to ensure that their future is bright. There must not be any children left behind.

Mr. Speaker, I urge my colleagues to vote ''YES'' on the Meek-Northup amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment, as modified, offered by the gentlewoman from Florida (Mrs. MEEK).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT NO. 75 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 75 offered by Mr. ROEMER:
At the end of the bill add the following new title:

TITLE XI—SPECIAL PROVISION

SEC. 1101. TERMINATION OF EFFECTIVENESS.

Notwithstanding section 4 of this Act, subparagraph (K) of section 485(g)(1) of the Higher Education Act of 1965, as amended by this Act, shall cease to be effective on October 1, 1998.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Indiana (Mr. ROEMER) and the gentleman from Illinois (Mr. HASTERT) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I offer this amendment in a bipartisan spirit with the gentleman from California (Mr. RIGGS), my friend, and I offer it to eliminate language in the bill that is a Federal mandate to our colleges and universities that is an intrusion into the way they conduct their business on a day-to-day basis and micromanages from Washington, D.C. schools across the country telling them how they should run their sports programs.

Now, we have heard constantly through the last couple of years that Washington, D.C. does not know best. Why is there language in this bill telling colleges and universities throughout the country the Washington way of running their sports programs?

Now, I encourage my colleagues and their staffs to read the language in the bill on page 246, and I quote from that language:

> We are requiring in this language a statement of any reduction that may or is likely to occur during the next four academic years in the number of athletes that will be permitted to participate in any collegiate sport or in the financial resources that the institution will make available to any such sport, and the reasons for any such reduction.

So we are saying they have to tell the Federal Government any reduction that may or it may be likely to occur and the reasons for that reduction.

Mr. Chairman, we have received letters from all over the country from universities and colleges from all over the country saying this is a Federal mandate. We do not want this language in the bill. We have received letters from the National Collegiate Athletic Association that I will enter into the RECORD. This says from the NCAA, and I quote, ''this provision represents an unparalleled federal intrusion into the decision-making process of our nation's colleges and universities.'' An unparalleled Federal intrusion.

Now, I have, however, even with all of this, I have, I think, some understanding of why the language was put in the bill. When athletes and scholars at universities enroll in a university and then that wrestling program or that swimming program may be canceled, that leaves that scholar and that athlete in a very untenable situation and I have sympathy for that. But it is not sweeping the country. It is not something that is causing athletic departments and schools to shut down. And I point to the graph on my right where we have had a steady growth in the number of both men and women's programs, each of the ensuing academic years, more women participating, more men participating.

In addition to that, Mr. Chairman, here in 1996 and 1997, the number of programs added in that academic year in men and women's programs, added, 360 programs; dropped, 114. Added 360, dropped 114. Again, a steady growth in the number of men and women participating.

So I think that the need for this amendment is just simply not there. I empathize and I sympathize with those athletes at schools that close or shut down a particular athletic program. But the Federal Government should not be telling each and every university in the country you have got to do a four-year report ahead of time if it is likely or may occur. I do not think that that is the way we should be running this country with a Federal mandate. I strongly oppose that.

Mr. Chairman, I said I offered this in the spirit of bipartisanship with the gentleman from California (Mr. RIGGS), my friend. I offer this in the spirit of arguing against micromanaging our programs, against Federal intrusion, against ''Washington knows best'' and telling Indiana, Kentucky, California, Florida, Connecticut, telling all of those States and all of those schools how they should report to the Federal Government.

But, Mr. Chairman, I think one of the most compelling arguments is this. When we take the serious step in this country of shutting down a plant and employees lose their job, there is a 30-day notice for those employees that may lose their job. In this bill this language requires 4 years, 4 years ahead of time if colleges are thinking of changing an athletic program.

This is the higher education bill. We do not even say in this bill if they are going to shut down a French program, an abroad study program, or a mathematics computer program that they have to report to the Federal Government. But in this bill we say if they are thinking about canceling an athletic program they better report it. They better report it.

Mr. Chairman, we did the Contract for America and everything in that bill said, ''No more Federal mandates.'' I encourage my colleagues to vote to strike this Federal mandate out of this bill.

Mr. Chairman, I include for the RECORD the letter from the NCAA referred to earlier.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION,
Washington, DC, April 28, 1998.

DEAR MEMBER OF CONGRESS: On behalf of the 933 NCAA member colleges and universities, I am writing to urge your support for an amendment to be offered by Representatives Riggs and Roemer to the Higher Education Act Amendments of 1998 (H.R. 6). The Riggs/Roemer amendment will strike a provision that was recently added by the Committee on Education and the Workforce related to institutional program decisions, specifically in the area of college athletics programs.

The provision of H.R. 6 would require all postsecondary institutions to report annually any changes that ''may or are likely to occur'' in any intramural or intercollegiate athletics program over the next four years and justify the decision. This provision was added without the benefit of hearings, discussion with the Committee's members or

consultation with the higher education community. In order for institutions to continue to be eligible for federal student assistance, the provision requires the impossible—it asks institutions to predict the future. In addition, this provision represents an unparalleled federal intrusion into the decision-making process of our nation's colleges and universities.

NCAA member colleges and universities have added thousands of sports teams for men and women over the past 20 years. During the same time period, relatively few teams have been dropped. When a sports team is dropped, the welfare of the student-athlete is the first priority. Although the sponsors of the provision may have well-intended motives, this provision will have the unintended consequence of actually hastening the elimination of the very men's non-revenue sports it is intended to protect. By placing them on a list for possible elimination, it will serve as an early death notice to those teams.

The NCAA urges you to support the Riggs/Roemer amendment related to collegiate sports teams. Please contact Doris Dixon, NCAA director of federal relations (202–293–3050), if you have any questions about this provision or the NCAA's position.

Sincerely,

CEDRIC W. DEMPSEY.

Enclosure.

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

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

Mr. HASTERT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, it is interesting to listen to rhetoric. In fact, we need to understand what this provision in the bill really does. It is one of the foundations of our educational system that our kids should be taught the difference between right and wrong. Should we not teach our kids to be honest and forthright? And should we not teach our kids that rules apply equally to everyone?

Answering these questions is what today's debate and the Roemer amendment is all about. The Roemer amendment says that it is basically okay for colleges and universities not to tell prospective students that they plan to eliminate or reduce the funding for sports programs that kids plan to participate in once they enroll.

Mr. Chairman, I view this as a matter of honesty and simple fairness. I would ask anyone, should schools be able to hide from students the fact that they are planning to terminate their competitive sport, a sport that weighed heavily in their life decision about which school they should attend in the first place? And let me be clear, nothing in this provision prevents schools from eliminating sports programs nor does it require them to give 4-years' notice before they do so. I repeat, it does not require them to give 4-years' notice before they do so.

All this language requires is that once a school knows it is going to eliminate a team, they must notify the affected athletes by giving notice; not notice to the Federal Government, just notice in a yearly report.

□ 1700

In effect, this notification could take place 1 or 2 or 3 years before the actual termination. The key point is, once they decide, they need to disclose.

Colleges and universities enjoy a special position in this country. As parents, we entrust them with the education of our children. In return, we should expect that they act in a manner that justifies this trust, and that certainly does not include making decisions which affect our kids' lives without honestly disclosing those decisions to them.

I, for myself, cannot believe that Congress will send the message to college students that it is all right for schools to knowingly not tell them and the athletes and students and prospective students about the status of the sport which they care about. If we allow this to happen, it would certainly send the wrong message that right and wrong does not apply if you are a college or a university.

Mr. Chairman, in 2 short years, between 1994 and 1996, nearly 200 colleges and universities canceled sports programs. That is thousands of kids who will never again have the opportunity to participate at the collegiate level, opportunities that many of us once enjoyed.

I wonder how many of the kids who played on these teams were warned that their teams were slated for elimination? I wonder if any of them would have chosen a different school if they had known in advance that the school was planning to drop their sport?

Many universities are doing the right thing, and I applaud them. But in some cases, the affected students are the last to know about the plans to drop their team.

Mr. Chairman, let me tell my colleagues about the experiences of Scott Gonyo and his teammates. In 1993, Drake University decided to eliminate one of its, not a major sport, so it was either wrestling or track or soccer or swimming. When they eliminated their teams in 1993, did the school take the time to notify the team that they were being dropped? No. Did the athletic director take the time to notify them of the cancellation of their sport? No. Scott Gonyo and his teammates found out when the members of the media called them for reaction.

I do not know about anyone else, but I think this sends a terrible message about how some colleges and universities are treating the very kids they are supposed to serve.

What the Roemer amendment seeks to strike from this bill is the right of students to be informed about decisions which affect their lives, and that is all. We all know that kids and parents consider a number of factors before deciding which school to attend. Among these factors is the ability to participate in sports, for some students.

I cannot believe that anyone would support a college's effort to keep pertinent information out of a student's hands. The fact that a school has decided to drop a sport is important information that kids and parents have a right to know before they decide which college they invest their time and their talents in.

I would certainly prefer that the NCAA deal with this matter by seeking the voluntary cooperation of their member institutions. In my office last week, I met with representatives of the American Council on Education, ACE, the NCAA, and the small colleges. We agreed in that meeting that I would support removal of this provision in conference if the NCAA would simply urge members to embrace voluntary notification requirements.

The next day, I received a letter from the president of the NCAA, the ACE, confirming that agreement, and was prepared to come to the floor and enter into a colloquy with the distinguished Member from California (Mr. MCKEON) to that effect. But sadly, on Tuesday I received a letter from the NCAA actually breaking the deal. They simply want this Congress to go away and let them do whatever they please.

Mr. Chairman, if the NCAA were a real estate agent trying to sell a house without disclosing leaky roofs or a used car salesman trying to sell flood-damaged cars without disclosure to the consumers, I dare say colleagues on both sides of the aisle would demand action.

A college education is one of the most important purchases any student and their parents will ever make. What is wrong with asking these universities and NCAA to simply tell the truth?

A ''yes'' vote on this amendment is a vote against kids knowing what their future will be and the families' right to know. I urge my colleagues to defeat the amendment.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from the State of California (Mr. DOOLEY).

(Mr. DOOLEY of California asked and was given permission to revise and extend his remarks.)

Mr. DOOLEY of California. Mr. Chairman, as Members of Congress, we are constantly asked to make decisions on what is the appropriate role of the Federal Government. Today I rise in support of the Roemer amendment because I think it is absolutely clear that the Federal Government has no role in mandating and micromanaging the affairs of the universities and the higher institutions of education in our country.

I find it ludicrous that we would even ask our universities, and by imposing on them a mandate, that they would have to notify people 4 years in advance of a decision that they might have to make in order to eliminate or reduce an athletic program.

This provision is absolutely insane in that it is, in fact, going to reduce the

ability of our universities to allocate their resources, to ensure that they are going to be investing those funds in the most cost-effective manner.

We would be hamstringing the board of regents in California and the admission of our universities that have been appointed to make the decision to ensure that they can create the academic experience and the college experience which is in the best interest of the students that are going to be attending.

As I was listening to the last speaker, I thought it was somewhat interesting that he feels it so important that we provide students and families with the information about a potential reduction in an athletic program, but there is absolutely no attention being given to a potential decision that might result in the reduction of an academic program.

I also find it somewhat ironic that many of the people who are some of the strongest proponents of asking for this 4-year notification were some of the same people that were opposed to giving the working men and women of this country a 30-day notification of a potential plant closure.

When we have working men and women and their families whose livelihoods, whose ability to keep a roof over their heads, whose ability to provide food for their families, when we are opposed to giving them 30 days' notification, and yet we think it is appropriate to give 4 years' notification on a university decision to reduce an athletic program, that is just wrong and it is irresponsible.

Mr. HASTERT. Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I rise to speak against this amendment. First of all, I think it is so amazing that the people that are sponsoring this amendment wish to talk about mandates on colleges and universities across this country. The fact is, almost all decisions being made about college sports today have everything to do with the Department of Education interfering and mandating on colleges about what sports requirements they are under. This is not something that will be initiated; this is something that is going on right now.

We all believe that sports are great for women and for men that are in college. They serve a wonderful purpose. They provide these young people, first of all, an opportunity for scholarships, provide many of them an opportunity at institutions of education that they would not have if they were not able to receive these athletic scholarships. It also gives them an opportunity to compete on a higher level.

Many of these students are very talented in athletics. Many will have opportunities to use these talents in other arenas. They go on and become our Olympic stars. They go on and compete internationally. They represent this country around the world. Many of them have careers if professional careers are available in their sports.

Those opportunities are growing for women, as they have been for men for many years. That is all great, and a great opportunity for some very talented young people in this country.

Athletics also teach us a lot of other things. It teaches kids about hard work. It teaches kids about sportsmanship. It teaches kids about learning to lose and to start over again, to pick themselves up when they are down. Those are lessons that help all of us for all of our lives. So when we look at athletics, I am thrilled to see colleges looking for the best ways to provide the most opportunities for the most students.

Because of the Department of Education's accelerated or new pressure that they are applying on many athletic programs, there are an increased number of programs that are being jeopardized today. Many times, because the colleges have little time to act, they are being forced to eliminate men's teams and to add women's teams in order to try to equalize the opportunities.

All of us applaud the new opportunities for women. It has made a wonderful difference in a couple of my daughter's lives.

It has not made such a wonderful difference in my son's life, though. This year he is a junior in college. He is a champion swimmer. At one point, he was the second fastest swimmer in the butterfly in the country. Next year, it looks as though his school may not have swimming, so he loses his opportunity to ever go on and an opportunity to ever be the top in the country, ever be in the Olympics.

So why does he not go to the another school? Because all of his credits are in one school. He loves that school. He has invested a lot of time, a lot of energy, a lot of effort in that team. The fact is that that school has no time to adjust because of the Department of Education.

I am so sorry that our colleagues that are sponsoring this bill are not screaming about that sort of intrusion in colleges today. If we had a little more time, we could probably grow better women's sports opportunities and not endanger men's sports. But since we have this intrusion that exists today, and because nobody on the other side has talked about that, I think it is better, very important to understand why some teams are being eliminated.

In the meantime, what my colleague is proposing is that students who are trapped at a school, who love that school dearly, they at least be informed as early as the school knows that it is about to drop a particular sport. That is the least we can do so that they have an opportunity to consider what this means in their lives, so that they have an opportunity to fulfill their talents and their dreams, even if changing schools is the only way to do it.

This is, by no means, criticism of my son's school. They have treated him more than fairly, informed the students on that team of the crushing news that they are going to drop swimming next year.

I think it is important that this body know that just 4 years ago, they built a $14 million swimming and athletic complex to accommodate this team that now they are being forced to drop. Is that a waste or what? What does the Department of Education think about that?

In the meantime, let us leave the language in the bill. Let us get this bill to the conference committee. Let us see if between the Senate and the House we can figure out a way to make things better for all women athletes and all men athletes.

Mr. ROEMER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Palo Alto, California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I would like to start out today obviously in strong support of the Roemer amendment, a proposal to restore the ability of colleges and universities to carefully design and budget their own athletic programs.

I would like to add this for the record, because some of my colleagues on the other side of this issue are talking about NCAA sports: In 1996–1997, this represents men's and women's sports. I do not know where all of this is coming from of what has been dropped. Look at what has been added, 360, this is what has been dropped. I think that this is a very provocative number and something that our colleagues should pay close attention to.

Without the Roemer amendment, H.R. 6 would force institutions to make irrevocable decisions about which programs will receive funding far in advance of current requirements. The Roemer amendment strikes a provision which represents, in unparalleled Federal intrusion, Federal micromanagement and Federal mandates.

The NCAA supports this amendment. Their statistics further reveal that the original provision is unnecessary. I am very, very proud to represent Stanford University whose outstanding academic and athletic accomplishments can be matched by few.

The university sponsors 17 varsity women's sports, and their list of championships is stunning. National volleyball champions 3 of the last 4 years, national tennis championships 10 times in the last 20 years. In 20 years, the varsity women's swimming, they have won eight national titles.

The Stanford women's basketball team has been in the final four six times in the 1990s and national champions in 1991 and 1992. Stanford's record offers compelling proof that women's success does not harm a college's athletic program.

□ 1715

Is the Congress going to require that universities and colleges submit to us

in a report as to whether they are going to drop their Japanese overseas programming? This is ludicrous. This is not being applied to anything that is academic but only that which is athletic.

The Roemer amendment would ensure that Stanford University and the rest of our Nation's colleges and universities have the necessary flexibility to continue to develop such strong athletic and academic programs free of Federal intrusion, free of Federal micromanagement, and free of Federal mandates. I urge my colleagues on both sides of the aisle to vote for the Roemer amendment.

Mr. HASTERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to say, Mr. Chairman, that the previous speaker spoke about the rise of women's sports. And as the father of two daughters, and someone who enjoys watching my girls participate in soccer, basketball, or whatever, I am glad that there will be a lot more opportunities for them. But I also want to say, as I look at this bill, this is not a matter of what is convenient for Stanford University or for the University of Virginia or the University of Georgia or Berkeley or whatever. This is a matter of putting the kids before the system, putting the kids before the faceless institution.

Think about the private sector a minute. We have so many people in our body who talk about disclosure in all aspects of the private sector; worker safety, materials used on job sites, what we eat, what is in the water. Whatever it is. What is in the air. What is being discharged. All of this has to be disclosed, and yet this body, who so readily puts such disclosure mandates on the private sector, now has Members saying let us not put that on the public sector.

What is this horrible mandate that we are putting on the public sector? And let me clarify, it is not all public universities. There are private universities. But most of them get some sort of Federal funding in one place or another. Think about this, though. Here is a student who is 17, 18 years old; young boy or girl. They are going off to college. They have worked real hard to get in the school of their choice. Maybe they are going to play baseball, maybe wrestling, maybe lacrosse, maybe swimming, maybe volleyball. They have that opportunity and they are excited about it. And then they get there and find out that they are phasing out the volleyball program or the wrestling program. That was one reason that student chose university A over university B. And now we are saying that our kids are not important enough just to tell them that?

Somebody had said, well, we cannot give them a 4-year warning. If my colleagues will read the Hastert proposal, what he is saying is all they have to do is notify the students once they make the decision to phase out a certain athletic program.

This, as I said, maybe it is not pro-university, maybe it is not pro-institution, maybe it is not pro-system, but it does become pro-child, pro-student, pro-athlete and, therefore, I think it is pro-sports.

The gentlewoman from Kentucky (Mrs. NORTHUP) talked with great pride about what sports meant to her six children, and the positive impact that sports programs can have to all of our children is very, very important. So why not be fair to America's kids; that if they enroll in a college or a university that has a sports program, should they not be notified when the college or university has made the decision to phase out that program? That is the only thing that the gentleman from Illinois is trying to get in the bill.

I urge my colleagues to vote against the Roemer amendment and vote for the children of the United States of America.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from the State of Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I do rise in support of his amendment.

I have a lot of sympathy with what the gentleman from Illinois (Mr. HASTERT) is trying to do, and I have a lot of sympathy for those who played sports through high school and college. I did a little bit. I was not very good, but it was a great thing to do.

I have listened to what others have said, but I do not know why we are getting involved with this and, hopefully, we can work it out some other way. I do not think this should be in our legislation, and I think the Roemer amendment should pass.

For example, what if a college changes its academic courses? Do they have to give 4 years' notice of that, if someone is majoring in something? What if a college like mine becomes coeducational in the middle of it all? Is that something we should have to give notice for? My college got rid of fraternities. Believe me, fraternities were big deals at Hamilton College when I went there, and that was a major change, but nobody had to give notice then.

A lot of things happen in colleges, and I do not think that we should be out there interfering with their right to govern themselves. As a matter of fact, I would think that would be a Republican principle that we would want to follow; that we should simply let them make their own decisions.

I have read the language of this, which is part of the Student Right to Know Act, and it states: ''A statement of any reduction that may or is likely to occur during the ensuing 4 academic years and the number of athletes that will be permitted to participate in any collegiate sport or in the financial resources that the institution will make available to any such sport and the reasons for any such reduction.'' That is a tremendous burden and requirement to place on our colleges. I happen to think it goes too far. The gentleman from Illinois and I have talked about this.

I have heard from the University of Delaware president. Used to be president of the University of Kentucky. And David Roselle writes and says,

> It is demeaning for the Congress of the United States to be mucking about in the management of intercollegiate athletics.

I happen to totally agree with that particular statement.

Why are we getting involved in micromanaging decisions at the college and university level? Do we not have better things to do here in this Congress?

And then he went on to make the point,

> Schools simply do not know, and neither does the Congress, what forces will come into play in the next 4 years that would make program reductions on campus both necessary and appropriate.

Again, I could not agree more with that particular point. It absolutely hits the nail on the head. Four years is a long time.

I think for all these reasons, while the intent is good, this is not good to have in this legislation. We ought to take it out and we should pass the Roemer amendment.

Mr. HASTERT. Mr. Chairman, I yield myself such time as I may consume to remind my good friend from Delaware that the language says anytime within that 4-year period. So the interpretation is if they decide in 1 year, or 2 years, or 3 years, or 4 years, whenever that decision is, they just ought to come forward and let kids know.

It does not say they cannot do this. It does not restrict them in any way. It just says there should be notice given, not a restriction of the Federal Government. And this is really kind of a red herring to cross this path. We are just saying notice ought to be given.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), a former university president who will speak to this issue.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of the Roemer-Riggs amendment to H.R. 6. The Roemer-Riggs amendment would eliminate the bill's language requiring higher education institutions to report 4 years in advance the planned elimination of college sports.

Schools in my district have expressed their concern that the bill's current language poses an overreaching Federal intrusion in the way they operate their sports programs. As a former college president, I understand the importance of long-range planning, but it is

just that; planning. Who knows what new budget constraints might face a school from year to year? Forcing colleges and universities to formulate such far-reaching micromanaging of the athletic policies is simply shortsighted and surely not in the best interest of our colleges and universities.

The chairman of the Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), got a letter not long ago from the president of Belmont University, which happens to be in my Congressional District in Nashville, Tennessee. Dr. Troutt, who also had the opportunity to serve as chairman of the National Commission on the Cost of Higher Education, says this, and he says it so well:

This type of congressional action is inconsistent with the commission's recommendations that colleges intensify their efforts to control costs and increase institutional productivity. Because the commission stressed the need for colleges and universities to consider questions of cost effectiveness and efficiency within academic programs, it would be inappropriate for Congress to ask schools to exempt sports programs from similar rigorous scrutiny. I recommend you eliminate this or any other related provision.

That is why we all need to join forces and I encourage a ''yes'' vote on the Roemer-Riggs amendment and firm support for our Nation's colleges and universities.

Mr. Chairman, I provide for the RECORD a copy of the letter I just referred to.

OFFICE OF THE PRESIDENT,
BELMONT UNIVERSITY,
Nashville, TN, April 24, 1998.

WILLIAM F. GOODLING,
Chairman, House Committee on Education and the Work Force, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: As you know, I was privileged to serve as the Chair of The National Commission on the Cost of Higher Education. Although we completed our work and submitted our final report to Congress in January of this year, I continue to work hard to ensure that college presidents throughout the nation take the Commission's recommendations seriously. I am pleased to report that many institutions have committed to redoubling their efforts to keep college affordable for all Americans.

I am also following with interest Congress' reauthorization of the Higher Education Act. Both the House and Senate authorizing committees have reported fine bills that deserve support. However, I would like to bring to your attention several issues that are of particular interest to me as former Chair of the Cost Commission. I hope you will find these comments useful as you proceed in the process of putting final legislation together.

1. INFORMATION ON COLLEGE COSTS

One of the strong messages that the Cost Commission sought to communicate is the need for greater clarity about the basic financial structure of colleges and universities. University administrators need better data to guide their efforts to contain costs; the public needs better data to make informed choices about obtaining a college education; and policymakers at all levels need better data as they make basic decisions regarding student aid, and regulation and oversight of the nation's colleges and universities. I am pleased that both the House and Senate bills have added provisions to their reauthorization bills that recognize the importance of achieving greater financial transparency. Based on our experiences in attempting to gather and analyze data for the Commission, however, I would caution against expanding unduly the government's role in the information-clarification process. To the extent that the Senate bill assumes a more limited and focused approach, I think it is the stronger of the two measures. The process of developing a better understanding of university finance includes, but is not limited to, improved reporting to the federal government, beginning with consistent definitions of cost, price, and subsidy. The Commission, therefore, recommended measures to strengthen IPEDS reporting and improve analysis by the Department of Education of the relationship between tuition and institutional expenditures. But we also took pains to make clear that much of the clarification and communication that needs to take place should take place through existing non-governmental channels—between institutions and their constituent families and students directly, through a public awareness campaign sponsored by the higher education community, through national accounting standards bodies such as FASB (the Financial Accounting Standards Board) and GASB (the Government Accounting Standards Board), and through the reports and handbooks that are already widely distributed in the higher education ''market.''

Both the House and Senate bills adopt our recommendation that IPEDS reporting be strengthened. To the extent that the House bill goes beyond this and directs the Secretary to develop a uniform cost reporting methodology outside of IPEDS, I would question whether that is a productive step to take. If any such effort is undertaken, it should involve extensive, formal consultation with the higher education community. Likewise, I question seriously the wisdom of asking the General Accounting Office annually to recapitulate the comprehensive study that the Commission was asked to conduct on a one-time basis. As our report indicates, we were not able to obtain meaningful data in many of the categories listed as the focus of an annual GAO report in the House bill. Under the circumstances, I would urge Congress to focus on improving the data through an NCES study, as recommended in the Senate bill.

Whatever the process for developing improved reporting, I urge you to consider two substantive points in particular. Any redesign of reporting categories should include the replacement value of capital assets, as the level of an institution's general subsidy cannot be calculated without taking that into account. Equally important, Congress should not impose a requirement that the cost of educating graduates and undergraduates be counted separately. Any such disaggregation would be completely arbitrary, inaccurate, and destructive of the organic education process that occurs on campuses where undergraduates and graduates are taught together.

Mr. HASTERT. Mr. Chairman, I yield myself such time as I may consume to ask the gentleman from Tennessee a question. I have great respect for the gentleman from Tennessee and I would ask him if this was a decision that was made in a year, or 2 years, or maybe 4 years, up to 4 years, and the gentleman had students at the University of Tennessee, or some other university, would it not be proper to notify those students when that decision was made to drop the sport? It would not mean the gentleman would have to hold that sport.

Mr. CLEMENT. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Tennessee.

Mr. CLEMENT. I tell the gentleman that I was at a small college university and I had a tough time balancing that budget. If the gentleman were to put me in a stringent situation such as that, where I had to look 4 years out, and I could not adjust my budget, the gentleman would put me in a terrible predicament.

Mr. HASTERT. Reclaiming my time, Mr. Chairman, the bill does not say 4 years. Whenever the gentleman makes the decision, up to 4 years. So if the gentleman were to do it 6 months from now or 1 year from now, 2 years from now, or 3 years from now, all I am saying is when the gentleman were to make that decision, is it not fair to notify that student that the gentleman or school has made that decision?

Mr. CLEMENT. If the gentleman will continue to yield, I would say to him that I love sports, but I think we are sending our students for academic purposes more than we are sports. That is the paramount importance.

Mr. HASTERT. Mr. Chairman, I appreciate the gentleman's statement, but the fact is a lot of kids make that life decision on where they go to school based on things like athletics and other extracurricular activities. Here we are looking at athletics, but that is a major decision on young men and young women when they decide to go to school. If they made that decision based on that premise, then they should be notified of that decision or if that premise is going to change.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a valuable member of the Committee on Education and the Workforce.

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

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Roemer amendment.

These new requirements are misguided at best. I ask the gentleman on the other side of the aisle if a college does not drop a particular course if not enough people have enrolled in it after people have already started their school year?

The reporting requirements added in H.R. 6 are nonsense. Hearings in the Committee on Education and the Workforce have clearly shown that men's minor college sports do not need this protection. Not only are reporting requirements not needed, they also will not work.

Dr. Ruben Arminana, the president of Sonoma State University in my district, tells me that these requirements will have just the opposite effect.

President Arminana says that by forcing colleges to announce 4 years in advance when they plan to reduce or eliminate funds for a sport, we will restrict a school's flexibility in decisionmaking.

I quote President Arminana's response to this provision. He said:

> Sports teams will suffer irreparable damage, and institutions will be unable to retain the program should circumstances change at a later date.

These reporting requirements place unreasonable and inappropriate demands on institutions of higher education. It is an unwarranted Federal intrusion in college and university affairs and ignores efforts to curb college costs. Colleges and universities do not budget for 4-year cycles, they budget 1 year at a time. They need the flexibility to make decisions that are in the best interests of their students and campuses that year.

Who are we, here in this Congress, to insist that colleges justify their budget decisions to us?

□ 1730

Mr. Chairman, I urge my colleagues to vote for the Roemer amendment.

Mr. HASTERT. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Illinois (Mr. HASTERT) has 11½ minutes remaining. The gentleman from Indiana (Mr. ROEMER) has 13½ minutes remaining.

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

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to my very good friend, the gentleman from the State of New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend and classmate, the gentleman from Indiana, for yielding. I rise in support of the Roemer amendment.

Tomorrow, my 5-year-old daughter Jacqueline is going to enroll for kindergarten, and when my wife and I look at the cost of paying for an education, we really have our fingers crossed that some day she will earn an athletic scholarship to play lacrosse or soccer or field hockey or some other sport. We are going to need it.

The day that her mother started college, there were far fewer opportunities for women to play intercollegiate sports. When her grandmother was growing up, very few women went to college at all. There has been a lot of progress in opportunities for women over the years, and I believe that we should do nothing to turn back the clock on that progress. It is very important that we reaffirm our support for title IX, as I believe this amendment does.

I also believe that no one on the other side of this question wants to downgrade women's sports, and I understand that. I believe that we have gotten in an unfortunate box where, somehow or another, we believe that we are choosing between men and women in intercollegiate sports opportunities, and we should not.

I happen to believe that the record does show, particularly in the case of some sports like men's wrestling, that there have been some unjustifiable decisions made that have hurt student athletes. And I, for one, am looking for a tool to try and remedy those injustices.

With all due respect to its author, who I know is very well-advised and well-intentioned, I do not believe this is the right tool because of the expanded time window that is in it. I do share his conviction, however, that there ought to be some guarantee that before an institution chooses to terminate a sport that it ought to say exactly how much money it is going to save, justify those numbers so that the dynamic of the campus-based, decisionmaking community can look at that argument and see whether it is true or false.

So I will support the Roemer amendment tonight, but I will offer my willingness to cooperate in trying to find a way to resolve this very serious problem.

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

It is interesting from time to time to take the floor. We try to reason out an issue and we try to decipher what is right and what is wrong, what is right and wrong for kids, what is right and wrong for our system of education, whether it be private or public, and what is the best course to take. And usually the common denominator when it comes down to it, especially in the area of education, is what is right for kids.

I appreciate the gentleman on the other side, because easily we try to get into a battle between men's sports and women's sports. That certainly is not my intent, and that is not the intent of this legislation. What we really want to do is to treat kids fairly.

Let me say that in my experience, and as most people know, I spent 16 years as a public school teacher and a coach, and before that participated in football and wrestling and other sports both in high school and college, part of probably the opportunity to participate in athletics gave me the opportunity to get out from behind stoves of a restaurant or behind the dishwasher because it gave me an opportunity to participate, it gave me a little help along the way.

I was in a private school; that was not a lot of glory, was not a lot of headlines. And contrary to my good friend, the gentleman from Michigan (Mr. BONIOR), the whip over on the other side, I was not a quarterback, I was just in the line. So I did not get any glory at all. But it changed my life and it put me in public education, certainly something I did not intend when I was in high school, but the opportunity to do that.

Now, today when I go back to a State tournament in Illinois and I look down on the floor of the tournament and I see coaches there that graduated from Southern Illinois University or graduated from Illinois State University or graduated from Western Illinois University. Those guys were never stars, they were never the quarterbacks, they were never the national champions, but they are guys or men at that time that pursued the sport because they loved the sport, and that sport changed their lives and they became teachers and coaches and people who have participated and have provided generations of leadership for young people who certainly need that leadership.

Also, I, as my colleagues know, have tried to take the lead in some areas on drug issues. One of the things, I met with the mayor of Chicago and the new superintendent of schools for the City of Chicago, and he says, ''We cannot find enough people to be the role models for these kids.''

One of the new innovations that they have done there and I think has been somewhat successful is to take students who are at risk, students that are ready to be bounced out of the public school system and keep them after school from 3:00 in the afternoon until 6:00 in the afternoon. Instead of suspending those kids, they have decided to keep those kids on Saturday instead of turning them loose on the streets.

What they found out is that the incidence of success for those kids has increased, but they also have found out that the crime rate has gone down because the crime rate was after school. The highest incidence of teenage crime was the hours right after school and on Saturdays. So they have given those kids direction.

Do my colleagues know who they depend on? They depend on the coaches to come in, the people who have the ability to be the role models, the people who have the ability to connect with these kids. They are not just exclusively coaches. Some of them are science teachers and some are art teachers, and some of them are English teachers. But they have given those kids hope.

What we do and what has happened, and I have seen the charts up here; the story is, though, the people who have gained are women's sports, and that is great. The sports that have lost are men's sports. Two hundred universities across this country in 1996 and 1997 have dropped sports; almost all of those sports are men's sports. We are just saying, if they are going to do that, give those kids a chance to reclaim their lives, give those kids a chance to find another university or another program to get into if that is their wish.

Now, we are not saying we cannot do it. I understand certainly the constraints of universities and colleges. I know the budget problems. I know that

we do not want extra interference from the Federal Government in these schools. But we are just saying, give these kids a chance. If they are going to drop the program, let them know. Give them a chance to change.

Last week we had the roll-out of the For a Drug-Free America Act. That was an interesting experience. But one of the most interesting speakers that we had was a young lady from northern Illinois who was the goalie on the women's hockey team that won the gold medal in Nagano. The young lady is a premed student at Dartmouth University. She took 2 years out of her training to take the challenge to try to make the Olympic team. She did that.

She had a great message for the kids of this Nation. The message is, ''You can do anything you want with your life. You can do anything you want. If you put your mind to it and your will to it, you can do it.'' But do my colleagues know what? She also had a great message that ''If you get messed up with drugs, it probably is going to negate that.'' We need to have people's messages out there for our kids.

Do my colleagues know where she got her experience? She was the only girl on the men's hockey team that won the State championship in Illinois, but she earned that spot. The next year, that hockey team was no longer a school sport.

I am saying, when we take those opportunities for kids to excel, to try and reach out and get their dreams and some may be to be an Olympic champion or to be a State champion or to be a coach, when we drop those programs, we take away generations of leadership, leadership that we need to help our kids, boys and girls, to help our future, and to set the tone of what this country should be about.

All I am saying in this amendment, in this notice, is that if we are going to take that opportunity away from those kids, tell them, tell them on a timely basis. If it is 4 years ahead of time that decision is made, tell them in 4 years. If it is 3 years, tell them in 3 years. If it is 2 years, tell them in 2 years. If it is 1 year, tell them in 1 year. Give them a chance to make their own decision and to follow their goal in life.

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

Mr. ROEMER. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. ROEMER) has 11½ minutes remaining. The gentleman from Illinois (Mr. HASTERT) has 4 minutes remaining.

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

I would just say that the gentleman from Illinois has given a very eloquent and passionate statement about mentoring and after-school programs and leadership programs for children, but not a Federal mandate or intrusion into our sports programs on the part of Washington to every university in the country.

Mr. Chairman, I yield 1¼ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mrs. MORELLA. Mr. Chairman, I rise in support of the Roemer-Riggs amendment.

I think it would be an almost impossible challenge and task for universities and institutions of higher learning to be required to predict 4 years in advance changes that might be anticipated in their athletic program. We have enough problems here in Congress in trying to predict what is going to happen next year.

Under the provision in the bill that has been included in H.R. 6, schools could lose their eligibility to receive Pell grants and higher education loans if they fail to predict and justify their decisions. This provision is intrusive, as has been mentioned, and I think it goes way beyond the limits of the Federal role in the development of higher education policy.

In addition to the absurdity of having to prophesy future changes, I am also concerned that this provision would tend to weaken title IX. And I am concerned that this reporting requirement will lead colleges and universities to blame reductions in men's nonrevenue sports, such as wrestling, on compliance with title IX.

I wanted to say, I also introduced that goalie and I introduced the captain of that winning hockey team in my district, and we were very proud of what they have done. And the gentleman from Illinois (Mr. HASTERT) is quite correct, but I just want to emphasize, the ultimate goal of title IX is to provide equal opportunities for boys as well as girls, men as well as women, and this is what we should do.

Mr. HASTERT. Mr. Chairman, I yield myself 1 minute.

I would like to remind the gentlewoman from Maryland (Mrs. MORELLA), a good friend of mine, I think, that there is no penalty in this bill. It does not take away or threaten universities with their Pell grants or anything.

There is no penalty in the bill. It just says, within a period of 4 years, up to 4 years, that if they decide in 4 years or 3 years or 2 years or 1 year or 6 months from now that they are going to do away with a sport, they ought to tell the kids they are going to do that so they have some time to plan.

So I understand that this is the understanding that my colleague has. It is wrong. We do not take away. There are no penalties in this bill. That is how benign this is. We are just saying, give kids a chance.

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

Mr. ROEMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS), the very talented freshman.

□ 1745

Mr. DAVIS of Florida. Mr. Chairman, I rise in support of the Riggs-Roemer amendment and against the mandate we are debating here this afternoon. This is a well-intended provision in the bill. It has, as its sponsor has mentioned, the goal of encouraging students to participate in intercollegiate athletics, team sports that teach teamwork, individual sports that teach self-esteem and confidence. But the provision does not have the intended effect and indeed it will have the opposite effect; that is, it will risk hurting students.

As has been mentioned, if enrollment were to drop at an institution, if student interest in participating in a particular sport were to decline and the budget dropped for that particular sport, this bill could have the effect of eliminating Federal funding that is needed to run that university or college and eliminating sorely needed financial aid.

Let us focus on what the real issue here is. The real issue is that we should adequately fund our universities and colleges, not just intercollegiate athletics for women but for men as well. They should not have to compete against each other.

Secondly and most importantly, as the sponsor of this provision alluded to, we need to strongly fund financial aid, because the greatest threat to participation in intercollegiate athletics is the time of our students who are increasingly being forced to work, as the sponsor was, and attend school and are robbed of the opportunity for extracurricular activities outside the classroom. By funding financial aid to meet these rising tuition increases around our country, by freeing our students up to have time to participate, this is what we should be focused on. This is why I would urge the adoption of the amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, the reporting provisions in the Higher Education Act represent a highly inappropriate Federal intrusion into the affairs of our Nation's colleges and universities. I rise in support of the Roemer amendment to strike those provisions. Congress should not be in the business of interfering in the budgeting decisions of our Nation's colleges.

The Higher Education Act contains important provisions to help our students pay for the rapidly rising costs of college. Yet the reporting provisions in the bill would make it even more difficult for schools to make the tough decisions that will help them to keep tuition costs down. That is why the NCAA supports the Roemer amendment. These reporting provisions are an attempt to force colleges and universities to blame any reductions in men's sports on increases of women's sports. This is a backdoor attempt to weaken Title IX. This is not about men's teams versus women's teams. We are all on the same team here. We all win when our young women have the opportunity

to challenge themselves, to strive to succeed to improve their confidence.

I urge my colleagues to allow our colleges and universities the autonomy to make their own decisions. Vote for the Roemer amendment.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ETHERIDGE), a freshman Member working hard on education problems.

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

Mr. ETHERIDGE. Mr. Chairman, I rise in strong support of the Roemer-Riggs amendment to correct a serious flaw in this bill. This provision is wrong. I urge my colleagues to support this amendment to remove it from the bill.

Last week I met in my office with the president of the North Carolina Association of Independent Colleges and Universities. She explained to me her concerns about the harmful effect that this provision of the bill would have on the institutions of higher education in our State. Without passage of the Roemer-Riggs amendment, this bill would usurp the administrative flexibility of colleges and universities that they absolutely need to run their universities in the most effective manner, a mandate that has been given to them by this Congress through a commission that they set up.

The Federal Government should not be in the business of micromanaging our universities of higher education. But we should not as a process of trying to do it pit our academic institutions against the athletics and their struggle for resources. This provision would handicap colleges and subject them to a burdensome, restrictive and contentious process and send the wrong message to our Nation's schools.

This provision is unnecessary, and the Roemer-Riggs amendment is supported by the NCAA and other major higher education organizations.

My Congressional District contains several small colleges and universities. These institutions would be particularly hard hit by this bill. We must preserve the flexibility of these schools to continue to provide the excellent educational opportunities they are providing today.

Mr. Chairman, as the first member of my family to graduate from college, I know firsthand that higher education holds the key to the American Dream. This provision of H.R. 6 would have very serious, negative consequences for our nation's colleges and universities. As the former Superintendent of my state's schools, I urge my colleagues to join me in voting for the Roemer-Riggs amendment.

Mr. HASTERT. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the full committee.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding time. I just wanted to indicate that there is certainly a happy side to this debate this evening because as the new majority we certainly are making converts over there. I have heard so many times in this discussion from that side of the aisle, ''We should not be mandating, we should not micromanage.'' That is music to my ears. We are really making progress here as a new majority. I thank you for joining us.

Mr. ROEMER. Mr. Chairman, we are delighted to get that endorsement from the chairman of the committee.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from North Carolina (Mr. PRICE), again from a university.

Mr. PRICE of North Carolina. Mr. Chairman, as a Member whose career has been in higher education, I would like to offer some observations in support of the Roemer amendment, which would strike the bill's provision requiring institutions to report annually and justify their reasons for any reduction in funding or in participation rates of any sports teams that might occur over the next 4 years.

I understand the intent of the gentleman from Illinois (Mr. HASTERT). We do need to use common sense in the implementation of Title IX, and the interests of all students in all sports need to be given consideration. But I think the Hastert provision is unwise policy for a couple of reasons.

The provision does represent a micromanagement of the budgeting practices of colleges and universities. Colleges and universities must be able to manage their budgets, set their priorities, and make their plans with the maximum amount of flexibility and freedom. These are hard times at many colleges and universities. Managing these institutions is a difficult task. An unreasonable Federal burden such as this one strikes me as simply unwise. Simply put, universities do not and should not be required to initiate 4-year budgeting plans. They need far more flexibility than that would permit, which leads me to my second point.

This provision might actually lead colleges to make hard and fast long-term decisions that would have the opposite effect of the intent of the bill. A requirement to announce decisions 4 years in advance could actually lead a college to signal the termination of a sports program, undermining its ability to recruit athletes, when in fact the program might be salvageable if circumstances change. It is hard to see any benefit in that for student athletes or for anybody else.

I urge my colleagues to vote in favor of the Roemer amendment in order to preserve the maximum amount of independence and flexibility in the operation of our Nation's colleges and universities.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), our minority whip.

Mr. BONIOR. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise with great reluctance to oppose the language in the bill of the gentleman from Illinois (Mr. HASTERT), who has really spent a good deal of his life in behalf of young people. I have listened carefully to his remarks and the sincerity and the passion in which he delivered them earlier.

When I look at the bill, two things that stand out to me is what the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee referred to, and that is our concern about the micromanaging on our campuses, but also the issue that I want to address on the floor here is the question of Title IX and the great work that we have done over the years to get where we are, and that has been championed by the gentlewoman from Hawaii (Mrs. MINK).

Title IX is the landmark civil rights legislation which has done so much to advance equality for women. Thanks to 25 years of it, we are experiencing a tremendous boom in women's sports. When I was at the University of Iowa in 1963, on an athletic scholarship, I might add, to my friend from Illinois, I did not receive much glory either as I spent too much time on the bench, there was not a woman in the university who was on an athletic scholarship. Only the men had athletic scholarships. Before Title IX, only one in 27 girls competed in high school sports. Today it is one in three. Back then, only 300,000 young women took part in interscholastic athletics nationwide. Today it is 2.25 million.

This past winter, as has been said, we added women's hockey to the growing list of U.S. women's teams that are Olympic gold medal winners. We see young women turn out for NBA basketball games and they have got heroes like Rebecca Lobo and Lisa Leslie and soccer heroes like Mia Hamm. We should be proud of these new opportunities for our daughters.

This provision that is in the bill would, I think, take a step backwards by pitting men's programs against women's programs. It is important to understand that we have had no court order that has ever forced a school to reach proportionality to comply with Title IX. Mr. Chairman, I urge my colleagues not to pit small men's sports programs against struggling women's programs. I urge them to vote for the Roemer-Riggs-Mink amendment.

Mr. ROEMER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Hawaii (Mrs. MINK), the champion of equality and fairness.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. I thank the gentleman for yielding me this time.

Mr. Chairman, we have heard some very eloquent statements this afternoon arguing about the inability of institutions of higher learning to respond to this mandate to forecast 4 years in advance where they are going to eliminate or reduce athletic programs or cut

funding. More particularly, if you look at the language of the provision in the bill, it says, ''and to give reasons therefor.'' So while I fully subscribe to the arguments about university autonomy and what this provision will do to the universities, expecting them to be able to forecast 4 years in advance, I want to address those last four words of the amendment, ''and to give reasons therefor.''

Arguments have been made on the floor this afternoon that one of the reasons, perhaps, that men's nonrevenue sports have had to be eliminated in a number of instances is because women's sports have been gaining. If you look at the statistics and you study the record, such accusations are absolutely, totally false. Twenty-five years ago when I had the privilege of serving in the Congress and advocating for the passage of Title IX, women were totally excluded. Now for the first time, they are coming up and participating in major sports, gaining the support of wide audiences, becoming in some cases even a revenue sport. It seems to me it is wholly unfair to now try to cause the universities to single out Title IX as a reason for having to cut back on nonrevenue sports in the men's area. I believe sincerely that this is what it is all about.

I certainly agree with the gentleman from Illinois' argument that if we allow young people to participate in sports, it is going to change their lives entirely. That is exactly what has happened to women. It has changed their lives entirely. Title IX after 25 years has finally opened up opportunity in higher education, and one of the opportunities is in the sports area. It has given them the opportunity to find out what it is to be a competitor.

Women have been winning, have been coming home with the gold medals. I never had that opportunity. I could not even get into the profession that I wanted to when I was going to college. I yearned for the opportunity to have that chance, to seek my chosen career opportunities.

Title IX has opened up the way for women into law school, medical schools and all the professions. They have done well in the sports. Let us not add this language and compound the pressures upon Title IX and cause it to become the scapegoat for further accusations and further litigation.

Mr. Chairman, I urge the support of the Roemer amendment.

Mr. Chairman, I rise today in strong support of the Roemer amendment to strike the onerous reporting requirement included in this bill which will force schools to report on potential reductions in athletic programs.

This provision was included in the Committee bill at the 11th hour. Most Committee Members had no knowledge of the provision and there was no appropriate debate on the consequences or the practicality of what we are requiring schools to do in this provision.

There are many reasons to oppose the reporting requirement, many of which have been outlined by my colleagues—it is extraordinarily intrusive in the decision making process of colleges and universities; it is impractical—it will be virtually impossible for colleges to know if they are going to cut or reduce certain athletic programs four years in advance and it will force colleges to make decisions prematurely about their athletic programs. Furthermore, this reporting requirement could actually prompt colleges to close the very programs the proponents of this provision are seeking to save.

I oppose this provision for all these reasons, but most of all, I stand today with my colleague TIM ROEMER urging the House to strike this reporting requirement because of the potential for severe adverse impact on the enforcement of Title IX.

The reporting requirement in the bill was included by opponents to Title IX who want to force colleges to blame reductions in smaller, non-revenue men's sports on Title IX. They are hoping that colleges will say in their reports that compliance with Title IX is the reason they have to reduce men's sports, which is simply not true!

Title IX of the Education Act Amendments of 1972 prohibits all schools receiving federal funds from discriminating against women, including women's athletic programs.

The success of Title IX in increasing athletic opportunities for girls and women is indisputable. We have all seen the success of Title IX through the increased strength and popularity of women's collegiate sports, the record number of U.S. women athletes winning Olympic medals, and the establishment of two professional women's basketball leagues.

Thanks to Title IX, 110,000 college women and 2.2 million high school girls now compete in intercollegiate and interscholastic sports.

Women who participate in sports now reap the benefits that men have enjoyed for decades—new economic opportunities, building team work and leadership skills that translate into marketable jobs skills. Girls and women who participate in sports are also healthier and involvement in team sports also reduces the potential for involvement in juvenile crime and teen pregnancy.

Blaming women's sports for reductions in non-revenue men's sports is pitting the have-nots against the have-nots. While women's athletic programs have been increasing, female athletes still get the short end of the stick. Women still have only 37% of the opportunities to play intercollegiate sports, 38% of athletic scholarships, 23% of athletic operating budgets and 27% of the dollars spent to recruit new athletes.

While women's athletics has been inceasing, so have men's athletic budgets—at an even greater pace. Since 1972 (passage of Title IX) for every new dollar spent on women's intercollegiate sports, two new dollars were spent on men's intercollegiate sports.

From 1992–1997, men's athletic operating budgets have increased by 139%. The increase in women's budgets was much less at 89%.

The real problem is that the lion's share of total athletic resources goes to male athletes, but these resources are inequitably distributed among men's sports. Football and men's Basketball consume 73% of the total men's athletic operating budget at Division I–A institutions, leaving other men's sports to compete for the remaining funds.

Of the $1.37 million average increase in expenditures for men's Division I–A sports programs during the past five years, 63% of this increase went to football.

Minor men's sports that are threatened should turn their attention to the other major men's sports, and not take away from women's sports which only have 37% of the funds.

Title IX should not be used as a scapegoat for decisions made by institutions because of fiscal difficulties, or their decisions to inequitably distribute funds among men's sports.

We have come too far, we cannot turn our back on women athletes. Support Title IX and vote for the Roemer Amendment.

Mr. ROEMER. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from Indiana (Mr. ROEMER) has 30 seconds and the gentleman from Illinois (Mr. HASTERT) has 2½ minutes.

Mr. ROEMER. Mr. Chairman, who has the right to close?

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. ROEMER) has the right to close.

PARLIAMENTARY INQUIRY

Mr. HASTERT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HASTERT. Mr. Chairman, the committee position holds the right to close. The gentleman from Indiana opened debate.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. HASTERT) is not on the committee. The gentleman from Indiana (Mr. ROEMER) has the right to close.

Mr. HASTERT. Mr. Chairman, I yield myself the balance of my time.

Certainly I want to thank the gentleman from California (Mr. MCKEON), who has worked with me to try to structure this language that made sense. I like to fish. I wish I had my pole here today because we have a lot of red herrings that have been floating around this place.

Let me be very, very honest and straight. The gentlewoman from Hawaii talked about title IX. This is not about title IX. Some people say it takes 4 years' notice. It is not 4 years' notice. It is notice when a school decides up to 4 years to give notice to kids who are not going to have the opportunity to participate.

□ 1800

But let me talk a little bit about what has arisen here as far as men versus women, certainly not the intent of this gentleman to talk about that. As my colleagues may know, my wife started teaching about the same time I did. She is a women's athletic coach. At that time the only opportunity that women had was GA, Girl's Athletics; it was an intramural thing. Today women have all types of opportunities; as many in girl sports in this high school as there are in boy sports, and that is great because it has changed the way.

All we are saying in this amendment is let us be decent, let us be honest, and let us tell our kids when their opportunities are gone that they have the

chance to go someplace else if that is the case. That is what we are asking about.

But let me just say one more thing. As my colleagues may know, I had worked with the universities and small colleges, independent colleges and the NCAA. We had an agreement. An agreement was when this bill goes to conference let us work to make sure that this is a voluntary system.

Now the Congress is going to work their will today, one way or another, but those who so vociferously stood up and said let us not do mandates, let us then talk to the NCAA and make sure that this does, win, lose, or draw, become something that is voluntarily encouraged by the NCAA to its members. That is the bottom line. Let us let kids have the understanding and the knowledge when their sport is terminated that they have the ability to make a choice. Let their parents have the ability to make their choice.

Now, unfortunately, a lot of these kids are going to be vested in these schools, they are going to have hours. Maybe there will be sophomores or juniors and they cannot afford to change. What we are asking them, if they can, if they want to, if they are following their life's dream and this is part of what they want to accomplish with a college education, they need to have the opportunity of the knowledge, the same knowledge that the school has. It is not going to change their ability or their budgeting or anything else. It is common sense.

Mr. Chairman, let us vote on the side of common sense in this Congress for a change.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in conclusion this side, in efforts to strike this language in the bill, we are for the students' right to know. We just think that the universities should do it in a voluntary fashion, not from a mandate from the Federal Government in Washington, D.C.

If we were to bring a small business bill to the floor and have a provision in that bill saying that every small business in the country has to let us in the Federal Government know 4 years in advance if they are going to lay anybody off, that would be voted down.

Vote down this provision. Do not put a half nelson of regulations on every university in the country. Vote for the Roemer-Riggs amendment.

Ms. KILPATRICK. Mr. Chairman, I rise today in strong support of a bi-partisan amendment offered by my colleagues, Congressmen TIM ROEMER and FRANK RIGGS. This amendment would eliminate a provision in H.R. 6, the Higher Education Act of 1998, that would require colleges to report four years in advance the possible elimination of athletics programs. This onerous provision would, in effect, gut the purpose of equality in athletics for men and women. It is my hope that the wisdom of Congress prevails in adopting this amendment.

As the team leader for the Congressional Caucus for Women's Issues—Title IX task force, I am often asked whether the Women's Caucus has a position on the elimination of sports opportunities for men as a method of complying with Title IX of the Education Amendments of 1972. Over the past five years, no less than 55 institutions nationwide have eliminated or downgraded to club status men's varsity intercollegiate sports or placed squad size limits on men's teams. Most schools cite, as the reason for their decision, the need to reduce expenditures in order to provide opportunities for women.

The Women's Caucus is not in favor of reducing opportunities for men as the preferred method of achieving Title IX compliance. Title IX is one section of the Education Amendments of 1972. Though it is commonly associated with college athletic programs, it is, in fact, a wide-ranging sex discrimination law that also applies to high schools and elementary schools. It states: ''No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the participation in an educational activity.''

The reporting requirement in H.R. 6 was included by opponents to Title IX who want to force colleges to blame reductions in smaller, non-revenue men's sports on Title IX. They are hoping that colleges will say in their reports that compliance with Title IX is the reason they have to reduce men's sports, which is not true. Since the passage of Title IX, in 1972, for every one new dollar spent on women's intercollegiate sports, two new dollars were spent on men's intercollegiate sports. From 1992–1997, men's athletic operating budgets have increased by 139%. The increase in expenditures for women's sports during this time period, 89% pales in comparison. Football and men's basketball consume 73% of the total men's athletic operating budget at Division 1–A institutions, leaving other men's sports to compete for remaining funds. Of the $1.37 million average increase in expenditures for men's Division 1–A sports programs during the past five years, sixty-three percent of this increase went to football.

Blaming women's sports for reductions in non-revenue sports is pitting the have-nots against the have-nots. The lion's share or resources goes to male athletes, which are inequitably distributed among men's sports. Title IX should not be used as a scapegoat for decisions made by institutions because of fiscal difficulties, or because of decisions to inequitably distribute funds among men's sports.

Instead of developing an acrimonious environment between men's non-revenue sports and women's sports, we as legislators should be looking for solutions that will allow opportunities for all students to participate in activities. We need to explore the options of moving college athletic programs to a lower level of competitive division and using tuition waiver savings to athletics budgets to fund gender equity.

Equality has always benefited all Americans. If we intended to compete on a global level academically and athletically, we need a strong Title IX. I urge my colleagues to support this bi-partisan amendment to H.R. 6, the Higher Education Act.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of this amendment to H.R. 6.

H.R. 6 contains a provision which requires colleges to report on any potential reduction in athletic programs four years in advance and the reasons for that proposed reduction.

This provision is just another attempt to get colleges and universities to blame Title IX for reductions in smaller, non-revenue men's sports.

Title IX has been very successful in increasing the visibility and strength of women's collegiate sports. Its success can be seen in the two newly formed professional women's basketball leagues.

Title IX has been very important program, and it should not become a scapegoat for fiscal difficulties affecting the institution.

Title IX is not the only problem with this bill.

Congress should not restrict a college or universities ability to decide on its programs and budget.

Colleges and universities do not set their budgets four years in advance, yet this provision would force them to make decisions while just guessing at what the future may hold.

In a time when the cost of college is rising much faster than the cost of living, we must find ways to help colleges decrease costs; not create obstacles to suspending programs that the college or university can no longer afford.

This provision intrudes into the decision making policies of universities and colleges, and it would force colleges to make decisions prematurely about their athletic programs.

I urge my colleagues to join me in voting yes to this amendment to delete this provision from the bill.

Mr. BENTSEN. Mr. Chairman, I rise in support of this amendment.

This amendment strikes a provision of this bill that would have the federal government oversee and mandate the decisions of our nation's institutions of higher learning. I support this amendment because I believe it is inappropriate for Congress to interfere in a college or university's design of its own athletic programs or preparation of its own budget.

The provision in question would require institutions to file annual reports with the federal government that specify and justify any planned reductions in funding or participation rates of any athletic programs that may occur over the following four years. This is a costly, unnecessary and unfunded mandate that would undermine Congress' previous efforts to ensure the affordability of higher education.

The National Commission on the Cost of Higher Education, which Congress created, allowed institutions to make their own decisions about the best means for slowing the growth of college costs. This bill, however, would take away this authority and require postsecondary institutions to justify their budgets and long-range planning decisions. Most, if all, colleges and universities do not budget in four year cycles. This bill would require these institutions to revise budgetary practices and foresee the rise or decline in athletic programs several years in advance. This action will not only have an immediate, negative impact on the identified program, but it would severely restrict an institution's ability to recruit student athletes and take steps to save troubled programs.

There is simply no need for this provision. In fact, NCAA data shows no evidence of a nationwide trend of eliminating college athletic programs. In the 1995–96 academic year, only two sports experienced a reduction in their team totals, with a net loss of only six teams. That is only six teams out of 15,141 men's and women's sports teams, with 322,763 student-athletes, in NCAA member-sponsored institutions. In fact in 1995–96, 1,166 new sports teams were added.

I am also concerned that this provision would force institutions to reduce participation in smaller, non-revenue Title IX sports programs, which are designed to expand opportunity for women in college athletic programs. The bill contains burdensome reporting requirements that would pit sports programs for men against those for women. If institutions are forced to forecast profitability when determining the future of athletic programs, I am concerned that less established, revenue-neutral womens programs will be easy targets for termination. The end result will be diminished level of opportunity for women athletes and diminished participation by women in intercollegiate athletics.

I urge all of my colleagues to support the Riggs-Roemer amendment.

Mr. WATTS of Oklahoma. Mr. Chairman, I rise today to urge my colleagues to support the Riggs-Roemer Amendment to H.R. 6, the Higher Education Act Amendments of 1998. Currently, H.R. 6 contains language that would require universities to give at least four years of advance notice if they plan to discontinue any sports programs. The Riggs-Roemer Amendment would remove this language from H.R. 6, and prevent the federal government from micro-managing college sports in this dangerous manner.

Once a college announces that one of their sports teams is being disbanded, immediately, that team becomes a lame duck. The program permanently loses its fan base, any potential recruits and also the support of its financial boosters. The potential thus becomes a reality.

It would be a shame if a college were forced by law to announce the discontinuation of a sport four years early, only to find enough money to keep the program afloat a year later. By then, that program will have suffered irreparable and unnecessary damage to its reputation and viability.

The government should not force colleges to announce four years in advance that they plan to discontinue a sports program. That rule would limit a college's options when it comes to possibly saving a struggling sport. I urge my colleagues to support the Riggs-Roemer Amendment to H.R. 6, so we can save college athletics from government over-regulation.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of the Riggs-Roemer Amendment.

I agree with my colleagues about the importance of ensuring autonomy for university administrators for their own athletic programs. I am astounded at the thought of the compliance issues associated with the provision in the bill this amendment proposes to strike. I am also concerned that this is a thinly veiled attempt to undermine the gains that we have made through the Title IX program.

The provision in H.R. 6 that the Riggs-Roemer amendment would eliminate would force recipients of Higher Education Act funds to justify cuts in college athletic programs.

Forcing an institution to maintain a failed program for four years after they report the cut is ludicrous. Imagine if this requirement were imposed on Congress. We would not be able to cut a program even if an emergency demanded it. We would never accept such a restriction and should not impose one on university administrators.

This provision is an attempt to allow colleges and universities to use Title IX as a scapegoat for cuts to other athletic programs.

No one understands better the difficult decisions that balancing a budget brings than we do in Congress. Title IX, which creates equal access to important programs for young men and women, should not suffer because of painful budgetary decisions. Last year Title IX celebrated its 25th anniversary. Since that time, women's participation in school athletic programs has increased dramatically. This increase has benefited young women in many aspects of life. Young women who play sports are more likely to graduate from high school, and less likely to use drugs or have an unintended pregnancy. They reap multiple health benefits from athletic participation, including a 40%–60% decrease in their risk of breast cancer. In addition, athletic participation helps improve self-esteem and discipline.

I urge my colleagues to support Title IX and preserve autonomy in decisions at institutions of higher education. Please support the Riggs-Roemer amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

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

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 411, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

Are there further amendments?

AMENDMENT NO. 82 OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 82 offered by Ms. MILLENDER-MCDONALD:

At the end of the bill add the following new title:

TITLE XI—TEACHER EXCELLENCE IN AMERICA CHALLENGE

SEC. 1101. SHORT TITLE.

This title may be cited as the ''Teacher Excellence in America Challenge Act of 1998'.

SEC. 1102. PURPOSE.

The purpose of this title is to improve the preparation and professional development of teachers and the academic achievement of students by encouraging partnerships among institutions of higher education, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit organizations.

SEC. 1103. GOALS.

The goals of this title are as follows:

(1) To support and improve the education of students and the achievement of higher academic standards by students, through the enhanced professional development of teachers.

(2) To ensure a strong and steady supply of new teachers who are qualified, well-trained, and knowledgeable and experienced in effective means of instruction, and who represent the diversity of the American people, in order to meet the challenges of working with students by strengthening preservice education and induction of individuals into the teaching profession.

(3) To provide for the continuing development and professional growth of veteran teachers.

(4) To provide a research-based context for reinventing schools, teacher preparation programs, and professional development programs, for the purpose of building and sustaining best educational practices and raising student academic achievement.

SEC. 1104. DEFINITIONS.

In this title:

(1) ELEMENTARY SCHOOL.—The term ''elementary school'' means a public elementary school.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' means an institution of higher education that—

(A) has a school, college, or department of education that is accredited by an agency recognized by the Secretary for that purpose; or

(B) the Secretary determines has a school, college, or department of education of a quality equal to or exceeding the quality of schools, colleges, or departments so accredited.

(3) POVERTY LINE.—The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(4) PROFESSIONAL DEVELOPMENT PARTNERSHIP.—The term ''professional development partnership'' means a partnership among 1 or more institutions of higher education, 1 or more elementary schools or secondary schools, and 1 or more local educational agency based on a mutual commitment to improve teaching and learning. The partnership may include a State educational agency, a teacher organization, or a nonprofit organization whose primary purpose is education research and development.

(5) PROFESSIONAL DEVELOPMENT SCHOOL.—The term ''professional development school'' means an elementary school or secondary school that collaborates with an institution of higher education for the purpose of—

(A) providing high quality instruction to students and educating students to higher academic standards;

(B) providing high quality student teaching and internship experiences at the school for prospective and beginning teachers; and

(C) supporting and enabling the professional development of veteran teachers at the school, and of faculty at the institution of higher education.

(6) SECONDARY SCHOOL.—The term ''secondary school'' means a public secondary school.

(7) TEACHER.—The term ''teacher'' means an elementary school or secondary school teacher.

SEC. 1105. PROGRAM AUTHORIZED.

(a) IN GENERAL.—From the amount appropriated under section 1111 and not reserved under section 1109 for a fiscal year, the Secretary may award grants, on a competitive basis, to professional development partnerships to enable the partnerships to pay the Federal share of the cost of providing teacher preparation, induction, classroom experience, and professional development opportunities to prospective, beginning, and veteran teachers while improving the education of students in the classroom.

(b) DURATION; PLANNING.—The Secretary shall award grants under this title for a period of 5 years, the first year of which may be used for planning to conduct the activities described in section 1106.

(c) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall make annual payments pursuant to a grant awarded under this title.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a)(1) shall be 80 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (a)(1) may be in cash or in-kind, fairly evaluated.

(d) CONTINUING ELIGIBILITY.—

(1) 2ND AND 3D YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the first fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this title, has made reasonable progress toward meeting the criteria described in paragraph (3).

(2) 4TH AND 5TH YEARS.—The Secretary may make a grant payment under this section for each of the 2 fiscal years after the third fiscal year a professional development partnership receives such a payment, only if the Secretary determines that the partnership, through the activities assisted under this title, has met the criteria described in paragraph (3).

(3) CRITERIA.—The criteria referred to in paragraphs (1) and (2) are as follows:

(A) Increased student achievement as determined by increased graduation rates, decreased dropout rates, or higher scores on local, State, or national assessments for a year compared to student achievement as determined by the rates or scores, as the case may be, for the year prior to the year for which a grant under this title is received.

(B) Improved teacher preparation and development programs, and student educational programs.

(C) Increased opportunities for enhanced and ongoing professional development of teachers.

(D) An increased number of well-prepared individuals graduating from a school, college, or department of education within an institution of higher education and entering the teaching profession.

(E) Increased recruitment to, and graduation from, a school, college, or department of education within an institution of higher education with respect to minority individuals.

(F) Increased placement of qualified and well-prepared teachers in elementary schools or secondary schools, and increased assignment of such teachers to teach the subject matter in which the teachers received a degree or specialized training.

(G) Increased dissemination of teaching strategies and best practices by teachers associated with the professional development school and faculty at the institution of higher education.

(e) PRIORITY.—In awarding grants under this title, the Secretary shall give priority to professional development partnerships serving elementary schools, secondary schools, or local educational agencies, that serve high percentages of children from families below the poverty line.

SEC. 1106. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—Each professional development partnership receiving a grant under this title shall use the grant funds for—

(1) creating, restructuring, or supporting professional development schools;

(2) enhancing and restructuring the teacher preparation program at the school, college, or department of education within the institution of higher education, including—

(A) coordinating with, and obtaining the participation of, schools, colleges, or departments of arts and science;

(B) preparing teachers to work with diverse student populations; and

(C) preparing teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

(3) incorporating clinical learning in the coursework for prospective teachers, and in the induction activities for beginning teachers;

(4) mentoring of prospective and beginning teachers by veteran teachers in instructional skills, classroom management skills, and strategies to effectively assess student progress and achievement;

(5) providing high quality professional development to veteran teachers, including the rotation, for varying periods of time, of veteran teachers—

(A) who are associated with the partnership to elementary schools or secondary schools not associated with the partnership in order to enable such veteran teachers to act as a resource for all teachers in the local educational agency or State; and

(B) who are not associated with the partnership to elementary schools or secondary schools associated with the partnership in order to enable such veteran teachers to observe how teaching and professional development occurs in professional development schools;

(6) preparation time for teachers in the professional development school and faculty of the institution of higher education to jointly design and implement the teacher preparation curriculum, classroom experiences, and ongoing professional development opportunities;

(7) preparing teachers to use technology to teach students to high academic standards;

(8) developing and instituting ongoing performance-based review procedures to assist and support teachers' learning;

(9) activities designed to involve parents in the partnership;

(10) research to improve teaching and learning by teachers in the professional development school and faculty at the institution of higher education; and

(11) activities designed to disseminate information, regarding the teaching strategies and best practices implemented by the professional development school, to—

(A) teachers in elementary schools or secondary schools, which are served by the local educational agency or located in the State, that are not associated with the professional development partnership; and

(B) institutions of higher education in the State.

(b) CONSTRUCTION PROHIBITED.—No grant funds provided under this title may be used for the construction, renovation, or repair of any school or facility.

SEC. 1107. APPLICATIONS.

Each professional development partnership desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) describe the composition of the partnership;

(2) describe how the partnership will include the participation of the schools, colleges, or departments of arts and sciences within the institution of higher education to ensure the integration of pedagogy and content in teacher preparation;

(3) identify how the goals described in section 1103 will be met and the criteria that will be used to evaluate and measure whether the partnership is meeting the goals;

(4) describe how the partnership will restructure and improve teaching, teacher preparation, and development programs at the institution of higher education and the professional development school, and how such systemic changes will contribute to increased student achievement;

(5) describe how the partnership will prepare teachers to implement research-based, demonstrably successful, and replicable, instructional programs and practices that increase student achievement;

(6) describe how the teacher preparation program in the institution of higher education, and the induction activities and ongoing professional development opportunities in the professional development school, incorporate—

(A) an understanding of core concepts, structure, and tools of inquiry as a foundation for subject matter pedagogy; and

(B) knowledge of curriculum and assessment design as a basis for analyzing and responding to student learning;

(7) describe how the partnership will prepare teachers to work with diverse student populations, including minority individuals and individuals with disabilities;

(8) describe how the partnership will prepare teachers to use technology to teach students to high academic standards;

(9) describe how the research and knowledge generated by the partnership will be disseminated to and implemented in—

(A) elementary schools or secondary schools served by the local educational agency or located in the State; and

(B) institutions of higher education in the State;

(10)(A) describe how the partnership will coordinate the activities assisted under this title with other professional development activities for teachers, including activities assisted under titles I and II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq., 6601 et seq.), the Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.); and

(B) describe how the activities assisted under this title are consistent with Federal and State educational reform activities that promote student achievement of higher academic standards;

(11) describe which member of the partnership will act as the fiscal agent for the partnership and be responsible for the receipt and disbursement of grant funds under this title;

(12) describe how the grant funds will be divided among the institution of higher education, the elementary school or secondary school, the local educational agency, and any other members of the partnership to support activities described in section 1106;

(13) provide a description of the commitment of the resources of the partnership to the activities assisted under this title, including financial support, faculty participation, and time commitments; and

(14) describe the commitment of the partnership to continue the activities assisted under this title without grant funds provided under this title.

SEC. 1108. ASSURANCES.

Each application submitted under this title shall contain an assurance that the professional development partnership—

(1) will enter into an agreement that commits the members of the partnership to the support of students' learning, the preparation of prospective and beginning teachers, the continuing professional development of veteran teachers, the periodic review of

teachers, standards-based teaching and learning, practice-based inquiry, and collaboration among members of the partnership;

(2) will use teachers of excellence, who have mastered teaching techniques and subject areas, including teachers certified by the National Board for Professional Teaching Standards, to assist prospective and beginning teachers;

(3) will provide for adequate preparation time to be made available to teachers in the professional development school and faculty at the institution of higher education to allow the teachers and faculty time to jointly develop programs and curricula for prospective and beginning teachers, ongoing professional development opportunities, and the other authorized activities described in section 1106; and

(4) will develop organizational structures that allow principals and key administrators to devote sufficient time to adequately participate in the professional development of their staffs, including frequent observation and critique of classroom instruction.

SEC. 1109. NATIONAL ACTIVITIES.

(a) IN GENERAL.—The Secretary shall reserve a total of not more than 10 percent of the amount appropriated under section 1111 for each fiscal year for evaluation activities under subsection (b), and the dissemination of information under subsection (c).

(b) NATIONAL EVALUATION.—The Secretary, by grant or contract, shall provide for an annual, independent, national evaluation of the activities of the professional development partnerships assisted under this title. The evaluation shall be conducted not later than 3 years after the date of enactment of the Teacher Excellence in America Challenge Act of 1998 and each succeeding year thereafter. The Secretary shall report to Congress and the public the results of such evaluation. The evaluation, at a minimum, shall assess the short-term and long-term impacts and outcomes of the activities assisted under this title, including—

(1) the extent to which professional development partnerships enhance student achievement;

(2) how, and the extent to which, professional development partnerships lead to improvements in the quality of teachers;

(3) the extent to which professional development partnerships improve recruitment and retention rates among beginning teachers, including beginning minority teachers; and

(4) the extent to which professional development partnerships lead to the assignment of beginning teachers to public elementary or secondary schools that have a shortage of teachers who teach the subject matter in which the teacher received a degree or specialized training.

(c) DISSEMINATION OF INFORMATION.—The Secretary shall disseminate information (including creating and maintaining a national database) regarding outstanding professional development schools, practices, and programs.

SEC. 1110. SUPPLEMENT NOT SUPPLANT.

Funds appropriated under section 1111 shall be used to supplement and not supplant other Federal, State, and local public funds expended for the professional development of elementary school and secondary school teachers.

SEC. 1111. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $100,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003.

(Ms. MILLENDER-MCDONALD asked and was given permission to revise and extend her remarks.)

Ms. MILLENDER-MCDONALD. I offer this amendment, Mr. Chairman, because we must improve the quality of teachers teaching our children. As a former educator in the Los Angeles Unified School District, I know the discouragement and despair that saps the morale and inspiration of our teachers, which directly impacts our children. I believe that we must restore the stature and importance of the profession of teaching. We must have the best-trained teachers if we expect our children to be the best.

This is why I have offered the Teacher Excellence Amendment which will change the way teachers are trained and improve the quality of teaching in America's classrooms. The language implements some of the recommendations from the National Commission on Teaching in America's Future, of which I am the only Member of Congress who serves on that commission.

My amendment, Mr. Chairman, will directly connect our teacher preparation system to our schools by establishing a competitive grant program for professional development partnership consisting of colleges, public schools, State and local educational agencies, teacher organizations, professional education organizations and others. If we are to make sure or to ensure that teachers are professionally trained, Mr. Chairman, we must make sure that we then have the type of professional development that will not just be weekend professional development but will be ongoing professional development.

The amendment also provides for the continuing development and professional training of veteran teachers, and it also provides for mentorship of prospective and beginning teachers by veteran teachers. We recognize that beginning teachers must have pre-induction and post-induction training and support systems. Therefore, this bill and this amendment would allow for that type of professional development of veteran teachers.

The amendment also increases recruitment to outreach for more diverse students toward teacher discipline. It prioritizes awarding of grants to programs serving low-income areas. It promotes the use of teachers of excellence, who have master teaching techniques in subject areas, to come back and teach those beginning teachers, as well as teachers that are certified by the National Board of Professional Teaching Standards, to assist prospective and beginning teachers.

Now some of the weaknesses of the underlying bill: It prohibits a national system of teaching certification, and we from the National Commission of Teaching in America's Future recognize it is the fact that we must have a national system of teacher certification so that we will ensure that teachers are certified to teach in those prospective disciplines.

This amendment also authorizes $100 million as opposed to the 18 million that the present bill has. We see this as a need, if we are going to encourage more professional development, that is sorely needed for qualified teachers.

It also mandates governors to submit grant applications instead of allowing individual professional development partnerships to submit their own grant applications.

Mr. Chairman, I do urge that my colleagues support this teacher excellence amendment as it ensures America's teachers be the best trained they can be to educate our children for the world of work; and for that, Mr. Chairman, I ask for the approval of the amendment.

Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, as I understand it, we are working with the gentlewoman between now and conference time to see what we can do with her desires.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I do hope that we can work together because there are a lot of provisions in my amendment that are not in the present bill, and I think it is critical that we include these provisions if we are going to indeed talk about professional training for teachers and ensure that teachers are qualified to teach in that discipline. And for that reason, I sure hope that I have the understanding from the gentleman that we will work with the provisions that I have in concert with what the gentleman has.

For that reason, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN pro tempore. The amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD) is withdrawn.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas: at the end of the bill, add the following new title:

TITLE XIII—EARLY DYSLEXIA DETECTION

SEC. 1202. EARLY DYSLEXIA DETECTION.

Directs the Secretary to conduct a study and submit a report to the Congress on methods for identifying students with dyslexia early in their educational training, and conduct such study in conjunction with the National Academy of Sciences.

MODIFICATION TO AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to modify my amendment with the modification at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 31 offered by Ms. JACKSON-LEE of Texas: in lieu of the matter proposed to be added at the end of the bill, add the following:

TITLE XI—SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING DETECTION OF LEARNING DISABILITIES, PARTICULARLY DYSLEXIA, IN POST-SECONDARY EDUCATION

SEC. 1101. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that colleges and universities receiving assistance under the Higher Education Act of 1965 shall establish policies for identifying students with learning disabilities, specifically students with dyslexia, early during their postsecondary educational training so they may have the ability to receive higher education opportunities.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentlewoman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The modification is agreed to.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I do want to thank the gentleman from Pennsylvania (Mr. GOODLING) the chairperson, for both cooperating with me on this sense of Congress, but as well acknowledging the many efforts that we have offered and constructed dealing with learning disabilities and, in particular, dyslexia. Let me thank the gentleman from Missouri (Mr. CLAY) for his kindness and cooperation as well, the gentleman from California (Mr. MCKEON), and the gentleman from Michigan (Mr. KILDEE) for their sensitivity to this issue.

Fifteen percent of the U.S. population, about 1 of 7 or 39 million Americans, have some form of learning disability according to the National Institutes of Health. While some students come to college already identified as having learning disabilities, others may not be recognized or begin to understand their difficulties until they reach college, and in particular because the pace changes.

Despite greater awareness of learning disabilities in elementary and high schools, children still slip through the cracks. Parents and teachers are understanding the reluctance to characterize their children's problems as disabilities, and therefore people with learning disabilities come as intelligent human beings and are as intelligent as the rest of the population, but a gap begins. Students with learning disabilities come to college with the same motivations as other students.

An article that appeared in the New England Journal of Medicine said, ''A treatment of reading disorder, dyslexia, demands a life-span perspective. Why do you say that we have not detected it in the earlier years?'' Well, sometimes that does not occur. Students go all the way through high school, come to college and find out at the moment when they are looking for their career, they cannot function.

Mr. Chairman, this is destructive and devastating. If an adult has a learning disability, they may experience many problems, but they no longer spend their day in school and cannot turn to the public school system for evaluation and special instruction. Our colleges do have this ability.

According to Dr. Sally Shaywitz, developmental dyslexia is characterized by an unexpected difficulty in reading in children and adults who otherwise possess the intelligence, motivation, and schooling considered necessary for accurate and fluent reading in order to be able to succeed. I could call off the roll, Mr. Chairman, of so many people of excellence throughout this Nation who will tell my colleagues, both quietly and publicly, ''I have dyslexia,'' only discovered, however, late in life. Dyslexia is the most common and most carefully studied of the learning disabilities, affecting 80 percent of all those identified as learning disabled. Many become aware of dyslexia later in life because of the more rigorous pace of college.

So it is very important that this sense of Congress does acknowledge that education means excellence, and because of excellence we are going to work with the chairperson and demand that we focus on this very important element.

Let me also say, Mr. Chairman, if I might step briefly aside to say as the Riggs amendment comes to the floor of the House, it has not yet come, but because I think these are so much intertwined and related, I simply want to acknowledge my strong opposition to the Riggs amendment and will revise my remarks; for it is evident that in Houston when we defeated Proposition A, it is very clear that in defeating proposition A, we in Houston and in Texas have said no to eliminating affirmative action.

The Riggs amendment would propose to eliminate affirmative action in higher education. It is the same thing as holding someone back, not giving them the opportunity. We have seen the evidence of diminishing applications for Hispanics and African Americans in California and the devastation of Hopwood in Texas.

I would simply say, Mr. Chairman, that it is important that we create opportunities at all levels. Vote down the Riggs amendment. And I hope that my sense of Congress on the issue of dyslexia dealing with learning disabilities will see more highlight and more light on this issue of making sure that those very bright and intelligent individuals with learning disorders and dyslexia be treated in such a way that our colleges detect it and give them the opportunity to succeed and have an effective and positive career.

With that, Mr. Chairman, I would ask the gentleman from Pennsylvania (Mr. GOODLING just for a moment, and I will yield on the dyslexia sense of Congress; I would appreciate it if we could work together on this idea of making sure that everyone who has a learning disability has an opportunity to learn.

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Mr. GOODLING. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, we accept the gentlewoman's sense of Congress resolution.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania.

Mr. Chairman, I rise to offer a Sense of Congress Amendment to H.R. 6, the Higher Education Amendment of 1998. This amendment directs the Secretary of Education to conduct colleges and universities to create policies for identifying students with dyslexia early in their college or university training.

Fifteen percent of the U.S. population-about one of seven-or 39 million Americans have some form of learning disability, according to the National Institutes of Health.

While some students come to college already identified as having learning disabilities, others may not recognize or begin to understand their difficulties until they reach college. Despite greater awareness of learning disabilities in elementary and high schools, children still slip through the cracks; parents and teachers are understandably reluctant to characterize a child's problems as ''disabilities.''

People with learning disabilities are as intelligent as the rest of the population. Their learning disability, however, creates a gap between ability and performance.

Students with learning disabilities come to college with the same motivations as other students: to explore interests, broaden knowledge and understanding, satisfy curiosity, and prepare to contribute to the working world and to society.

An article that appeared in the New England Journal of Medicine says the treatment of the reading disorder dyslexia demands a life-span perspective. Adults who have trouble reading or learning usually have had these problems since they were children. Their problems may stem from having a learning disability that went undetected or untreated as a child.

If an adult has a learning disability they may experience many problems, but they no longer spend their day in school and cannot turn to the public school system for evaluation and special instruction.

According to Dr. Sally E. Shaywitz, developmental dyslexia is characterized by an unexpected difficulty in reading in children and adults who otherwise posses the intelligence, motivation, and schooling considered necessary for accurate and fluent reading.

Dyslexia is the most common and most carefully studied of the learning disabilities, affecting 80 percent of all those identified as learning disabled.

The need to better understand the source of learning disabilities in adults is extremely important. Persons with learning disability may exhibit several of many behaviors.

They may demonstrate difficulty in reading, writing, spelling, and/or using numerical concepts in contrast with average to superior skills in other areas. They may have poorly formed handwriting. They may have trouble listening to a lecture and taking notes at the same time. The person may be easily distracted by background noise. They may have

trouble understanding or following directions. Confuses similar letters such as ''b'' and ''d'' or ''p'' and ''q''. Confuses similar numbers such as 3 and 8, 6 and 9 or changes sequences of numbers such as 14 and 41. This is only a short list of those things which may indicate dyslexia in an adult.

The diagnostic process for adults with learning disabilities is different from diagnosis and testing for children. While diagnosis for children and youth is tied to the education process, diagnosis for adults is more directly related to problems in employment, life situations, and education.

Adults becoming aware of dyslexia later in their educational career can be due to the change of pace that is found in colleges and universities as well as the volume of work required to compete in higher education.

Policies by colleges and universities creating methods for identifying students with dyslexia early in their college or university training can allow us to provide assistance to the learning disabled as they work to obtain degrees or specialized training for careers.

Mr. Chairman, I rise today to speak against the Riggs Amendment to H.R. 6, the Higher Education Amendments of 1998. Plainly stated, the Riggs Amendment, if passed, would end all affirmative action measures directed toward creating more ethnically diverse student bodies in our Nation's institutions of higher learning. The issue here is very clear, the Riggs Amendment is a threat to the very kind of inclusiveness that we Americans say that we unequivocally cherish. Currently, as it has been repeatedly clarified by the highest Court in the land, any higher education admissions program that takes into account ''race, sex, color, ethnicity or national origin'', can only do so in a narrowly tailored fashion to remedy a specific art of discrimination (Adarand v. Pena, O'Connor) or as a ''plus factor'' to a college or university seeking to create a culturally and ethnically diverse student body (Bakke v. California Board of Regents, Powell). Simply stated, affirmative action admissions programs in this country do not operate without clear legal constraints. Blind preferences are not given to women and minorities in our nation's higher education admissions programs; essentially, affirmative action is a means to an end. The end of making our colleges and universities resemble the beautiful multi-ethnic diversity of our proud nation.

There is no doubt that without the active participation of the federal government in promoting affirmative action programs, the ability of minorities and women to effectively compete and matriculate into institutions of higher learning will be dramatically reduced. According to information released by Boalt Hall at the University of California, Berkeley, the elimination of affirmative action has produced a substantial drop in the number of offers of admission made to minority applicants other than Asians for fall 1997 at UC Berkeley's school of law. Boalt Hall made 815 offers of admission last year; 75 were made to African Americans and 78 were made to Hispanics/Latinos. However, under the elimination of affirmative action at Boalt Hall, of the 792 offers of admission, only 14 were made to African Americans and only 39 were made to Hispanics/Latinos.

In response to these dismal numbers, Boalt Hall dean Kay Hill stated, ''this dramatic decline in the number of offers of admissions made to non-Asian minority applicants is precisely what we feared would result from the elimination of affirmative action at Boalt.'' In Texas the numbers are no better. In the class that began at the University of Texas Law School last fall, of the 791 students admitted, only 5 African Americans and 18 Hispanics were admitted. This is a striking contrast to the 65 African Americans and 70 Mexican Americans admitted last year.

Additionally, undergraduate enrollment has dropped as well. 421 African Americans and 1,568 Hispanics were admitted to the University of Texas in 1996. However, in 1997, only 314 African Americans and 1,333 Hispanics received offers for admittance. The total enrollment at the four University of Texas medical schools has dropped from 41 African Americans in 1996 to only 22 for 1997. The assault on affirmative action will have dramatic results in the number of doctors, lawyers, individuals holding advanced degrees in the African American and minority communities.

There is no doubt that these dismal numbers in Texas are a direct result of the decisions in Hopwood versus Texas. Four white rejected applicants to the University of Texas school of law sued in Federal court, claiming that the law school's 1992 affirmative action program violated the U.S. Constitution. The court held that the state university's law school admission program which discriminated in favor of minority applicants by giving substantial racial preferences in its admission program violated equal protection.

The panel of justices in Hopwood ruled that any consideration of race or ethnicity by the University of Texas law school for the purpose of achieving a diverse student body is not a compelling interest. The court reasoned that the use of race for diversity purposes was grounded in racial sterotyping and stigmatized individuals on the basis of race. Additionally, the court in Hopwood rejected consideration of race as a remedy for the present effects of past discrimination. The court refused to include prior discrimination by the undergraduate school of the university or discrimination within Texas' elementary and secondary schools as a reason for the law school to use a remedial racial classification.

We seek affirmative action today because we are still suffering from the history of affirmative racism in this county. Even the court in Adarand acknowledged that the government has a compelling interest in remedying the ''unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country.'' I vehemently disagree with the court in Hopwood in saying that diversity is not a compelling interest. It is evident that the justices in Hopwood have not had the pleasure and experience of participating in a diverse setting. As Jonathan Alger of the American Association of University Professors wrote, ''diversity is not a dirty word.''

Regents of the University of California versus Bakke is the law of the land. In the 1978 Bakke decision, Justice Powell found that a diverse student body in a university setting enhances the learning environment for all students and therefore is a compelling interest in support of affirmative action. The court held that the rigid reservation of 16 places on the basis of race was unconstitutional. However, Bakke concluded that the flexible consideration of race, as one of many factors used to obtain a highly qualified, diverse entering class as permitted by the constitution.

Therefore, we must continue our commitment to prioritize diversity as an important and worthy necessity in achieving the goal of true racial inclusion in this country. As the great civil rights activist and former national director of the Urban League, Whitney Moore Young, Jr. Wrote in his 1964 book To Be Equal, ''only hopelessly insecure, tragically immature people need to surround themselves with sameness. People who are secure and mature, people who are sophisticated, want diversity. One doesn't grow by living and associating only with people who look like oneself, have the same background, religion, and interests.'' So please join with me and vote down the Riggs Amendment of H.R. 6.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 63 OFFERED BY MR. HALL OF TEXAS

Mr. HALL of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Did the gentleman from Texas have his amendment printed in the RECORD?

Mr. HALL of Texas. Mr. Chairman, it is my understanding that it was.

The CHAIRMAN pro tempore. The Clerk has already read title VIII. Does the gentleman request unanimous consent for his amendment to be considered?

Mr. HALL of Texas. Mr. Chairman, I ask unanimous consent that my amendment be considered at this point.

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

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 63 offered by Mr. HALL of Texas: At the appropriate place in the bill to Title VIII insert the following new section:

SEC. TEXAS COLLEGE PROVISION.

The Secretary may not consider audit deficiencies relating to record keeping with respect to qualifying students for financial aid at Texas College, located in Tyler, Texas, for academic years prior to and including academic year 1994–1995 in determining whether Texas College complies with the financial responsibility and administrative capacity standards under Section 498 of the Higher Education Act of 1965, if Texas College has filed an affidavit with the Department of Education stating that it has made a good faith effort to furnish records to the Department with respect to such audits.

Mr. HALL of Texas. Mr. Chairman, this amendment would preclude the U.S. Department of Education from imposing audit deficiencies on Texas College that result from records not maintained or retained by the college administrators for academic years 1990–1991 to the arrival of the current administration at the college in 1994.

Although a very diligent effort has been made and is continuing to be made by the staff of the current administration to locate these records, it is to no avail due to failures of previous personnel. There has been an effort

made to produce these records, and they are just not available.

They produced a number of answers to the questions, inquiries submitted by the Department of Education, I think enough to allow the department some leeway, and we are working with the department at this time in order to work this matter out.

Texas College's current application for participation in the title IV student assistance programs is being, I think, needlessly delayed based on the absence of records and assertions that failure to produce such records means the current administration is financially irresponsible and administratively incapable.

That is just not the situation. We have Texas College, which is a black college founded in 1894, affiliated with the Christian Methodist Episcopal Church. Bishop Gilmore serves as the Episcopal bishop in Texas. We have had a new president, Dr. Strickland, at Texas College since November of 1994.

The members of the board and their associations have put millions of dollars into this college in order to keep it open. They have, against great odds, kept it open since the funds were cut off in 1994. We intend to keep on doing that. Although Texas College may be liable for certain deficiencies associated with the absence of these records, their absence should not bear on the present capacity to administer title IV funds with personnel, new personnel, new administrative policies, and new financial aid procedures.

Mr. Chairman, this amendment simply relieves Texas College, if they make a good-faith effort to furnish such records, from having to produce records that may no longer exist as it seeks to reestablish its title IV eligibility.

Mr. SESSIONS. Mr. Chairman, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, we are discussing this issue because this has been an ongoing dialogue that the gentleman from Texas (Mr. HALL) and I have had with the Department of Education. We believe that our work on behalf of Texas College is not only very deserving, but what we are attempting to do here this evening is to reinforce to the Department of Education that we believe that Texas College is making every single effort that they can to comply with the Department of Education and, further, to make sure that they have provided to the Department of Education those things that are necessary for certification.

The reason that we are here is because this discussion is taking place today about education, and we would wish at this time to make sure that the Department of Education knows that we are attempting to work with them; and that the gentleman from Texas (Mr. HALL) and I, while we are offering this amendment, I believe that at this time we would wish not to go further with this amendment.

Mr. HALL of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman.

Most of the issues have already been addressed by Texas College and the subject of repayment agreements have been satisfied by the college and are the subject of an appeal that is filed with the Department of Education. The Department of Education is working with us.

I thank the Chairman and I thank my colleagues for their time.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 411, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 75 offered by Mr. ROEMER of Indiana;

Amendment No. 70 offered by Mr. MILLER of California;

Amendment No. 5 offered by Mr. STUPAK of Michigan.

AMENDMENT NO. 75 OFFERED BY MR. ROEMER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 292, noes 129, not voting 11, as follows:

[Roll No. 130]

AYES—292

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Buyer
Calvert
Camp
Campbell
Capps
Cardin
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Costello
Cox
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Goode
Goodlatte
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefley
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riggs
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snyder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

NOES—129

Archer
Armey
Ballenger
Barr
Bass
Bilbray
Bliley
Boehlert
Boehner
Brady
Bunning
Burr
Burton
Callahan
Canady
Cannon
Chambliss
Chenoweth
Coble
Coburn
Collins
Condit
Cook
Cooksey
Crane
Crapo
Cubin
Davis (VA)
DeLay
Diaz-Balart
Doolittle
Dunn
Ehrlich
Everett
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodling
Goss
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hill
Hobson
Hoekstra
Hunter
Hutchinson
Hyde
Inglis
Johnson, Sam
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette

Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Mollohan
Ney
Northup
Norwood
Nussle
Packard
Parker
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Redmond
Regula
Riley
Rogan
Ros-Lehtinen
Ryun
Sabo
Schaefer, Dan
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith, Linda
Snowbarger
Solomon
Souder
Stump
Sununu
Thomas
Thornberry
Tiahrt
Traficant
Weller
Wicker
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Carson
Christensen
Doyle
Gonzalez
Hastings (FL)
McNulty
Neumann
Radanovich
Skaggs
Spratt

□ 1844

Messrs. HOEKSTRA, REDMOND, SKEEN, DAVIS of Virginia, GILMAN, FOLEY and ROGAN changed their vote from ''aye'' to ''no.''

Messrs. MCDERMOTT, DUNCAN, CALVERT, JOHNSON of Wisconsin, BLUMENAUER, QUINN, MCHUGH, DICKEY, PAXON, MCCRERY, SALMON, BROWN of California, ADERHOLT, BAKER, MARTINEZ and SPENCE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 411, the Chair announces the he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 70 OFFERED BY MR. MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MILLER), on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 28, not voting 11, as follows:

[Roll No. 131]

AYES—393

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—28

Barr
Bonilla
Cannon
Coburn
Collins
Cubin
Dickey
Doolittle
Hall (TX)
Herger
Johnson, Sam
Kolbe
Largent
Miller (FL)
Packard
Paul
Pombo
Rohrabacher
Sanford
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stump
Taylor (NC)
Thornberry
Tiahrt
Wicker

NOT VOTING—11

Bateman
Carson
Christensen
Doyle
Gonzalez
Hastings (FL)
McNulty
Neumann
Radanovich
Skaggs
Spratt

□ 1855

Mr. FRELINGHUYSEN and Mr. ROYCE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 219, noes 200, not voting 13, as follows:

[Roll No. 132]

AYES—219

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clyburn
Coburn
Conyers
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Fox
Frost

Furse
Ganske
Gejdenson
Gephardt
Gillmor
Gilman
Gordon
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
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Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
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Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
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Rahall
Ramstad
Rangel
Reyes
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Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thurman
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—200

Aderholt
Allen
Archer
Armey
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
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Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
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Cook
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Costello
Cox
Crane
Crapo
Cubin
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
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Hayworth
Hefley
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Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thornberry
Thune
Tiahrt
Tierney
Upton
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)

NOT VOTING—13

Bateman
Carson
Christensen
Doyle
Gonzalez
Hastings (FL)
McNulty
Myrick
Neumann
Radanovich
Shaw
Skaggs
Spratt

□ 1902

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GOODLING. Mr. Chairman, I move to strike the last word in order to announce what the proceedings will be for this evening.

We now have a 2-hour window where there is a 2-hour debate on the Riggs amendment. We will then vote on the Riggs amendment. Then we will have the Campbell amendment. And then we will vote on the Campbell amendment. Then we will have final passage.

So everybody knows, the next 2 hours will be general debate. We will finish the bill this evening.

AMENDMENT NO. 73 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 73 offered by Mr. RIGGS:

Add at the end the following new title (and conform the table of contents accordingly):

TITLE XI—DISCRIMINATION AND PREFERENTIAL TREATMENT

SEC. 1001. PROHIBITION AGAINST DISCRIMINATION AND PREFERENTIAL TREATMENT.

(a) PROHIBITION.—No public institution of higher education that participates in any program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall, in connection with admission to such institution, discriminate against, or grant preferential treatment to, any person or group based in whole or in part on the race, sex, color, ethnicity, or national origin of such person or group.

(b) EXCEPTION.—This section does not prohibit preferential treatment in admissions granted on the basis of affiliation with an Indian tribe by any tribally controlled college or university that has a policy of granting preferential treatment on the basis of such affiliation.

(c) AFFIRMATIVE ACTION ENCOURAGED.—It is the policy of the United States—

(1) to expand the applicant pool for college admissions;

(2) to encourage college applications by women and minority students;

(3) to recruit qualified women and minorities into the applicant pool for college admissions; and

(4) to encourage colleges—

(A) to solicit applications from women and minority students, and

(B) to include qualified women and minority students into an applicant pool for admissions.

so long as such expansion, encouragement, recruitment, request, or inclusion does not involve granting a preference, based in whole or in part or race, color, national origin, or sex, in selecting any person for admission.

(d) DEFINITION.—As used in this section, the term ''public institution of higher education'' means any college, university, or postsecondary technical or vocational school operated in whole or in part by any governmental agency, instrumentality, or entity.

The CHAIRMAN. Pursuant to the order of the Committee of Tuesday, May 5, 1998, the gentleman from California (Mr. RIGGS) and the gentleman from Missouri (Mr. CLAY) will each control 1 hour.

The Chair recognizes the gentleman from California (Mr. RIGGS).

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

Mr. Chairman, first of all, let me say that I hope we can approach debating this issue with open minds and open hearts, and that we can stipulate at the beginning of this debate that we are people of good will who can have genuine disagreements at times but who, because of the high elective offices and the public trust that we hold, have an obligation to debate issues such as the one that I put before the House this evening.

I want to say at the beginning of my comments that I acknowledge that discrimination continues to exist in our society and that it is morally wrong, but I believe we will never end discrimination by practicing discrimination, and I believe it is time for the United States Congress to end preferences once and for all.

Now, let me, at the beginning of the debate, explain what my amendment does and does not do. First of all, I should explain that my amendment is substantively different from the amendment of the gentleman from California (Mr. CAMPBELL), which will follow mine. And not to preempt that gentleman, but I am very pleased to have his support of my amendment and intend to reciprocate by supporting his amendment.

My amendment is very simple and straightforward. In a way, I guess it would have been good for the Clerk to actually have read it, because it is concise enough. My amendment is patterned after California's Proposition 209, the California civil rights initiative, and it is intended to bring an end to racial preferences in college admissions.

My amendment very specifically, very succinctly bans public, I say again, public colleges and universities that accept Federal funding under the Higher Education Act from using racial or gender preferences in admissions. My amendment does not in any way,

though, impinge on minority outreach programs or minority scholarships for qualified individuals.

I am very proud of the fact that a couple of years ago I was recognized and honored by the TRIO organization for my efforts to expand the funding for TRIO, which is a minority outreach and minority scholarship program that encourages institutions of higher learning, 4-year colleges and universities, to establish partnerships with secondary institutions of learning, high schools.

So I want to say that I strongly believe in affirmative steps to expand the pool of qualified minority applicants at every public college or university as long as, as long as the school admission decision is not made on the basis of race or sex. I believe that we can achieve the twin goals of diversity in minority outreach without the need for preferences that favor one minority group over another, as has been the case in California, and as I will elaborate as the debate proceeds tonight.

Now, I believe I have a chart here, and maybe we will get it up with the help of one of the pages. I would like to, as this chart goes up, tell my colleagues of some recent polling data that demonstrates, I think unequivocally, that Americans overwhelmingly support legislation to make hiring, contracting, and college admissions race and gender neutral.

Here are the highlights of that polling data. Seven in 10 voters believe that California's Proposition 209 should not be overturned. But more importantly, nearly 9 out of 10, 87.2 percent of Americans, said race should not be a factor in admission to a public college or university. And that included more than 3 out of 4, 75.7 percent, of African-American voters who were surveyed and who said that race should not be a factor in admission to a public college or university. So I believe the time has come for this body to act.

I realize that there are a lot of people who wish that this debate would go away or at least could be held for another date, preferably beyond this election cycle. But as our friend, my friend and colleague, the gentleman from Oklahoma (Mr. J.C. WATTS), told me the other day, there is never a wrong time to do the right thing.

I want to make it very, very clear that I intended to offer this amendment last year to the annual spending bill, the appropriations bill for the Department of Education, but waited for this debate and this day to offer this amendment so that it could be more appropriately discussed in the context of reauthorizing the Federal/taxpayer-funded higher education programs.

I do not want my colleagues to be misled about my amendment. I have made modifications to this amendment to make it more acceptable to more Members of this body. First of all, with some reservation, I excluded private colleges and universities, even though almost all private colleges and universities receive substantial Federal-taxpayer funding for student financial aid under this legislation.

Secondly, as I will point out in a later colloquy with our colleague, the gentleman from Arizona (Mr. HAYWORTH), I specifically excluded tribally-run institutions, colleges and universities on tribal reservations, or Indian lands, even though most of them are public, and my bill now applies only to public colleges and universities. But I did that because of the concerns that I heard, loud and clear, about treaty obligations, tribal sovereignty, and the government-to-government relationship enjoyed between the United States of America, the Federal Government, and tribal governments around the country.

My amendment does not ban single-sex schools. In fact, it expressly allows them. It does not prevent courts from fashioning remedies to actual discrimination. There is ample authority for such action under current civil rights law dating back to the 1964 Federal Civil Rights Act.

My amendment does not, as I said earlier, prevent schools from minority recruitment outreach or scholarships, and it does not, and I say this to my Republican brethren, my more conservative colleagues, it does not increase the role of the U.S. Department of Education in admissions oversight. In fact, it would stop the Department of Education's Office of Civil Rights' practice of telling public colleges and universities to grant admission preferences even where courts have expressly ruled against them, as in the case of the University of Texas Law School and the Hopwood case.

So I want to make clear that people should not be dissuaded from doing what is right under the Constitution by erroneous arguments that opponents to my amendment may make during the debate a bit later.

As the author of California's civil rights initiative, Proposition 209, Ward Connerly pointed out, who is an African-American businessman who serves on the University of California's Board of Regents, granting an individual preference based on their race or gender means another individual has been discriminated against based on their race or gender. And that is as succinct and compelling an argument as I can make for my amendment this evening.

□ 1915

I think we all know that different groups suffer under affirmative action in admissions the way it operates in America today. Minority group members suffer because when they are admitted under lower standards; they oftentimes perform less well. They need remedial help. They are at risk of dropping out. Many of them do not complete a 4-year college education and obtain a college degree. And unfortunately, other people on that campus and in the college community all too often make that link between subpar performance and someone's skin color.

That is wrong. That is as discriminatory in thought as racial preferences are in practice. Stereotypes are reinforced, not diminished.

Secondly, individuals who are not members of minority groups but are otherwise academically qualified students are oftentimes excluded in order to admit individuals with lesser credentials.

Let me just tell my colleagues one of the arguments that is being made here. I want to make reference to a recent article in the New Republic by a man, Nathan Glazer, who wrote a book back in 1975 titled, provocatively enough, ''Affirmative Discrimination,'' and who is now apparently reconsidering his position and comes to the conclusion that affirmative action is bad but banning it is worse.

In the context of this article he says, ''I have focused on the effects of affirmative action, or its possible abolition, on African Americans. But of course, there are other beneficiaries. Asian Americans and Hispanics are also given affirmative action.'' Then he goes on to say, and I wonder if these words strike my colleagues as discriminatory as they strike me, ''But Asian Americans scarcely need it.'' He and others contend that most Asian Americans, most young people of Asian ancestry come from affluent communities and therefore have some sort of socioeconomic advantage that most African Americans do not have.

Well, have my colleagues ever been to a Chinatown in a big city in America? Would we consider that to be an affluent community? Do we lump all Asian Americans together, including Cambodians, Laotians, the Mung population, all the recent immigrants to America, many of whom have struggled to obtain American citizenship, of Asian American ancestry?

Those kinds of words are inherently discriminatory. We cannot, we should not allow a practice that pits one racial group against another. That is what has happened in California. That is part of the genesis, if you will, for Proposition 209. Asian Americans were being excluded from consideration for admissions because the University of California was practicing a policy that gave preference to other minority groups, namely African Americans and Hispanic Americans.

Is that fair? Is it right? Will someone come down to the well tonight and argue that that practice should be continued? What would my colleagues say to those Asian American young people and to those families in California that have been blatantly discriminated against as a result of these practices?

I also want to point out that colleges and universities are lessened by the hypocrisy of ostensibly being in favor of equal opportunity, but actually practicing discriminatory policies. And, colleagues, it is going on all over the country.

Here is an article from USA Today dated November 28, 1997. It says how

Michigan admittance standards differed.

Now, there is a chart here. My colleagues have to understand the background of this chart. This chart came to light through a Freedom of Information request filed by philosophy professor Dr. Carl Cohen, who is a former, and I quote from the article, former board member of the ACLU, American Civil Liberties Union, and the author of a 1995 book called ''Naked Racial Preferences: The Case Against Affirmative Action.''

Here is the chart, and this is the basis for current litigation filed by two students against the university, two white students charging bias by the University of Michigan. I quote from the article with respect to this chart.

I just want to tell the young lady here, the page, that she will not find that chart in the charts we prepared. But I will make it available and I will make sure it is inserted later, when we rise from the Committee of the Whole and go back into the House, into the RECORD.

But I quote from the article. At the heart of the lawsuit filed by these students is what opponents of affirmative action call ''the smoking gun.'' A chart, this chart, my colleagues, right here, and would I love to share this with my colleagues if they would like to come up and take a closer look, a chart that, according to the USA Today article is used by the university's admissions office to decide who gets in and who does not. This chart clearly, indisputably demonstrates that whites and minorities with identical grades and test scores meet different fates. The white applicants are rejected or deferred while minorities are automatically admitted. That is what this chart shows.

And as Dr. Cohen points out, the point I just tried to make a moment ago, and he can make it better, I quote Dr. Cohen. ''I want the university,'' referring to the University of Michigan, ''to be a place, to live up to its ideals, not betray them to accomplish a short-range objective. Constitutions are designed to prevent taking shortcuts.''

And lastly, the community as a whole suffers under affirmative action the way it now operates because the different or disparate treatment of racial groups breeds mistrust. The time has come to put an end to affirmative action. And while I say that as it is being practiced in college admission policies, I hasten to add that I have worked long and hard to try and create more opportunity, better opportunity, I hope some day equal opportunity for every American.

And as the gentleman from Oklahoma (Mr. WATTS) said to me, if we want affirmative action in American society, and I know he signed on to a Dear Colleague with our good friend, the gentleman from Georgia (Mr. LEWIS), but as my colleague told me the other day, if we want affirmative action, we have to start by approving the quality of primary and secondary education in America. That is where affirmative action begins, not in higher education. It starts in ensuring that every child in every elementary school around the country has the opportunity to receive a first-class, a world-class education. That is the very point that the gentleman from Pennsylvania (Mr. GOODLING) has made in supporting my amendment.

I want to quote from the statement that he sent out. He said that he supports my amendment and said, ''The continued use of preferences in admissions does nothing but pit one minority group against another, while building a society of legal and ethnic divisions. It is time to put a stop to this discriminatory practice.''

He goes on to say that my amendment embodies the idea of a color-blind society. Well, I am not the one that advanced the idea of a color-blind society. In modern times, that vision is the vision of Dr. Martin Luther King, Jr. I think everybody knows that. He was the one that talked about a day when someone would be judged by the content of their character, not the color of their skin.

But the chairman and I have, and I hope most Members of this body on a bipartisan basis, can agree that the best way to help women and minorities succeed in college and later in the workplace is by giving them a sound education at the primary and secondary level. Quality education is the key, not some system as has evolved at too many public colleges and universities around the country of contrived admission preferences or quotas for particular groups.

Mr. LEWIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, I say to my colleague, the gentleman from California (Mr. RIGGS), I knew Martin Luther King, Jr., very well. I worked with him for many years. He was my friend, my leader, my hero, my brother. If he was standing here tonight, I tell my colleagues, he would say he believes in a color-blind society, but he would tell us that we are not there yet, and he would not be supporting the Riggs amendment.

So I think that it is not right to use Martin Luther King in this manner.

Mr. RIGGS. Mr. Chairman, reclaiming my time, I respect the opinion of the gentleman from Georgia.

Mr. Chairman, I will continue for just a moment to say that Martin Luther King, I think we can agree on this, he dreamed of the day, he spoke of the day, he preached of the day when all Americans would participate freely in the American dream.

I cannot see how continuing institutionalized discrimination, or if we want to go one step further, institutionalized racism, and I do not use that word lightly because I know it is an explosive word, I cannot see how that moves us towards the realization of Dr. King's vision. Because I believe institutionalized discrimination is inherently unfair, it is undemocratic, and I think ultimately it is anti-American.

With all due respect to the gentleman from Georgia (Mr. LEWIS), who obviously knew Dr. King well and worked with him, I would like to believe that Dr. King would agree that as we approach the dawn of a new millennium, now is the time to try to move our country in the direction of a post-affirmative action era where we really can build, working as individuals and human beings and as American citizens and as children of God, a color-blind society.

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

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

First of all, Mr. Chairman, I would like to correct the RECORD. The previous speaker referred to the TRIO program as a minority outreach program, but it is not. It is a disadvantaged outreach program, and the majority of students enrolled in TRIO are white.

Mr. Chairman, I rise in opposition to the amendment being offered by the gentleman from California (Mr. RIGGS). His attempt to ban the use of affirmative action efforts by colleges and universities is nothing more than a scheme to return the system of higher education to the bad old days of racial segregation. If we follow that direction, our schools will again become a bastion of white, male, good old boys.

In addition, this amendment completely shatters the bipartisan nature of H.R. 6, which has been successfully developed by the members of the Committee on Education and the Workforce. It is a cruel hoax, Mr. Chairman, to declare that we live in a color-blind society in which only merit counts. Merit is only one criterion for college admissions.

Children of alumni have always received special treatment. Children of wealthy donors have always been shown preferential treatment. Athletic ability and musical talents have always been major considerations when deciding whom to admit to colleges and universities. Colleges routinely seek to have classes which reflect geographical differences and other kinds of diversity in the belief that diversity is good educationally.

Affirmative action was not designed to deny rights unjustly to those qualified, but to provide remedies for those qualified who are unjustly denied. For this Congress to now prohibit efforts by university leaders to correct centuries of inequitable admission practices is an arrogant abuse of Federal power. It has taken the Nation's colleges nearly 3 decades to develop and implement admission policies which have begun to close the educational gap existing between minorities, women, and their white male counterparts.

Mr. Chairman, this amendment is identical to Proposition 209, passed by

California voters, and its effects on minority admission to institutions of higher learning will be just as devastating. Admissions of African American, Latino, and American Indian students for next fall's classes have plunged by more than half at the University of California at Berkeley; and admissions of minorities to the University of California's three law schools have dropped 71 percent for blacks and 35 percent for Latinos.

Mr. Chairman, there is no validity to the argument that enrollment declines are indicative of previously ineligible students being admitted to these institutions of higher learning. The fact is that over 800 minority students with grade point averages of 4.0 and SAT scores of over 1,200 were denied admission to the University of California at Berkeley.

The simple fact is that some believe women, blacks, and Latinos should not be afforded a higher education. The Riggs amendment would embody that belief in Federal law. It was bad policy during the awful period of Jim Crow laws in America, and it is bad policy now.

Mr. Chairman, measured by any benchmark, access to equal educational opportunity remains a distant dream for racial minorities. I strongly urge a ''no'' vote on the Riggs antiaffirmative action amendment.

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

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I did not go to Harvard. I did not attend Yale. I could not. I could not even attend Troy State University, just a few miles from my home, because of the color of my skin.

For 200 years, millions of African-Americans could not go to college. The doors of higher education, of opportunity, were shut simply because of the color of our skin.

□ 1930

Today African-Americans and other minorities are attending Troy State, Harvard, Yale, and nearly every institution of higher learning because of merit and because of affirmative action. Affirmative action opens the door for those who grew up with less hope and less opportunity, because of the color of their skin, because their parents did not go to college, because their family has yet to overcome 200 years of government-sanctioned discrimination.

Opponents of affirmative action say they want a colorblind society, but ending affirmative action is not colorblind. It is blind to centuries of discrimination, blind to the racism that is still deeply embedded in our society, blind to the barriers that continue to confront generation upon generation of African-American and other minorities.

Mr. Chairman, we have fought too long and too hard and come too far. We cannot let affirmative action be destroyed. People have gone to jail. People have been beaten. People have lost their lives. Now we must fight one more time against those who wave the banner of fairness but really want to slam the door of opportunity in the face of young people across our Nation.

Mr. Chairman, I urge our colleagues to stand up for diversity, hope and opportunity by defeating this amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank the gentleman for yielding me this time. Mr. Chairman, I urge my colleagues to defeat the Riggs amendment.

I want to talk for a moment about some truths and some myths, because here is the truth. When the door of opportunity is opened to students who are called special admits or affirmative action, they perform equally well to the other students. They perform equally well. The Chronicle of Higher Education recently published a study which compared the graduation rates of special admit medical students with non-special admit medical students. Ninety-eight percent of the non-special admit students graduated. Ninety-four percent of the special admit students graduated, an insignificant statistical difference. Once you open the door, everyone who is willing and able can walk through it equally.

This amendment slams the door. Let us talk about the myth of merit. Let us perfect this amendment to make sure it does not perpetuate that myth. Let us have merit. Let us have a Federal law that says if your mother or father is on the board of trustees of the university, you do not get special treatment. Let us have merit. Let us say if your aunt or your uncle or your grandparents gave a lot of money to the school, you do not deserve special admission. Let us have merit. Let us say if you are the son or daughter of the member of the State legislature or the mayor or a Member of the United States Congress, you do not deserve special admission. Let us have merit. Let us say that if you are not someone from a special geographic region of the country or state of the world you do not deserve special treatment. Let us have merit. Let us say that if you are not someone from a different ethnic group that is not fully represented, you do not deserve special admission or special treatment.

Merit is a concept that lives only in mythology. It does not live in the admissions offices. This amendment should be defeated for that reason.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding me this time.

Mr. Chairman, legislative language similar to the proposed amendment has been enacted in Texas and California. After the adoption of those policies, educational opportunities for minorities plummeted to their lowest levels since the 1960s and in some schools those opportunities disappeared altogether. You cannot change the known impact of this amendment by using glorious rhetoric or a misleading title or results of a slanted poll. We know what this amendment will do.

Mr. Chairman, the admissions policies have never been totally fair. Those who are children of alumni get preferences, children of large contributors get preferences, those who can afford to pay tuition without a scholarship get preferences, those who can perform well on a culturally biased test get preferences.

Mr. Chairman, affirmative action serves as a counterbalance to those disadvantages that minorities suffer. Without affirmative action we will return to the unlevel playing field and turn the clock back to the 1960s.

Mr. Chairman, the Supreme Court has limited the use of affirmative action to policies which are narrowly tailored to address the compelling State interest. So as the need for affirmative action drops, so will the practice of affirmative action.

This amendment, however, will prohibit the use of affirmative action even in cases where there is a need to remedy proven cases of racial discrimination. Mr. Chairman, you can quote Martin Luther King, you can talk about dreams, but we know what this amendment will do. Minority opportunities will plummet if this amendment is adopted. That is why those of us who celebrate diversity in America are opposing this amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Riggs amendment. This amendment would involve an unprecedented Federal intrusion into the admissions practices of colleges and universities. It would require an extensive apparatus to monitor admissions policies nationally. This seems monumentally unwise.

Twenty years ago, the Bakke decision developed a careful and delicate balance for college admissions. Quotas were declared unconstitutional, as they should be. Gender and race can never be the sole or decisive factor in the admissions process. This made sense then and it makes sense now. But colleges and universities should be able to reach out to widen their pool of applicants, to bring previously deprived or disenfranchised people into higher education without fear of legal retribution.

I know how this works from my years of experience as an admissions officer in a graduate department of a large university. Affirmative action offers a

way of taking into account the backgrounds from which students come, assessing their true potential, and opening the doors of opportunity. For the Federal Government to interject itself into these decisions, to reduce flexibility, to force the use of overly narrow or rigid criteria, would be most unwise.

Affirmative action, Mr. Chairman, is about fairness and equal opportunity for individuals. But it is also about community: about the academic community itself, diversifying that community to make education a broadening and enriching experience. And it is about serving the wider community, recruiting a student body that reflects the society being served, and training doctors and lawyers and teachers and business people and others to serve all elements of that community.

The Riggs amendment ignores this experience and threatens these values. For those reasons, it ought to be rejected.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, we have worked hard in this country to create the best colleges and universities in the world. I have actually devoted much of my time in Congress to expanding access to higher education for every student in America. In fact, is that not what this higher education bill is supposed to be about, expanding education to every student in America?

I rise in strong opposition to the amendment offered by the gentleman from California (Mr. RIGGS). Quite simply, this amendment, which was modeled after California's Proposition 209, blocks opportunity to higher education for women and minority students across the country. It is not a mystery that dismantling affirmative action destroys needed opportunity for America's college campuses.

Look at my own State and the State of Mr. RIGGS, California, where the rollback has already begun. The University of California Boalt Law School, one of the best public law schools in America, enrolled only one African-American student in its freshman class last fall. Also at UC-Berkeley African-American admissions have plummeted by 66 percent. Latino enrollment fell by 53 percent. At UCLA, African-American admissions in the freshman class dropped by 43 percent while Latino enrollment fell by 33 percent. At California graduate schools, where the clock has already begun ticking and been turned back, both medical schools and law schools experienced a significant decline. This is what I call stepping backward in our goal, our goal to make higher education accessible to all Americans.

Mr. Chairman, women and minorities in America simply cannot afford to have this crucial support chipped away. Let me review a few simple facts with my colleagues. Women earn 71 cents for every dollar compared to a man. Mr. Chairman, I ask my colleagues to please not vote to roll back affirmative action.

Mr. RIGGS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey (Mrs. ROUKEMA).

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

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this amendment. This is not repealing affirmative action. It is reforming it and making a giant step forward while preserving all civil rights requirements.

Mr. Chairman, I rise in support of this amendment to the Higher Education Act. This amendment eliminates arbitrary quotas and set asides and erases the reverse discrimination that has grown over the years.

This amendment reaffirms our encouragement of affirmative action through expansion of the applicant pool and active recruitment of qualified women and minorities. At the same time this amendment makes it clear that such encouragement and recruitment does not involve granting a preference, or fulfilling a quota.

This amendment has been changed from its initial form, in such a way that positively reaffirms our nation's commitment to affirmative action's goals and ideals.

In other words we are reforming affirmative action as we know it, while protecting civil rights for all people.

CURRENT ADMISSIONS

We all know, admissions to colleges now involve preferences and quotas.

REVERSE DISCRIMINATION

This amendment reafffirms the original concept of affirmative action through vigorous and systematic outreach, recruitment and marketing efforts among qualified women and minorities.

This amendment seeks to restore the colorblind principle to federal law by higher education institutions from granting any preference to any person based in whole or in part on race, color, national origin, or sex.

When affirmative action and nondiscrimination were first enacted, through Kennedy's executive order in 1963 (establishing the President's Committee on Equal Employment Opportunity) and through the Civil Rights Act of 1964, the goals were: promotion and assurance of equal opportunity without regard to race, creed, color or national origin; encouragement of positive measures towards equal opportunity for all qualified people, and expansion and strengthening of efforts to promote full equality of employment opportunity.

MAINTAINS CURRENT ANTIDISCRIMINATION LAWS

Before opponents of this amendment raise their voices, let me also add that this legislation absolutely maintains this nation's existing antidiscrimination laws. If it did not, I would not be here.

This amendment maintains existing Civil Rights Laws, which are there to remedy individuals who are victims of discrimination.

Further, it is consistent with Civil Rights Laws by prohibiting discrimination.

Over the course of time, I have been a strong supporter of affirmative action. Its goals of equal opportunity, diversity and a ''colorblind'' society are laudable and supported by the vast majority of thinking Americans.

However, over the course of my career, I have watched the implementation of affirmative action amount to the use of discriminatory quotas, set asides, preferences and timetables based on sex and race. This is evidence of the ''law of unintended consequences.''

We should be reforming comprehensively affirmative action. But we have not been able to do that.

If we have to, we will do this one bill at a time, one amendment at a time.

Race and sex should not matter in college admission, but higher education institutions make it matter by counting, labeling and, ultimately, dividing Americans.

Today's affirmative action is flatly inconsistent with our national commitment to the principle of nondiscrimination. Our founding principles, and I might add, our current laws, require that the government treat all of its citizens equally and without regard to race and sex.

I know that discrimination exists in today's America. There's no denying it. But we cannot attack discrimination with a different style of discrimination. Discrimination in the name of equal treatment is a modern-day oxymoron.

Mr. Chairman, affirmative action did its job in its day.

But the day it became more quotas than opportunity is the day it became part of the problem and not part of the solution.

Equal opportunity has always been at the core of the American spirit. It's time we return it to the core of federal law and practice.

With the understanding of the recent court costs as Rep. CANADY has annotated—the handwriting is on the wall. Tonight let us take this major step toward reform while maintaining affirmative action.

I urge your support of this amendment.

Mr. RIGGS. Mr. Chairman, I yield myself 3 minutes to respond to the last speaker on the other side, my friend and northern California colleague who represents an adjacent district to me.

She spoke a moment ago about the University of California's law school. I would like to refer her to an article in today's newspaper that is very timely to this evening's debate headlined Boalt Minority Admissions Up 30 Percent. I quote from the first paragraph of the article: ''In the school's second year of colorblind admissions, offers to black and Hispanic students are up 30 percent, Boalt Hall School of Law announced on Tuesday.'' It goes on to quote the dean of Boalt Hall as saying, ''I think the increase had to do with the efforts made at outreach that we were very welcoming of minority applicants.''

Furthermore, I want to put to rest this misinformation regarding the University of California system. First of all, I will go ahead and quote from John Leo's column in U.S. News and World Report of April 27. He says, ''There is no white-out, closing of doors, or Caucasian University. In the eight-college University of California system, only two of five students are white. At the University of California at Berkeley, the figure is one in three.''

Then he goes on to quote in the article the provost of the University of California, Judson King, who says, and I quote right from the article, ''In fact, the drive to raise minority numbers at the top two colleges in the system, Berkeley and the University of California at Los Angeles, UCLA, had the effect of creating racial imbalances at the other six. Judson King, provost of the University of California, acknowledged this by saying that the end of preferences was evening out diversity across the entire University of California system of all eight campuses.''

Ms. WOOLSEY. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentlewoman from California.

Ms. WOOLSEY. Mr. Chairman, I would just like to remind my colleague that what I referred to is one African-American enrolled in Boalt Law School in the fall. One thing. There is a difference between inviting admissions and enrollment, because there are a lot of steps in between. Part of that step is feeling welcome.

Mr. RIGGS. Mr. Chairman, I have to disagree with the gentlewoman. It says, ''The school admitted 32 African-Americans for the fall of 1998, almost twice as many as 1997, but less than half the number accepted in 1996, the last class admitted under affirmative action.'' Looking at how the pendulum now swings back, ''The number of Latino students held steady at 19, but Chicano, or Mexican-American students rose 34 percent, to 41.'' It says, ''In 1996, a total of 78 Latino and Chicano students were admitted.''

So here is a university that is focusing on outreach, affirmative steps to expand, as I said earlier, the pool of minority applicants. That is why we have included language in our bill suggested by the gentleman from California (Mr. COX) and the gentlewoman from New Jersey (Mrs. ROUKEMA) that very specifically spells out the recommended steps, the affirmative steps that public colleges and universities can do to expand the pool of minority applicants. We strongly encourage them to pursue these outreach efforts as the University of California Law School at Boalt Hall is doing.

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Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. CANADY) the leader to end racial preferences and discrimination in Federal Government programs and policies.

Mr. CANADY of Florida. Mr. Chairman, I appreciate the time to discuss this important issue, and I am pleased to rise in support of the amendment offered by the gentleman from California (Mr. RIGGS). This is an important amendment, an amendment which deals with a fundamental question of justice in our society.

In 1871, in the course of the debate over a civil rights bill designed to outlaw segregation in public accommodations, Senator Charles Sumner said this:

Any rule excluding a person on account of his color is a indignity, an insult, and a wrong.

Senator Sumner was right. It is wrong to classify individuals on the basis of race. If our history as Americans teaches us anything, it should teach us that any such practice is inherently pernicious. It is a violation of our fundamental principle as Americans to classify students by race; then to tell some students that they will be admitted to a school because they belong to a preferred group, and to tell other students that they will be denied admission because they belong to a nonpreferred group. Such a policy is discrimination, pure and simple, and it is wrong.

It is wrong for many reasons. It is wrong because it imposes an unfair burden on innocent individuals on account of their race. Students who have worked diligently, including many students who have fought to overcome serious social and economic disadvantages, are denied admission to the school of their choice because other less qualified students gained admission based on a racial preference. Students are excluded not because of any wrong they have done, but as a part of an effort to redress historic wrongs. In the process, unfortunately, the fundamental requirements of justice are forgotten while the dreams and aspirations of the innocent are trampled underfoot.

It is wrong because it sets students up for failure. In the name of providing opportunity, preferential admission policies produce disappointed hopes. Students who could have been successful in less competitive institutions are put in programs for which they are not prepared and in which they do not succeed. The evidence is clear. Dropout rates at competitive universities are in many cases 200 to 300 percent higher among students admitted from preferred groups than among groups admitted from nonpreferred groups.

At the University of California at Berkeley, for example, the undergraduate dropout rate among one preferred group has reached as high as 42 percent. Thus the effort to provide assistance to students through preferential admissions policies often backfires and harms the very students they were supposed to benefit.

The law of unintended consequences has rarely been illustrated more clearly. It is wrong to utilize preferential admissions policies because it reinforces prejudice and discrimination in our society. Whenever public institutions of higher education sort, divide, and classify applicants for admission into racial groups, they send a powerful and perverse message that we should judge one another on the basis of race.

Now that is exactly the wrong message for us to send. Colleges and universities should deal with students as individuals on the basis of their individual qualifications. Students should not be reduced to the status of mere representatives of various racial groups. Schools that employ racial classifications and preferences tell students in the preferred groups that they will be judged by a lower standard and will not be expected to meet the same standard that other students must meet. That sends a message that is corrosive of the respect owed to all students. It is a message that increases divisions and causes untold harm. It is a message that should not be supported by Federal tax dollars.

Now the Members of this House should not be diverted from the truth by the barrage of attacks made against this amendment. There is nothing novel or radical about this amendment. On the contrary, this amendment reaffirms with respect to public universities and colleges the provisions of Title VI of the historic Civil Rights Act of 1964. That act provides in section 601 as follows:

''No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of'', and I think it is important for Members to focus on this, ''No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.''

Now that is the right policy; it was the right policy when the Congress adopted it in 1964, and it is the policy that this House should support this evening. Unfortunately, those plain words of the 1964 Civil Rights Act have been ignored in a process of administrative change and in the courts. We need to reaffirm that policy tonight and get back to the fundamental principle of nondiscrimination in this country.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, how sweet it would be if what my colleague, who just spoke, said were true; that we are a society based on equality of the laws and application of those laws. But the reality is we are not yet there, and if my colleagues do not believe it, just talk to those FBI agents.

Not too long ago, African Americans who sat down at a fast food restaurant to get some food never got served.

Or talk to the two young ladies in California who went to an ice cream parlor not too long ago and asked for ice cream, and were asked for ID before they would get any service whatsoever because they looked Hispanic.

We are not there yet, and that is the truth about it. It would be nice to base something on merit, but numbers do not give merit. And if my colleagues have seen our public schools and they see where most minorities and poor people are, they will understand why we cannot just base things on merit,

because someone can have a 4.0 in some of our inner-city schools and they cannot compete with a 3.5 from some of the suburban schools.

That is where we are today. But worse than that, the amendment does not cure a real problem we have. My wife happens to be a physician, a professor of medicine at a university here, and if she stays there long enough, our three children, who are very young right now, will have an opportunity to go to that university, even if there are other children who grow up and get better grades and get better scores than my children do. Because my wife happens to work at that university, she will get her kids in. Great for me and my wife because now she is a professor there. But my parents and her parents were never professors. They were farm workers. My father was a laborer, my mother was a clerk typist; they could not have said that.

We do not have the justice in this world that allows the children of everyone else to have parents who will be professors who can get their children into school. And as my father used to tell me when he was younger, that sign outside that restaurant that would not let me come in with the dogs, because it said ''No Mexicans or dogs allowed,'' and, by the way, my father was born an American citizen, are not there anymore, but they still affect us all. In the same way that he could not walk into a restaurant not long ago, we cannot still walk into some of those universities.

Defeat this amendment.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. Mr. Chairman, I thank the gentleman for yielding this time to me.

Let us not stoop to nonsense in this, the people's House. Affirmative action was put in place to right historical wrongs, wrongs of sexism and racism. This amendment turns the clock back 30 years. Women and minorities were not underrepresented in colleges because we were stupid. We knew that we were underrepresented because of sexism and racism. And today we are not stupid. We know what this amendment does. It turns the clock back; back to a day that we should all have been quite ashamed of.

We understand this issue; women and minorities, we know. We know why this amendment was put in place, and I urge my colleagues to vote no on this amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Riggs amendment which attempts to deny the existence of racial and gender history in this country. It overlooks the reality of discrimination and pretends that this country has made more progress than what it has actually experienced.

The fact of the matter is that this amendment is a bold, unadulterated attempt to turn back the clock of inequity before there has been ample opportunity and ample time to experience the benefits of some modicum of affirmative action.

I heard the gentleman earlier speak and talk about dreaming and mentioned Dr. King in his deliberations, and I thought to myself that if Dr. King had been dreaming about this amendment, he would have awakened quickly with a terrible nightmare.

The fact of the matter is that amendments like this one provoked Langston Hughes to ask the question: What happens to a dream deferred? Does it dry up like a raisin in the sun? Fester like a sore and then run?

We cannot allow the dreams to dry up, we cannot allow the clock to be turned back. We must defeat the Riggs amendment, and I urge all of my colleagues to vote against it.

Mr. CLAY. Mr. Chairman, I yield myself 30 seconds just to correct the record.

Mr. RIGGS, the gentleman from California, stated that it was a great increase at 30 percent of blacks and Hispanics at Boalt Law. Let me explain to my colleagues what that increase was. It was an increase of 14 students, black and Hispanics, from 37 to 51, out of a total of 857 students that Boalt admitted.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, if there is a single Member of this House that believes that racial discrimination is nonexistent in America today, then I will vote for the Riggs amendment.

That is what I thought.

Mr. Chairman, I hope and pray that I will live long enough to see racial discrimination ended in this country. Unfortunately, I doubt that I will live that long, and certainly that day has not yet arrived. Until that day has arrived, affirmative action is a necessary limited means of using, of ensuring that equal opportunity is more than a hollow phrase in a high school civics textbook.

The fact is, the Supreme Court has limited affirmative action to be a tool to ensure equal opportunity where discrimination has been proven. That is a vital tool in today's society where the problem is hardly that we have too many minorities in our public and private universities and colleges of America.

Under the Riggs amendment, if Mark Furman had been an admissions director at a major public university, the wrongs of discrimination could not be righted by affirmative action.

In the name of ending affirmative action, the Riggs amendment would institutionalize discrimination; and that, Mr. Chairman, is wrong.

If there is a single Member of this House who believes that minorities living in the third ward of inner-city Houston receive an equal education with children of the privileged families of Highland Park in the Dallas area, then perhaps I could understand why some would vote to end affirmative action.

Mr. Chairman, it is interesting to me that some of the same people who want to use tax dollars to subsidize elite private prep schools would also argue against leveling the playing field of opportunity for children attending low-income public schools. Where is the fairness in that?

Mr. Chairman, until the 1960s, many colleges and universities excluded minorities for one reason and one reason alone: the color of their skin. Where is the fairness in allowing those same colleges to give privileges of legacy to the white children and grandchildren of those former white students, while legacy preferences simply do not exist for minorities? The doors were not open to them.

Mr. Chairman, when Republicans took charge of this House, they appointed dozens and dozens of high school interns from all over America. And know what? Not a single one, not a single one was African American. And if that is the future vision of equal opportunity under Republican leadership, then I want no part of it.

And finally, it is interesting to me that some of the very people supporting the Riggs amendment, the same people who have voted to cut spending month after month for the enforcement of laws in America against discrimination; where is the fairness in that?

Rather than quoting Dr. Martin Luther King today, I wish some of the proponents of the Riggs amendment would fight every day for the ideal of equal opportunity for which Dr. King lived and died.

Vote no on the Riggs amendment.

Mr. RIGGS. Mr. Chairman I yield myself 1½ minutes to respond to the last speaker.

The gentleman should not be throwing stones in his glass house. If we are going to examine our own internal practices in the United States House of Representatives, perhaps we could look at 40 years of control by the Democratic Party of this institution; how many female Members of Congress currently hold places in the Democratic Party leadership in the House of Representatives, versus the example that we have tried to set for America by advancing female Members in our ranks.

But I want to specifically go to the comment of the gentleman from Texas (Mr. EDWARDS). He said if one person, one person could convince him that affirmative action, racial preferences in colleges admissions is wrong, that he might reconsider and vote for my amendment.

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Well, let me suggest to the gentleman from Texas (Mr. EDWARDS) that

that one person is none other than the Attorney General of the State of Texas, the top Democrat.

Mr. EDWARDS. Mr. Chairman, would the gentleman yield since he is quoting me?

Mr. RIGGS. Mr. Chairman, I am not going to yield.

The State's top Hispanic elected official. Now, what did the United States 5th Circuit Court of Appeals decide in the Hopwood case? Hopwood v. The University of Texas, I quote: ''The 5th circuit ruled that diversity does not justify preferential admissions based on race.''

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. The ruling effectively ended racial preferences in admissions to the University of Texas.

So, what do university leaders do now, according to two articles, the San Antonio Express News and another Texas newspaper furnished to me by our colleague, the gentleman from Texas (Mr. LAMAR SMITH). I quote from the San Antonio newspaper:

Attorney General Dan Morales spurned a plea Tuesday of last week by State university leaders to fight to restore affirmative action. Morales said that he denied the request by the University of Texas leaders on legal and policy grounds.

Now I quote to the gentleman from Texas (Mr. EDWARDS):

Racial quotas, set-asides and preferences do not, in my judgment, represent the values and principles which Texas should embrace. I strongly believe that decisions based upon individual merit and qualification are far preferable to decisions based on race or ethnicity.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. HAYWORTH) for the purposes of engaging in a colloquy.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield? Since the gentleman used my name and misquoted me, will the gentleman yield?

Mr. HAYWORTH. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order has been called for.

The gentleman who has the floor has yielded time to the gentleman from Arizona (Mr. HAYWORTH).

Mr. RIGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH) for the purposes of engaging in a colloquy with the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING).

Mr. HAYWORTH. Mr. Chairman, I thank the Chairman of the Committee of the Whole House, and I thank the gentleman from California (Mr. RIGGS), my friend and the chairman of the subcommittee; and I am pleased to join my friend, the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING) to discuss how this amendment may have been modified.

Mr. Chairman, it is my understanding the Riggs amendment has been modified to exempt tribal colleges. Could the gentleman confirm that for me?

Mr. GOODLING. Mr. Chairman, if the gentleman will yield, my good friend from Arizona (Mr. HAYWORTH) is correct. The deference to Native American sovereignty in the Riggs amendment was modified to alleviate concerns that Members had raised about tribal colleges and how the amendment would have affected Native American students seeking admission to those colleges. This applies as well to facilities operated by the Bureau of Indian Affairs for Native Americans.

Mr. HAYWORTH. Mr. Chairman, reclaiming my time, I thank the gentleman for his help in making this important change. I know the gentleman realizes how important our constitutional and treaty obligations are to Native Americans, and I believe with the changes that have been made, this amendment now protects the unique nature of tribal colleges, a unique nature reaffirmed in Article I, Section 8 of our Constitution and in subsequent treaties.

Accordingly, I urge adoption of this amendment.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, I would like to make three points in response to the gentleman's comments.

First, he misquoted my statement on the floor. Secondly, what has happened in Texas with the ending of affirmative action is a perfect example of why we should oppose the Riggs amendment. Thirdly, if the gentleman wants to quote minorities on affirmative action, I would point out for the RECORD that the only African-American Member of the House, who is also a Republican, happens to be opposing the Riggs amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me this time.

I rise today in strong opposition to the Riggs amendment. It is an extreme measure designed to deny access to higher education to members of minority groups and women.

The fact of the matter is that education is fundamental to social advancement in our society. The difference in income is tremendous. Those with higher education, men make $16,000 on average more than men without higher education. For women, it is almost double when we compare women with a college education to those without.

Affirmative action has served over the last 20 years to create opportunity for large numbers of African Americans, Latinos, Asians and women, to gain access to higher education, and in turn, to gain access to economic prosperity. However, the proponents of this amendment would deny that opportunity to these folks in minority groups.

Why? Because they want to propagate to the American public that somehow we have reached a level playing field and that discrimination does not exist. On its face, that is ridiculous, but tonight I would like to look at this so-called level playing field.

I think what we find is that, in fact, it is not level. According to EEO, there have been 80,000 discrimination complaints filed over the last 2 years. According to crime statistics, over 10,000 hate crimes were committed, including 12 murders of members of minority groups. The report of the Glass Ceiling Commission says that women occupy only 3 to 5 percent of senior executive positions, and in Federal procurement, where hundreds of billions of dollars are spent, minorities and women get only about 5 to 7 percent.

Clearly, the playing field is not level. That is why we need affirmative action; that is why it is worth it to address the problems of discrimination that exist today.

Before I conclude, let me say this. I am tired of the patronizing by these folks who come up and say that this will allow unqualified people to gain admission to higher education. The fact of the matter is, even with affirmative action, the criteria for graduation remains unchanged. So anyone that comes in under a program such as this would not be unqualified or would not be compromising the quality of their education.

I hope we address the reality of today's world, and that is that affirmative action is needed because discrimination continues to exist.

Mr. CLAY. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman.

I would like to just clarify that we are exempting Native American colleges out of a unanimous consent request to modify the amendment to also exempt historically black colleges and universities and Hispanic institutions. I ask unanimous consent to do so.

The CHAIRMAN. The Chair would entertain such requests only from the sponsor of the amendment.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to ask the sponsor of the amendment to offer this modification.

The CHAIRMAN. Who yields time?

Mr. RIGGS. Mr. Chairman, I yield myself 40 seconds to respond to several of the previous speakers on the other side.

I just want to say again, from my heart, I believe affirmative action is outdated. Affirmative action, contrary to what several speakers have suggested, is no longer a black and white issue, certainly not in California, the largest, most diverse State in our Union. Because the cultural makeup of America is changing, the argument that affirmative action serves as some sort of reparation for past wrongs, as I think the gentleman from Maryland

(Mr. WYNN) and others have suggested tonight, no longer stands. Indeed, often, those most hurt by affirmative action are not white males, but rather Asian women.

Mr. WYNN. Mr. Chairman, will the gentleman yield?

The gentleman referred to me by name. Mr. Chairman. Will the gentleman yield?

Mr. RIGGS. I do not yield, Mr. Chairman, and I ask for regular order so that I might complete my comments.

I was about to say, those most hurt by affirmative action, as has been the case in California, are not white males, but rather Asian women. Again, I hear the comment made aloud over there, but I do not believe that is justice, and I do not believe that is the kind of society we want in this country.

Mr. Chairman, I yield 6½ minutes to the gentleman from California (Mr. COX), my friend and colleague.

Mr. COX of California. Mr. Chairman, I would like to focus us, if I might, on the text of what is before us because, frankly, I find it difficult to disagree with much of what has been said on the Democratic side. I, too, like my colleagues on the Democratic side, support affirmative action. I certainly want to lead the fight, as we always have here in the Congress, against discrimination.

A higher percentage of Republicans, in fact, than Democrats voted for the historic 1964 Civil Rights Act, and for every landmark civil rights act this Congress has passed. This is a bipartisan effort, and it always has been in our Congress.

Let us take a look at the language that is before us. Section A is titled Prohibition. What is prohibited? ''No public institution of higher education shall, in connection with admission to such institution, discriminate against or grant preferential treatment to, any person or group, based in whole or in part, on the race, sex, color, ethnicity or national origin of such person or group.''

It also says this: ''Affirmative action encouraged,'' not abolished, not done away with, encouraged. ''It is the policy of the United States,'' reading from the language of the amendment, ''1, to expand the applicant pool for college admissions; 2, to encourage college applications by women and minority students; 3, to recruit qualified women and minorities into the applicant pool for college admissions.''

If we can focus ourselves on what the amendment actually says and does, I think we can quickly see that this vindicates the very purpose of the Civil Rights Act of 1964, which its chief Democratic sponsors were careful to point out, never, ever, ever was meant to require quotas.

The Democratic floor manager of the Civil Rights Act of 1964 was the Senator from Minnesota, Hubert Humphrey. He told a critic of the legislation, which as I said was supported by more Republicans than Democrats, ''If you can find anything in this legislation that would require people to hire on the basis of percentages or quotas, I will start eating the pages of the bill, one after another.'' Quotas, preferences, set-asides, are the antithesis of what the 1964 Civil Rights Act is all about and what affirmative action is all about.

The use of racial preferences, moreover, is today in America, and has been for years, unconstitutional. The Supreme Court and the Federal courts of appeal have struck them down in virtually every contest, in contracting, in voting rights, and most certainly in education.

Recently three Federal courts of appeal have struck down racial preferences in education, including the 5th Circuit in Hopwood v. Texas, the 4th Circuit in Podberesky v. Kirwan, and the 3d Circuit in Taxman v. Piscataway. In fact, the Taxman case was appealed to the Supreme Court, which was so clearly prepared to strike down these preferences nationwide that supporters of the preferences and set-asides and quotas settled the case rather than risk certain defeat.

All of these decisions had one thing in common: They all followed from the argument that Thurgood Marshall made to the Supreme Court when he argued Brown v. The Board of Education for the NAACP in 1955. He said that ''Distinctions by race are so evil,'' evil, ''so arbitrary and so invidious, that a State bound to defend the equal protection of the laws must not invoke them in any public sphere.''

Now, many of my colleagues, many people of goodwill, are troubled by racial preferences, set-asides, and gender preferences and set-asides. But they want to know, nonetheless, what would be the practical effects of returning to a policy of affirmative action, the most aggressive possible outreach and recruitment combined with merit-based admissions decisions. Fortunately, we now have some answers to that question.

This amendment is very closely modeled on the California Civil Rights Act, the California Civil Rights Initiative which, in 1996 was passed by a significant majority of voters in the most populous State in our country; and CCRI, the California Civil Rights Initiative, is helping to make admissions at the University of California, which we have discussed here on the floor, color blind.

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We have had some discussion and debate on the floor about what has happened in the UC system in the wake of the passage of CCRI. The number of African-American admissions after the passage of CCRI increased 34 percent at the University of California Riverside. The number of Asian-American admissions increased at four University of California campuses. The number of American Indian admissions increased at two University of California campuses. The number of Filipino admissions increased at three University of California campuses. The number of Hispanic admissions increased at two University of California campuses.

This shift of students among the campuses of the University of California is good news because graduation rates are expected to increase significantly. When colleges accept students who are best prepared for the level of academic intensity required at the institution, the probability that the students will graduate increases exponentially. In the University of California system, graduation rates are expected to increase by almost 20 percent for blacks and Hispanics. UCLA Chancellor Albert Carnesale stated in the Orange County Register that UCLA has admitted the academically strongest class in its history. Students in the UC system are now being judged by their qualifications, by their own merits as individuals, not as members of a class.

Mr. Chairman, that is the purpose of this amendment. Let us return to the purpose of affirmative action. Let us redouble our efforts against discrimination and let us vote indeed for this amendment.

Mr. CLAY. Mr. Chairman, I yield 2¼ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I had a chance like my colleagues to read the amendment and I thank the gentleman from Missouri (Mr. CLAY), my colleague on the Committee on Economic and Educational Opportunities, for yielding me this time.

Mr. Chairman, I find it amazing that in the amendment that takes away the ability to have fairness, we have on page 2 that the gentleman from California quoted that it is the policy of the United States to do these things, but without any teeth in the amendment we might as well just throw it all away, and that is what should be done with this amendment.

Mr. Chairman, as a Member of Congress, I believe it is my duty to make sure that all Americans are served, and I believe that education for everyone is a key to our Nation's continuing success. That is why I rise in strong opposition to the amendment offered by the gentleman from California (Mr. RIGGS).

This amendment is an attack on the efforts to educate everyone in our Nation. In my home State of Texas we have a very diverse population, a population that is becoming more diverse with each generation. We cannot afford to implement a law that makes educating this diverse population more difficult.

I heard tonight the quote from our Attorney General, who is not running for reelection in our State of Texas, saying that should not be done. We are not talking about reparations; we are talking about fairness. We are talking about making sure that the America of the future will have that opportunity for education no matter what color of the skin.

In Texas, we have witnessed a dramatic decline in the number of Hispanic and black admissions to Texas higher education institutions after the Federal court ruling against affirmative action in the Hopwood case. We do not need to see a bleaching of America's higher education institutions. I do not need our college graduates to look like me. I want them to look like America. I do not want them to all be white Anglo-Saxon protestants. I want them to look like Americans.

We must advance educational opportunity, not limit it. If the Riggs amendment only had the second part, then maybe all of us could vote for it because that is the policy of the United States: To educate everyone, no matter where they come from or what their ethnicity.

The Riggs amendment would roll back the progress we are making. Affirmative action needs to be amended but not ended. I remember hearing Dr. King in 1963 say he had a dream. That dream has not come true. That is why this amendment needs to be defeated.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the amendment proposed by the gentleman from California (Mr. RIGGS) to ban the use of affirmative action in colleges and universities. The purpose of affirmative action is to remedy past discrimination endured by many sectors of our society. Gender, racial, and ethnic discrimination in education is outlawed under the 1964 Civil Rights Act and the 1974 Education Amendments.

Affirmative action is necessary to enforce these laws and to level the playing field for minorities. As an academic administrator and former professor, I know that colleges and universities are in the business of education and consequently in the business of creating opportunities for our young adults.

Institutions of higher education diversify their student populations through affirmative action programs and, in fact, practice affirmative action for a number of purposes, including geographical balance and promoting international scholarship. Affirmative action gives students the opportunity to join their peers in intellectual discussions, in informed and broad debate, and these are the necessary ingredients for institutions of higher education to be fountains of knowledge.

Higher education professionals understand this and use affirmative action to not only extend opportunities but to advance the institutions themselves.

The Riggs amendment would effectively stifle university actions to create campus diversity. Passing the Riggs amendment means that college admissions would be based almost entirely on statistically insignificant differences in test scores, grades, and possibly connections.

As an educator, I believe this proposal is preposterous with the experience our Nation has had, with the marginalization of certain sectors of our society. It is important to distinguish between affirmative action and past discrimination, a distinction which supporters of this amendment blur and avoid. Past discrimination made it impossible for otherwise qualified students to go to universities. Affirmative action gives qualified students a chance to go to a university. One says they could not go, no matter what their abilities were. Affirmative action says if they are qualified, we will give them a chance. It is as simple as that.

Mr. RIGGS. Mr. Chairman, may I inquire as to how much time is remaining on both sides?

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 24¼ minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 30¾ minutes remaining.

Mr. RIGGS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING).

LIMITING DEBATE ON AMENDMENT NO. 79, AND ALL AMENDMENTS THERETO

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on Amendment No. 79, if offered and all amendments thereto, be limited to 30 minutes, equally divided and controlled by myself, or my designee, and the gentleman from Missouri (Mr. CLAY) or his designee.

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

There was no objection.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

(Mrs. MEEK of Florida asked and was given permission to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for allowing me to speak on this subject. I did not come prepared to speak on this subject, but my life is preparation for this subject.

Mr. Chairman, I decided I would speak out in strong opposition to the Riggs amendment, which is another verification of a dying system. The system is in its death throes. I thought that once it was lethally killed, but now I see that there are many who believe that by turning the clock back, that they may bring a change in America which they were unable to bring before.

Mr. Chairman, I want to share something. My colleagues will not be able to bring that change. They will not be able to bring it by glibly reciting laws one by one. Many have quoted case law, Martin Luther King, Thurgood Marshall, and any number of people and incidents have been quoted.

But, Mr. Chairman, my colleagues will be unable to turn this America back. This America is not the America that they knew or their forefathers knew. This is a different America. This is the America that is proud to have all races, ethnicities and creeds and sexes and everyone participate in this great manner which we have here in this country.

So I want my colleagues to talk as much as they want to talk, speak in rhetorical terms as much as they want to speak, because it does them good. But I want to give my colleagues some reality, some reality therapy. And I will go back to the time when I was a very, very young girl and I want my colleagues to put themselves in my place. Then they will see why I know America will not be that America again.

Mr. Chairman, I wanted to go to college. I could not go to the college of my hometown because I was black. I could not go to high school because I was black. I could not live where I wanted to live because I was black. I could not go to any State university. By the statutes of the State of Florida, I was eliminated from higher education.

But guess what? It did not stop me and it is not going to stop any black person. It is not going to stop any Hispanic person. What my colleagues are saying now, I would say what they are doing is bringing up the insides of the hatreds which their forefathers set there. But it is not going any place. There is no one in this House that is going to allow this to happen, so they may as well fold up their papers, fold their little tents and go home because this is not going to pass.

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

Mr. Chairman, the first thing I want to say is my daughter attends a public elementary school in Northern Virginia where she is a minority. She is a minority as an Anglo at that particular school.

Secondly, I want to say, as I tried to stress earlier, that Anglos, Caucasian Americans are in the minority at the University of California. Two out of five students in the University of California system are white. That makes them minorities. At the University of Berkeley the figure is one in three.

Mr. Chairman, I can honestly say to my colleagues on the other side of the aisle, particularly the gentlewoman from Florida who just spoke, I really do not believe I have a racist bone in my body. And when I hear people talk about turning the clock back, I wonder if those who support race-based college admissions or racial preferences in college admissions, or really believe that that should be the primary if not sole factor considered in admissions, if they realized that they are talking about turning the clock back to before 1954 and the Brown v. Board of Education case, because that is exactly what they are advocating.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I do not think there will be peace in the Middle East or Ireland or in Bosnia in my lifetime, and I do not believe that racism will be dead in the United States of America in my lifetime. I truly believe that.

But I also believe that affirmative action creates a lot of negatives and that it is detrimental just like I think bilingual education is detrimental. And I agree with the gentleman from California (Mr. RIGGS) that the best thing we can offer to all children and to all Americans is an equal opportunity, especially by focusing on kindergarten through 12th grade.

A large portion of our Hispanic population drops out of school. That is wrong. And what chance do they have at the American dream? A large portion of the African-Americans that attend college are in remedial education, so in both groups the best thing we can do is offer all children the best we can in K through 12. But yet in this country we do not do that good a job, even though we have good teachers and good schools. My wife is one of those. I was one of those.

My dad, who died three years ago, he was a Democrat, and he said:

Son, my ideal of the American dream is getting a good education and working hard. And if you have those tools, you can pursue happiness. It is not guaranteed. But if you pursue happiness and you have those tools, not every day but most days you can make tomorrow better than it is today.

And I truly believe that.

But I think turning the clock backwards, which many of my colleagues are trying to do, is wrong also. No, we are not to where we want to be, but I think the focus is on equality. Look at our colleges. Most of them are thick and strongly populated by the Asian community because they focus on education at a very young age. I have a large Asian population in my district and they focus on the family. They focus on education from the day that they are in kindergarten and those kids volunteer for every single event that will foster them an opportunity to go to school.

And as I look at our inner cities, what chance do they have at the American dream, Mr. Chairman? Almost none, because of the welfare system that was set up, because of the problems that they had, and the lack of values, and the crime and the drugs, and on and on and on.

So if we really want to help all children, let us do away with affirmative action and I truly believe that. The gentleman knows I worked with him on the committee. And I believe that if we do that, that then we are going to help this country, not hurt it. Is it a perfect country? Absolutely not.

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But most of us, believe it or not, will work with you in that direction.

Mr. CLAY of Missouri. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, affirmative action is not a perfect policy. In an ideal world, we would not need affirmative action; we would not even want it. We would admit everyone, regardless of past practices of discrimination, regardless of the need to promote diversity in higher education, regardless of anything but merit.

We do not live in a perfect world. We live in a society and in an economy that has been shaped by our history. That history includes an economy that was based upon slavery. It includes, at one time, a definition of African Americans as being worth only a fraction of the value of white Americans. It is a history that includes an official policy of school segregation. It includes a denial of voting rights, of Jim Crow laws.

In my own State of Virginia, it is a history that includes, in our own time, in our lifetimes, an official policy of massive resistance to integrated classrooms.

The closest correlation with academic success of any student is the educational experience of their parents. But what if parents and grandparents and great grandparents were denied access to a decent education as the official policy of the government? Our government denied African American children access to a decent education. We cannot pretend that did not happen.

While it may not be the fairest way, affirmative action is still probably the most effective way to overcome these official policies of denial of access. Even with the help of affirmative action policies, twice as high a percentage of whites have college degrees as African Americans, and only 9 percent of Hispanics have college degrees. Prohibiting affirmative action policies, as the Riggs amendment would, only worsens this disparity.

The reverse of affirmative action policies in California and Texas public universities led to a dramatic decrease in the enrollment of African American students. All of those students that would have been admitted had high grades and were all fully qualified for admittance.

Someday, we will not need affirmative action, but that is not this day. I urge that we oppose this amendment.

Mr. CLAY of Missouri. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Mr. Chairman, here we go again. The gentleman from California (Mr. RIGGS) and his extreme rightwing friends are attempting to polarize and divide this Nation by pitting citizens of this country one against another.

The gentleman from California would have Members believe that somehow whites are being disadvantaged by affirmative action and African Americans and Latinos and others are at a great advantage, and they are getting all of the slots in these schools.

Let me give the actual numbers that we have not heard for the University of California. In 1997, out of 44,393 students on nine campuses, guess how many were African Americans? 1,509. There were 5,685 Latino students out of these 44,393. In 1988, 1,243 are African-American, and 5,294 are Latino students. This is with affirmative action, nine campuses.

He gave some figures, and he told us about UC Riverside, but what he did not tell us was this: that black undergraduate admissions dropped 66 percent in UC Berkeley, 43 percent at UCLA, 46 percent at UC San Diego, and 36 percent at UC Davis. These are the prestigious campuses. Latino undergraduate admissions dropped by 40 percent at UC Berkeley, 33 percent at UCLA, 20 percent at UC San Diego, and 31 percent at UC Davis.

The gentleman from California (Mr. RIGGS) and his supporters mischaracterized the admissions process and its reliance on race. Colleges and universities have always looked at a variety of factors, test scores, race, out-of-classroom experience, percentage achievement, and life challenges to determine who to admit to their institutions.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I rise today in opposition to this amendment. As a graduate of the University of California at Berkeley, as a woman who never would have had access to a higher education in California's public universities had it not been for affirmative action policies and programs, and who, as a child, upon entering school, was not allowed to attend public schools or public facilities due to segregation, I urge Members to vote no on this amendment. Eliminating affirmative action denies equal opportunities to many of our qualified young people who deserve to have equal access to a college education.

When the University of California Board of Regents considered ending the affirmative action program several years ago, as a member of the legislature, I pleaded with them not to take such a drastic action because of the fact that affirmative action, not quotas, which have been illegal since the Bakke decision, but actually affirmative action was the primary mechanism in place to assure that qualified students of color and women were afforded a public university education.

Many of us, myself included, predicted that minority admissions, which what we have heard today in terms of the decline of the minority admissions, would be very stark, and it is more stark than what we had imagined.

For example, this decline overall of 61 percent, that is outrageous. Only 191 black students were admitted out of a total of 8,034 into the University of California at Berkeley. Medical school admissions are equally alarming. There

are no African-American students and very few Latinos entering medical schools at several of our campuses.

It has been shown, time and time again, that a large percentage of persons of color will return to provide medical services for underserved communities. We condemn these underserved communities to remain underserved when we do not provide admission to qualified applicants who have as their goal to provide health care services to these communities.

In 2 years of the Regents' policy, we have begun to see the unraveling of 30 years of progress. Why would we want to subject the rest of the country to this ill-conceived experiment? Conventional wisdom says that as California goes, so goes the rest of the country. I ardently advise my colleagues to learn from the mistakes of my home State and vote no on this amendment.

Mr. Chairman, I rise today in opposition to the Riggs amendment. This amendment will prohibit any institution of higher education that participates in any Higher Education Act program from using race, gender, ethnicity or national origin in its admissions process. Namely, the Riggs amendment seeks to eliminate affirmative action policies throughout the higher education system of this country.

As a graduate of the University of California at Berkeley, as a woman who never would have had access to a higher education at California's public universities had it not been for affirmative action policies and programs, who as a child, upon entering school, was not allowed to attend public schools and public facilities due to segregation, I urge you to vote no on this amendment.

America never has been nor is it a color blind society. Thirty years of affirmative action have helped change the landscape of our universities and colleges. However, it has not changed so much that we are in a position to abandon our efforts. While African Americans, Latinos, and Native Americans comprise 30% of the college-age population in the U.S., they only comprise 18% of college students. The percentage of women receiving doctorate degrees is 39%. However, in male-dominated fields like mathematics, engineering, and physical science, the percentage falls to 22%, 12% and 12% respectively. The percentages of African Americans receiving PhDs is 4%; Latinos and Asian Americans with PhDs are 2% and 6% respectively. These figures are dismal and while some progress has been made, now is not the time to impede this progress. It is inconceivable to me that individuals are arguing that we no longer need affirmative action programs. Eliminating affirmative action denies equal opportunities to many of our qualified young people who deserve equal access to a college education.

When the University of California Board of Regents considered ending affirmative action programs several years ago, as a member of the California legislature, I pleaded with them not to take such a drastic action because affirmative action was the primary mechanism in place to insure that qualified students of color and women were afforded a public university education. Many of us, myself included, predicted that minority admissions and enrollment would decline precipitously. Results have been even more stark than we imagined. Let me tell you what has happened in California since the demise of affirmative action.

The Fall 1998 class on the University of California's undergraduate campuses will be the first to have been admitted based on the new Regent's policy. Only 652 out of 3675 African American, Latino and Native American applicants were offered enrollment for next year—a decline of 61% from last year. A 61% decline in one year. African American enrollment fell by 66% and Latino enrollment fell by 53%. At UCLA African American enrollment fell by 43%, while Latino enrollment fell by 33%. One of my constituents was recently included in an article in the San Francisco Chronicle about the effects of the new policy. Jamese LaGrone is a 17-year-old senior at Oakland's Holy Names High School. LaGrone was the junior class president, an athlete, worked on the yearbook and took a number of advanced placement courses. She has a 4.0 grade point average and scored 1390 on the SAT. Clearly, she is a well-rounded teenager who has worked in and out of the classroom to make the grade. I defy anyone to say that this student is not qualified to attend the University of California, Berkeley. Yet, she was rejected by the University of California, Berkeley. She is among 800 African American, Latino and Native American applicants with 4.0 averages and a median SAT score of 1170 rejected by the University of California, Berkeley.

Medical school admissions are equally alarming. Only 3 Chicanos are registered at the University of California at Davis, one at the University of California at Irvine, and two at the University of California at San Diego. These numbers are only slightly better at the University of California at Los Angeles and the University of California at San Francisco. There is only one Puerto Rican registered in the entire University of California system. There are no African Americans among the freshman classes of medical school at either the University of California at San Diego or the University of California at Irvine. These admission numbers have implications for the delivery of health care services to underserved communities. It has been shown time and time again, that it is primarily persons of color who will return to provide medical services for these communities. We condemn these underserved communities to remain underserved when we do not provide admission to potential, qualified applicants who have as their goal to provide health care services to these communities.

Only one year after the Regents decision to ban all affirmative action policies, the acceptance rate at Boalt Hall law school at Berkeley dropped 81%; at UCLA, the rate fell 80%. The message being sent to students of color is that they are not welcomed in the University of California system, so that even those few offered admission choose to go elsewhere. For example, no African American students who received admissions to Boalt Hall chose to attend; only 7 of the Latino students who received admission elected to attend; the two Native American students accepted also declined admission.

In two years of the Regent's policy, we have begun to see the unraveling of thirty years of progress. Why would we want to subject the rest of the country to this ill-conceived experiment?

I have heard my colleagues on so many occasions talk about how the Department of Education should have less influence on education policy. Yet, here we are on the verge of putting the Department of Education in the business of dictating admission policy for our higher education community. Sixty-two presidents of the country's most prestigious universities have come out in opposition to the elimination of affirmative action policies. These presidents have attested to the importance of diversity in fostering a rich educational environment and how affirmative action policies play a key role in achieving this diversity. This amendment directly contradicts what the majority of educators throughout the country have said that they need. We cannot tie their hands on how they can achieve their mission.

I cannot stress enough what a devastating effect and far reaching implications the Riggs amendment will have for the future of this country. It will only further widen the disparities in education and income between men and women, and whites and people of color.

I cannot believe that Members of this House want to see the resegregation of America's colleges and universities. I urge a no vote on this measure to ensure that those qualified students, regardless of their race or gender, have an equal opportunity to pursue their dreams.

Conventional wisdom says that as California goes, so goes the rest of the country. I ardently advise my colleagues to learn from the mistakes of my home state. I hope that in this case, that conventional wisdom is wrong. I yield back the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the Riggs amendment, and I do so after numerous conversations with institutions of higher learning in my district.

There are a lot of folks around that complain regularly that the Federal Government, specifically the Department of Education, exercises too much control over the education of our children. They claim that they are for local control in autonomy and education.

My friends, this amendment promotes expanded authority for the Federal Government and takes away decision-making power from States and localities, as read by those who are responsible for education in my district.

My office has been in discussion with university presidents from across my district. They represent a broad spectrum of schools, small, large, public, and private, those who are affected by this amendment, and those who are not immediately affected.

In spite of the differences in their schools, though, all of the university presidents in my district that we spoke with were unified in their opposition to this amendment. They are worried about this latest potential intrusion by the Federal Government in instructing schools on ways in which they must conduct their business. They foresee an impact far more draconian and extreme than Proposition 209 and the Hopwood decision.

The last thing that these folks and their universities that have done such a fine job educating young people of west Texas want is more intrusion and regulation from the Federal Government.

I urge my colleagues to listen to these voices, to vote no on the Riggs amendment, and help prevent a broad-based, far-reaching, intrusive Federal prohibition that universities do not support and students do not want.

Mr. RIGGS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I just again want to, for the benefit of all my colleagues, put matters in perspective in terms of what is taking place in the University of California system.

The latest systemwide data released by the University of California shows that this fall's freshman class will contain 675 fewer non-Asian minority students spread over the entire eight campuses. So the new freshman admissions are 15.4 percent non-Asian minority, interesting that they actually exclude Asians from the minority classification, compared with 17.6 percent for the 1997 freshman class. That is a decline of 2.2 percentage points.

The drop may be even smaller since the university does not know the ethnicity of the huge number of admitted students, 6,346, who declined to list their ethnicity on application forms this year.

So I want to suggest to my colleagues we have to treat these numbers that people are throwing around with a little bit of caution. The decline of black and Hispanic freshman enrollment in the 2 percent range is a lot smaller than many people predicted, a lot smaller, of course, than those who are quite up in arms, even hysterical over the passage and implementation of Proposition 209.

As I said earlier, what we have seen now is a spreading effect, more minority students at the other campuses in the University of California system, to the point where, as I quoted earlier, Judson King, the provost of the University of California, is acknowledging that we are actually achieving more diversity, better balance by the end of preferences in the University of California system.

Mr. Chairman, I yield 2½ minutes to the gentleman form California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I think that we are all talking about the fact that we want to address the fact that everyone who is disadvantaged should have access to their educational opportunities.

California is a very progressive State. We have been way ahead of the curve so many times in America that now people have just basically expected us to do this. I would ask that we talk about working together on this issue.

Californians have recognized that we are not talking about turning the clock back. We are talking about moving forward. The fact is, the days of trying to justify fighting prejudice by being prejudiced is a thing of the past. The assumption that there are only certain groups, by the color of their skin or their gender, who are disadvantaged when it comes to educational opportunities is an antiquated concept.

Mr. Chairman, if you walked in my neighborhood, a community in south San Diego, along the Mexican border called Imperial Beach, we could walk down, and I could show you where there was a Latino, an African American, a Pan Asian, an Anglo. You could not tell me that this person's children are advantaged, this person's children are disadvantaged.

The fact is that the great disadvantages in our society today follow more economic-social lines than any other single denomination; and that happens to have a large, large impact to those who are people of color. I agree with that. I think there are opportunities for us to have affirmative action.

In my county, we had affirmative action, and it was declared constitutional because we did not have quotas and set-asides. We did not judge men and women based on their gender or people based on the color of their skin, but we did address the issue.

There are a lot of people that are disadvantaged and need help. That does not necessarily always follow based on the color of someone's skin or somebody's gender.

Mr. Chairman, I think that we can work together on this, but we need to leave the old race-baiting approach and the gender baiting. We do not fight racism by being a racist. We are not going to end sexism by being sexist.

Mr. Chairman, as somebody who has worked on affirmative action for over 20 years, we can do better. We do not need to deny a Filipino girl in San Diego access to the UC system because there happen to be so many more Asian Americans who qualify.

I have three daughters and two sons who are alive. I hope to God that some day in the next century we can stand up and say that our daughters and our sons, no matter what their gender, no matter what their race, no matter their economic opportunities, will have equal rights under the Government of the United States.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

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

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to the Riggs amendment. This amendment would forbid public colleges and universities from considering race, color, national origin, ethnicity, or gender at all in the admission of students.

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Now, I oppose quotas and reverse discrimination, but this amendment will not eliminate quotas or reverse discrimination because they are already illegal. And that is the point. This amendment would eliminate diversity in our Nation's public colleges and universities.

We have seen what happens when affirmative action in higher education is eliminated. Minority enrollment plummets, plain and simple. For example, since the Hopwood case and the passage of Proposition 209, the number of racial minorities admitted to public universities in Texas and California has decreased dramatically.

At the University of Texas Law School, admissions of Hispanic students is down 64 percent. Admission of African-American students is down 88 percent. And when minority admissions decrease so dramatically, there are so few minority students that those who are admitted do not choose to attend. At Boalt Law School last year, not one of the African Americans admitted elected to attend.

Even minority applications are plummeting. Last year minority applications at the University of California at San Francisco Medical School fell from 722 to 493. Berkeley Chancellor Robert Berdahl has said, ''We have got to take this seriously. Our future as a university and the future of the State of California is at stake.''

The Association of American Medical Colleges has said of this amendment: ''HMOs and other large health care organizations are calling for greater numbers of physicians who reflect the diversity of the patient populations they serve. Today, black, Hispanic, and Native American doctors are a crucial source of care for the Nation's burgeoning minority communities as well as its poor populations. Ultimately this legislation will undermine decades of progress our Nation has made in educating underrepresented minorities for all trades and professions.''

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Chairman, America has always been about opportunity: the opportunity to work hard, the opportunity to get ahead, and the opportunity to achieve everything that our talent and our toil will allow. And in today's competitive economy, the key to that opportunity is a good education.

That is what we are talking about this evening, ensuring that all Americans have an opportunity for a good education, even those who have traditionally been denied access to our colleges and universities.

Most colleges and universities seek out students of various talents, perspectives, and backgrounds precisely because that diversity makes them stronger. They admit students on the basis of many subjective criteria. Some students are admitted because they are top scholars, some because they are good athletes, some because they are children of wealthy alumni, some because they are in-State students, some

because they help create geographic diversity.

Factoring in an applicant's race and gender in the admissions process is no different except its purpose, ensuring equal opportunity for all Americans, is a whole lot more important than recruiting a winning football team or boosting donations of alumni. Student bodies that include men and women of all backgrounds help produce the diversity that we need in America.

Now, there are those who argue that affirmative action is no longer necessary. And to them I say, let us look again, once again this evening, at the evidence.

One year after the University of California prohibited all affirmative action programs, enrollment for African Americans dropped 66 percent, Hispanic enrollment dropped 53 percent. The end of affirmative action at the University of Texas Law School caused Hispanic admissions to drop 64 percent and African-American admissions to drop and to fall by 88 percent.

So what do these statistics tell us? That not all Americans are getting equal access to educational opportunities.

Affirmative action is an effective tool to remedy this. The Riggs amendment would take this tool away from us. It would undermine opportunity. I strongly urge, Mr. Chairman, I strongly urge my colleagues to oppose it.

Mr. RIGGS. Mr. Chairman, one more inquiry as to how much time is remaining on both sides.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 16¼ minutes; and the gentleman from Missouri (Mr. CLAY) has 16½ minutes remaining.

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

I want to say to my colleagues that we have to look at the results of affirmative action as has been practiced by many institutions of higher learning around the country. That is why we have gotten the court ruling in the Hopwood case; that is why the courts upheld the legality and constitutionality of the California civil rights initiative.

In fact, the Ninth Circuit Federal Court of Appeals said in upholding Prop. 29 in California, and I quote, ''Where a State denies someone a job, an education, or a seat on the bus because of her race or gender, the injury to that individual is clear. The person who wants to work, study, or ride but cannot because she is black or a woman is denied equal protection'' under the law. ''Where, as here,'' and referring to the case of Proposition 209 in California, ''a State prohibits race or gender preferences at any level of government, the injury to any specific individual is utterly inscrutable.''

Inscrutable. That is the word of the appellate court.

No one contends individuals have a constitutional right to preferential treatment solely on the basis of their race or gender. I will turn the earlier argument of the gentleman from Texas (Mr. EDWARDS) on its ear. Is there anyone on the other side of the aisle who is willing to stand up tonight, in fact, I think this is the argument the gentleman from California (Mr. COX) made as well, and contend that any individual American citizen has a constitutional right to preferential treatment solely on the basis of their race or gender? If so, I will hear from them now. I will yield to them.

The court is clear. What has evolved is an unfair system.

The court goes on to say quite the contrary. ''No individual citizen has that constitutional right to preferential treatment.'' And they go on to conclude and say, ''What then is the personal injury that members of a group suffer when they cannot seek preferential treatment on the basis of their race or gender?''

So that, I think, is the crux of the legal argument. And I guess that is as good a segue as any, Mr. Chairman, to introducing my good friend and fellow Californian.

Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, what do we say, what do we say to the young Asian-American woman who received a letter in 1989 from the University of California Boalt Hall Law School. I saw the letter. It said that she was on the waiting list, and there was a blank, and the word ''Asian'' was written in; that she was on the lower third of the ''Asian'' waiting list. What do we say to an individual who is told that her race is going to determine whether she has a good, better, or worse chance of getting into the law school of her State, the University of California? (The University agreed to stop this practice.)

People of good will are on both sides of this issue tonight, Mr. Chairman. I recognize that. Every intelligent person does. And I cannot dispute that affirmative action, as practiced in this country, has done good for many people. I just cannot accept the price of the harm it does to those who are kept out. And that is what happens. We cannot logically include somebody, giving preference on the basis of their race, without saying that somebody else is excluded because they were not of that race.

The University of California has been the subject of a lot of the debate tonight. Statistics about the test scores there were reported in the Wall Street Journal in April of this year. They say that the SAT for math was 750 for Asian students; for white students, 690; for Hispanic, 560; and for black, 510. What do we say to an Asian American who scores 740 on the SAT math and is told she cannot get into Berkeley, but that if her race were white, she could?

The danger is, once the State begins to use race, it is very, very hard to do it right, to do it in a fair way, to do it in a constitutional way.

I want to tell my colleagues something that happened to me personally. First of all, some background: Asians now are about 38 percent of those admitted to Berkeley, 41 percent of those admitted to UCLA. They are the largest ethnic group at those two campuses. And if we look at people as members of groups, we could say, well, that is high enough. That group's percentage is high enough. But that is just not fair to the individual who is told that we have reached the limit of ''your type.''

I had this personal experience, Mr. Chairman. When I was a member of the California State Senate, a high administration official of the University of California came to see me in my office. And he said, we need affirmative action at Berkeley because, otherwise, ''there would be nothing but Asians there.'' He said that to me, in my office. I said to him, what is wrong with that? They would be Americans. Not Asian Americans, not Caucasian Americans, not African Americans. Americans. But this university official was concerned that there would be too many of one particular race at the University of California.

When California abolished the use of race in the admissions policy at the University of California, the group that increased in admissions was Asian. At the law school at UCLA, the numbers of Asians admitted grew 81 percent.

During the time when affirmative action was practiced (and I know this because I interrogated the administration officials at the University of California) people of higher income were admitted over Asian-Americans of lower income. There was no affirmative action for Vietnamese, though they came to this country with nothing. No affirmative action for them.

And the university actually argued that because they would admit students of lower income if they abolished affirmative action, they would have lower academic performance, because academic performance was correlated with income. That, to me, is so wrong, to say to somebody whose income is lower, that nevertheless they are just the wrong race, so they cannot come in.

Mr. Chairman, I had a distinct honor to be law clerk to Justice White in 1978, when *Bakke* was decided. And I read every word of the civil rights history of the 1964 Act, and I read the briefs in the case. And I will never forget that the Sons of Italy and B'nai Brith submitted briefs in that case saying it is not just a generic Caucasian that we would be taking places from, it is us; in the two instances I gave, persons whose interests were represented by B'nai Brith and the Sons of Italy would be losing places in the class admitted to medical school.

Four justices in that case ruled that there was no difference to the individual whether they are told they cannot get in because there is an absolute quota, or they cannot get in because

they do not have the racial plus factor of those who were admitted. Two of those four were Justice Stevens and Justice Stewart, nobody's far right wing members of the Supreme Court.

The numbers at the University of California are not as good as we would all like. I admit that. But the University of California has not tried the alternative. What they should have done, from the start, is consider people who are willing to work in low-income neighborhoods upon graduation. Let us admit people to medical school who are willing to go into the neighborhoods that need them. Let us admit students taking into account a promise to do that; not on the basis of their race.

We should consider income. We should consider whether your parents graduated from college. We should consider how many from your high school went on to college. The University of California never tried those factors. They used race because it was the most convenient; and, hence, the numbers now are as bad as they are. I suggest that it is time to try the alternatives, because using race has led to unfairness to people in my State.

□ 2100

I conclude with this. This is a matter of shame to me that my State kept Chinese from owning property at the beginning of this century; told Chinese they could not even litigate in civil courts up until the Second World War. They took Japanese Americans and said, ''Because you are Japanese, you will be deported from the State of California; your property and business will be seized.'' It is just not right for my State to tell them now, ''You are on the Asian waiting list.''

Mr. Chairman, we cannot do good by doing bad. Let us do good and consider people as individuals, not as members of a class.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, I mourn for the Chinese who were denied the right to own property. I mourn for the Japanese who were put in concentration camps. But I also mourn much more for those descendants of African slaves who were descendants of people who were not allowed to own property for 232 years. They were not even recognized in marriage. They could not get married. Laws were made to prohibit the teaching of reading to African Americans.

All those injustices do not matter, I suppose. If we start with a set of wrong assumptions, we can make a profound argument about simple-minded matters. But let us lay this aside for a moment and not discuss the need for affirmative action as a matter of justice that is long overdue. Let us just talk about how do we deal with the present situation and some of the things the previous speaker said.

Why do we not let all high school graduates who qualify to go to college go to college? Why do we not open up the slots. Why do we not have open admission and have the Federal Government have a program where we expand the Pell grants and we expand all the Federal aid to the point where open admission would mean that every student graduating from high school who can reach a threshold can go on to college.

Because the facts are that those students who have the lower SAT scores in the minority community, once they go to college, the results, the studies that are done about results in the medical schools and results in the law schools, they get the same results. They come out at the same level as everybody else.

If we want an America which is meeting its needs for a large number of educated professional people, and we are missing the boat here, we have no vision as to what is coming. We have a great shortage of teachers right now. We do not seem to recognize what that means. We have a great shortage of information technology workers.

Practically every profession is facing the shortage just to meet our domestic needs. Yet we are the indispensable nation that offers all kinds of assistance to the rest of the world, and our leadership in the world will have a lot to do with our prosperity; and we do not have the educated people in the hopper, in the pipeline, to do that.

This amendment is going backwards. It is all wrong.

The CHAIRMAN. The Chair would advise, the gentleman from Missouri (Mr. CLAY) has 14½ minutes remaining, and the gentleman from California (Mr. RIGGS) has 7¼ minutes remaining.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

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

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the time.

I rise in opposition to the Riggs amendment. The amendment, although it has been altered, is still extreme. It is going to create a two-tiered system at our Nation's institutions of higher education. Our private colleges and universities can continue their affirmative action programs, creating diverse and inclusive environments on their campuses nationwide. But students in public colleges and universities will be deprived of all of those benefits and enrichment that diversity brings to the educational experience.

While the Riggs amendment would encourage the recruitment of women and minority students, there is little indication that this language would be implemented. Women and minorities have been historically underrepresented in many critical fields: science, engineering, technology. I could cite the statistics to indicate that among technology jobs computer programming attracts the most women, and that is 29 percent of female. Only 12 percent of physics doctorates and 22 percent of mathematics doctorates are awarded to women. For minorities, its an even more bleak picture.

Two-thirds of the new entrants into the workforce in the year 2000 are going to be women and minorities. Let us train them. Let us give them the opportunity. Let us embellish affirmative action in terms of what our Nation stands for. The battle for equal rights is not yet won. I urge a ''no'' on the Riggs amendment.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me thank the gentleman for yielding. And let me also concur that there are, I am sure, well-meaning people on both sides of this debate. But I think that this amendment would move this country in the wrong direction.

Harvard University was founded for the sons of landowners, white male landowners, and sons of the clergy. And when we look at the circumstances of higher education in this country and we know that the greatest predictor whether a kid would go to college is the education of one's parents, and then we already have heard the history of how certain groups have been excluded, then we know by mere fact that therefore others would be in a deficit position in order to go forward and matriculate at a higher education institution.

We know that income is a secondary factor, and we know where minority groups fall in the income distribution scale in this country. We also know that the third factor is the K-to-12 education. And everywhere we look in this country, we will see that minority students are in underfunded public education systems that disproportionately put them in a situation where they cannot compete adequately in some of these standardized tests.

So if we look at those three factors that on their face are nonracial in their characteristics, they have in fact an impact. The other thing that is important is that the Riggs amendment, my colleague from the Committee on Education and the Workforce, his amendment would allow a university like Penn State, where I served on the board of trustees, or Temple University, to admit, as many do now, foreign students based on preferences and all kinds of other considerations, giving them points in the admissions process, giving them headway over and above native-born American students who come from groups of Americans who have been left out of the picture.

Now, here in this Capitol, we have some 300 pictures, artistic pieces, renderings about our history. Not one picture is of an African American or a Hispanic American, a Latino. Is the kind of America we want to paint where we lock other people out? Do we

want to return to the day when in law school and medical school it is all males and no females?

What does that suggest for this country as we would go forward into the 21st century?

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Attack. Attack. Attack. Mr. Chairman, I rise before my colleagues today to express my opposition to this amendment.

In fact, I am sick and tired of being sick and tired. Why is it that minorities in this country are constantly on attack? One year after the passage of Proposition 209, California's most select universities admit 50 percent fewer African Americans and Latin American applicants? Why is it that every time we talk about affirmative action in education we are talking about race?

What about the football player who gets affirmative action or the alumnus because of the family's connection? How about the banker who has influence with the admissions board? This amendment is a blatant attempt to keep minorities out of our colleges and universities so that they will never have the opportunity to be successful.

Affirmative action has never been about favoritism. It is merely one tool to make sure that everybody in this country has an opportunity for education.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

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

I rise in strong opposition to this amendment. I am very sorry that this amendment is before us today. It is really very divisive. It moves the country in the wrong direction. I do not think we want to go back to the good old days, which were not so good to begin with.

I am really amazed because our Republican colleagues have traditionally said that the Federal Government ought not to intrude in the matter of education as far as the States go, and here we are mandating, intruding, and saying that the States cannot even have the ability to decide for themselves what is best for their universities. It makes no sense to me.

If we do not believe that the Federal Government should come in with a sledgehammer, then why are we mandating this on States? The States are intelligent enough. They know what kind of programs they want and what kind of programs are best for their States. We ought to leave it alone.

I was educated at public universities in my State. I think we do very, very well. I am not interested in theories. In the real world, this country moves forward when people of goodwill work together. We need to stop dividing people. We need to bring people together. People are benefited when they go to school with other types of people. That is best for the society as a whole.

It is good for children to get to know other children, not only children of the same background, but children of different backgrounds. And what the Riggs amendment would do is it would resegregate public universities in this country. I do not see how that is good for America.

I think it is good that we have all types of people getting to know each other so we can have a brighter future. It does not make sense. Private colleges, as many of our colleagues have stated, could continue to be diversified, whereas public universities would have a stranglehold.

Let us not dictate to the States and tell them what they ought to do or what is best for them. We do not need Big Brother. The States know what is best for themselves. This amendment has constantly been worked and reworked and reworked and reworked, which means there has been a terrible problem with it.

I wish it would be withdrawn. We have seen what happened in California and in Texas with Proposition 209. This slides the country backwards. Let us move forward and reject the Riggs amendment.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

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

Mr. GEPHARDT. Mr. Chairman, I rise in opposition to this amendment, and I hope that it will be defeated.

This amendment would travel us down the retrograde road of racial divisiveness by offering legislation that would deny educational opportunity to minorities and women. The Members who support this amendment wanted America to end the era of diversity and integration in our public institutions of higher learning.

The Riggs amendment would destroy the years of effort and commitment that this country has made to expand educational opportunity. All the progress that we have made, and it is considerable, could be lost and reversed with this one vote.

The Riggs amendment is described by its proponents as an effort to eliminate preferential treatment and discrimination in admissions in public institutions that receive funding under the Higher Education Act. But make no mistake, the Riggs amendment is not about eliminating preferences and not about eliminating discrimination. It is about limiting the ability of public institutions to make their own choices about how to reach out to qualified students in their application process.

Like its model, California's Proposition 209, supporters of this amendment know that the majority of American people support affirmative action remedies that seek to be inclusive and remedy past discrimination, that aim to increase the attendance of minorities and women at our universities and colleges. They use terms such as ''preferential treatment'' and ''reverse discrimination'' in order to obscure what is really at stake here.

I know that the American people support affirmative action. I have heard stories of countless individuals who have been benefited, who have been helped, who have been given an opportunity that they would not have had but for these programs. These are the success stories of affirmative action which we have not talked enough about.

These people who had this chance overcame odds, surmounted the obstacles of discrimination, and they were allowed to fulfill their hopes and realize their potential, which they would not have been able to do without this help.

The Riggs amendment will create a crisis, educational inequality on a scale which we thought we had left behind us when we passed the civil rights laws in this country. We need only to look at California's experience to know what happened when this new policy came into being.

Under Proposition 209, the California State system has experienced the most significant drop in minority enrollment in its freshman classes in the past 2 decades. Proposition 209 has had such a devastating impact on educational opportunity for minorities in California, it has caused even longtime opponents of affirmative action to rethink their position.

I remember what it was like in America before we had this kind of affirmative action that really brought people into opportunity. I graduated from the University of Michigan Law School in 1965. And in my class, there was one, one, African-American student. In fact, he was the only African American in the entire law school when I attended law school at the University of Michigan.

That classmate was Harry Edwards, who is now Chief Judge Edwards of the U.S. Circuit Court of Appeals for the District of Columbia.

□ 2115

Last year in the entering class of the University of Michigan Law School, there were 25 African-Americans, and 22 percent of the entering class was comprised of students of color. Look how far we have come. Do we want to go back to 1965 when there was one African-American student in the entire law school at the University of Michigan Law School? Or do we want to continue what has been happening today because of affirmative action?

I think I know the answer. I think I know the best answer for America and for our people. Let us not go back into the past, which was not successful. Let us stay with the present. Let us keep affirmative action. Let us keep America the land of opportunity. Vote against the Riggs amendment.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIGGS. Mr. Chairman, just confirming that the gentleman from Missouri (Mr. CLAY) has the right to close debate.

The CHAIRMAN. As a member of the reporting committee opposing change in the committee position, the gentleman from Missouri (Mr. CLAY) will have the right to close.

Mr. RIGGS. I would also like to confirm how much time is remaining on both sides.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 7¼ minutes remaining and the gentleman from Missouri (Mr. CLAY) has 5½ minutes remaining.

Mr. RIGGS. Mr. Chairman, I yield myself 3 minutes. I just want to say, let us not get too hysterical about this debate. I go back for the third time in the course now of about 2 hours, I want to quote Judson King, provost of the University of California, who acknowledged that the passage and the implementation of Proposition 209 has evened out diversity across the University of California system, all eight campuses, or nine if we include the University of California at San Francisco Medical School. John Leo, who quoted Mr. King, goes on to say in this commentary, ''Though there is no real shortage of hysterical commentary about the end of preferences,'' and we have certainly heard and seen that here tonight, Mr. Chairman, ''very few people have bothered to talk about the strong positive aspects. For one thing, a great burden has been lifted from the shoulders of the University of California's black and Hispanic students. No longer can anybody patronize them or stigmatize them as unfit for their campuses. From now on, all students in the system make it solely on the basis of brains and effort and everybody knows it. The end of preferences will help make campuses far more open and honest places. The deep secrecy that surrounds the campus culture of racial preferences,'' whether we are talking about the University of California, the University of Texas, the University of Michigan or for that matter any other public college or university that engages in racial preferences in making their admissions, setting their policies and in making their admissions decisions today, ''has compromised many officials and led to much deceit and outright lawbreaking. Martin Trow, a Berkeley professor, spoke at a recent academic convention about all the coverups and lying that preferences have spawned, citing as one minor example an Iranian student at Berkeley who said he had been encouraged to list himself as Hispanic in order to qualify for a preference.'' You have academics themselves, Professor Trow at Berkeley, Professor Cohen at Michigan speaking up and saying this is deeply wrong. It is, as I said earlier, anti-American.

Mr. Chairman, the other thing I want to say to the speakers on the other side of the aisle, they seem to be referring, if I understand their argument, to the continued existence of racial prejudice in our society as a justification for racial preferences. I find that argument utterly baffling. I cannot follow the reasoning there, because I do not understand how State-based, State-enforced discrimination based on race, which is exactly what my amendment is intended to ferret out and end, I do not understand how that State-based, State-enforced discrimination can help end discrimination and racism. I do not think the other side has addressed that argument tonight.

The evidence is unmistakably clear. After 25 years of preference, racial preferences continue to be a powerful source of racism and racial resentment in our society. As I said just a moment ago, they have poisoned racial relations at universities and schools across this country. It is time for us to admit to ourselves, to our fellow Americans that race conscious State action is not a cure for racism. It is simply a reinforcement of it.

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

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Chairman, I serve on the Committee on Education and the Workforce. I strongly oppose the Riggs amendment. The elimination of affirmative action programs in California had a devastating effect on new minority student enrollment in the University of California's graduate and professional school programs in 1997. Equally devastating was the effect on the enrollment of the two flagship universities in my own State of Texas. Affirmative action policies have enabled colleges and universities to champion access and equal opportunity for a postsecondary experience for a generation of students. Achieving diversity on college campuses does not require quotas, nor does diversity warrant admission of unqualified applicants. However, the diversity colleges seek does require that colleges and universities continue to be able to reach out and make a conscious effort to build healthy and diverse learning environments appropriate for their missions and communities.

The Nation cannot afford a citizenry unequipped to participate in the educational, social, political, cultural and economical processes of society. Until equity for all students is reached, these opportunities created through affirmative action must continue. It is vital that the reauthorization of the Higher Education Act ensure access to postsecondary education for qualified applicants. The Riggs amendment would effectively shut the doors of higher education to large numbers of minority students.

In conclusion, Mr. Chairman, I urge all my colleagues to vote no on the Riggs amendment.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mrs. CLAYTON. I thank the gentleman for yielding me this time.

Mr. Chairman, I am in complete opposition to the Riggs amendment that brings affirmative action to a screeching halt in the admission offices in colleges and universities across this Nation. Although the language of this amendment sounds bland and nonthreatening, nevertheless the intent of this amendment is to end affirmative action, those actions which would overcome past discrimination. The sponsors of this amendment talk about affirmative action as if they are quotas, which is not the case. The goal we are trying to reach is equality of opportunity, not based on race. How can we reach this goal when we fail to give opportunities to women and minorities to overcome past discrimination?

I submit, Mr. Chairman, that in order to achieve equality, we must not quit our past endeavors. California and Texas both enacted laws that prohibit universities and colleges from using affirmative action as a legal remedy in cases of discrimination, to use affirmative action to increase campus diversity. Mr. Chairman, this amendment is counterproductive. It puts us further away from the goal we are trying to achieve, equality. I urge my colleagues to oppose this amendment, because discrimination does indeed exist.

Mr. RIGGS. Mr. Chairman, I yield myself 15 seconds, to simply say that as the gentlewoman herself has said, we must guarantee equality of opportunity in our society. But we cannot guarantee equality of results.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. ARMEY), the majority leader, for the purposes of closing debate on our side. No one has worked harder to create educational opportunity for minority children in this country than the majority leader, and he shares my concern, our concern, that we as a country cannot afford to lose another generation of urban school children.

The CHAIRMAN. The gentleman from Texas is recognized for 4 minutes.

Mr. ARMEY. I thank the gentleman for yielding me this time. Mr. Chairman, let me begin by appreciating the gentleman from California (Mr. RIGGS) for bringing this amendment to the floor. It is not a debate that most of us would want to join. It is a difficult subject, there is no doubt about it, but yet it is so important. To bring this subject out as the gentleman has done leaves him open to be easily misunderstood, even more easily misjudged and frankly more likely to be mischaracterized. His courage and commitment to fairness is to be appreciated.

This has been an unusual opportunity for me. In these days I rarely get to listen to an entire debate on any subject. But I did get to hear this whole debate. It is important to me. You see, I do not believe there is anything that we can do as a culture of civilization that can be as important as educating our children. In that task, I believe there is no institution that is more important than the university, because the university gives us our final product and gives us all our inputs as it trains our teachers.

Indeed, I labored in the university for 20 years, so I retain a great interest in it. Of all the things that I heard in this debate this evening, the thing that I found most unfair were the characterizations of American universities made by those in opposition of this amendment. I repeatedly heard people say, ''Oh, we can't do this, because universities will not be fair in their admissions policies.'' Do we think so little of our universities? Do we think so little of our professors? Do we think so little of our admissions officers that we think they will not be fair? Without this, it was argued, the universities will not pursue a policy of diversity.

Well, I have been there. The universities invented diversity. They are committed to it intellectually and emotionally, and they are not going to walk away from it. I also heard a very discouraging assessment of this. How little is our imagination? How little is our courage? We have seen some testimony. Yes, there is progress. There is change. Things are better in America than they were. We have got shame, we have got embarrassment about the way we have treated one another in this Nation in the past, and things are changing.

Now I think the time has come in this great Nation, can we dare, can we dare to move forward? I think this is what the gentleman from California (Mr. RIGGS) is asking us to address. It is not a retrograde road. Do you have so little faith in the goodness of the American people as exhibited in the discussions of your lack of faith in American universities that you believe we will go back to the days of Jim Crow? Or maybe, maybe, America is a Nation that has grown enough in its goodness that the road that we are about to take may be a better road?

The question I think that the gentleman from California is asking us to address, is America a Nation where we believe it is right and a Nation that is capable of living by the idea that every person, every person in this Nation, deserves to be treated the same as everybody else?

One of my great privileges as a Member of Congress is to assist young people in obtaining appointments to the military academies. That is often misunderstood. I can appoint no one, but I can nominate. Repeatedly throughout that process to all the young men and women who come to me, I emphasize that I want them to know, and they need to know that if they get an appointment, they got it on their merits. There is no politics involved in this, no preference, nothing special. Why did they need to know that? Because it is a daunting task for a young person. They need to go to that task knowing that they will be respected by the others at the academy and that they have already proven in the selection process they have the ability and they can therefore go with the courage and the confidence they can succeed.

Does not every young person in America that gains admission to any college, any university, any program deserve the right to know that not he nor anyone else can doubt that he did it on the basis of their own merit, their own intelligence, their own accomplishment? Or must they live with the shadow of worry and doubt that even if they themselves can get beyond it that others will not recognize these things and others will think you got it because somebody in the government defined you arbitrarily as a person in a class to be given preference?

☐ 2130

No. A government that can give a child a preference in consideration of matters extraneous to that child's virtue and merit is a government that can give a child prejudicial treatment. Is America ready to have a government that will insist that each child is judged by the quality and the character the child has and the child has exhibited?

I believe what the gentleman from California (Mr. FRANK RIGGS) has asked us to do now is to come to a fork in the road, a fork in the road that says: ''Mr. and Mrs. America, we have faith in your goodness. We believe that you are ready to travel the higher road, the road of fairness, decency, and respect; and we don't believe that we in Washington are either qualified or able to dictate to you the terms by which you should travel that road.''

Let us vote yes for this out of consideration for the young people's right to be treated with decency and out of respect for the goodness that we find in the American people.

Mr. CLAY. Mr. Chairman, I yield the balance of time to the distinguished gentleman from Indiana (Mr. ROEMER) a member of the Committee on Education and the Workforce, to whom we have reserved the right to close debate on this very critical and important issue.

The CHAIRMAN. The gentleman from Indiana is recognized for 2½ minutes.

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

Mr. ROEMER. Mr. Chairman, I rise in opposition to the Riggs amendment, and I do so even in respect to the gentleman from California (Mr. RIGGS) who I work with on a host of issues.

I would like to tell a more personal story, a personal story about growing up in Indiana where I am born and raised, a story about my mom and dad raising me and teaching me values, values about God and faith, values about giving back to the community and, therefore, my public service, and values about equality. And my mom and dad always said to me, ''Everybody pulls their pants on the same way, and you better treat people equally.''

That was a value and a principle in my household.

Now growing up in predominantly white Indiana in a rural community, I went to a predominantly white high school. But then I went to the University of California at San Diego where they value diversity, where most of the class was made up of people of color and different religions. And while I got a great academic experience, maybe the best experience was the exposure to this beautiful country, people from all different backgrounds and religions and races. And coming from rural Indiana, one of the best experiences of my lifetime.

Now the UC system has declined its enrollment for African Americans by 65 percent; Hispanics, by 59 percent. As the U.S.A. is getting more diverse, some of our colleges are getting less diverse.

Affirmative action, Mr. Chairman, should never be about quotas, it should never be about reverse discrimination, but it should be about what my dad and mom told me: equal opportunity for all. We should make this a value and a principle in this great country of ours.

As the civil rights struggle in the 1960s was about protests, it was about changing laws, the struggle in the new century is going to be about access to education. Savage inequality exists in education in our inner cities. Colleges that consider race for admission should be a value and a principle in this great country.

And let me close, Mr. Chairman, by this. ''E pluribus unum'' is written all over this great Capitol; from the many, one United States of America; from the many, blacks, Asians, Hispanics, one United States of America; from Catholics and Protestants and Jews; from the many, one United States of America for men, women, and children; from the many, one United States of America.

Let us hold affirmative action that puts principle and value on diversity, on equality, on justice as a principle that is so vital to this great country. Let us defeat the amendment offered by the gentleman from California (Mr. RIGGS). Let us continue to reform and make affirmative action a value that works for all people in the United States of America.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to the modified Riggs amendment. This anti-diversity bill would dismantle affirmative action policies in higher learning—by eliminating the ability of public colleges and universities to use gender and race as factors in their admissions decisions.

It would also overturn the Supreme Court's Bakke decision, which allowed postsecondary

institutions to use race as one of the factors considered in an admissions decision.

Another impact of the Riggs amendment would be the resegregation of public universities across the country. And, the development of a two-tiered higher education system that would override the authority of states to decide admissions policy. As a consequence, large numbers of, otherwise qualified minority students, would be denied access to higher education.

Despite the clever machinations of affirmative action opponents, affirmative action policies are not simple preferences based on race, sex, and ethnicity. Nor are they social engineering policies intended to artificially create a color-blind society. Rather, affirmative action policies are specifically tailored to remedy the compounded effects of discrimination and privilege—which have had a profoundly negative impact on minority communities. The elimination of these policies in higher learning would further exacerbate disparities which already plague disadvantaged minority communities.

Affirmative action has allowed minorities and women to break through the many barriers of discrimination that have contributed to keeping them undereducated, unemployed, underpaid, and in positions of limited opportunity for advancement.

The Riggs amendment serves no purpose for higher education beyond exacerbating existing wrongs while maintaining the illusion of true equality. We have already begun to witness what the dismantling of affirmative action policies can do. The precipitous decline in minority admissions and enrollment experienced by the California higher educational system after the passage of Proposition 209, is a good example of what can happen. As such, UCLA's law school has seen an 80 percent drop in the number of African American students offered admission for next fall. This is the lowest number since 1970. And, of the 8,000 students offered admission to the University of California at Berkeley for next fall, only 191 were African Americans and 434 were Hispanic. This is in comparison to 562 African American and 1,045 Hispanic students, respectively, last year.

Eliminating affirmative action policies serves no purpose beyond fostering the development of a society based on privilege. Those privileged enough to have access to superior academic institutions are those deemed to have merit. Those who do not, are not. Disadvantaged minorities—due to a long history of systemic discrimination—are more likely not to have access to these structures. Ending affirmative action would simply assure the perpetuation of this already unfortunate system.

Mr. Chairman, I strongly urge my colleagues to vote ''no'' on the modified Riggs ''Anti-Discrimination in College Admissions'' amendment. The passage of this extreme measure would threaten the reauthorization of the Higher Education Act, as the President has indicated that he will veto H.R. 6 if this amendment passes. Support for the Riggs amendment would do more harm than good.

Mr. BENTSEN. Mr. Chairman, I rise in strong opposition to this amendment. This amendment would severely undermine efforts to provide opportunity for women and minorities, and its language is so broad and vague that it could even prohibit remedial action in cases of proven discrimination.

This amendment goes beyond what even the courts have said on this issue. It would overturn the 1978 Supreme Court decision in Bakke versus California Board of Regents, which found it constitutional for schools to use affirmative action to advance diversity in education. It would even go beyond the 1996 Fifth Circuit Court of Appeals ruling in Hopwood versus Texas by prohibiting the use of affirmative action where there is proven discrimination on the basis of race, sex, color, ethnicity, or national origin.

This amendment's language is so vague and poorly-defined that the only safe course for colleges or universities would be to make no effort whatsoever to achieve a student body which mirrors the demographics of the communities they serve. The amendment fails to define ''preferential treatment'', leaving in doubt whether basic efforts such as recruitment, outreach, targeted financial assistance, mentoring, and counseling would be legal. This is not only bad social and educational policy, but a recipe for endless and costly legal wrangling.

Recent experience in my state of Texas underscores how harmful this amendment would be to minority access to higher education. In the 1996 Hopwood decision, the Fifth Circuit Court of Appeals ruled that race could no longer be used as the basis for affirmative action in admission to the University of Texas at Austin. Subsequently, the Texas Attorney General ruled that no colleges in the state could use race as a factor in admissions or financial aid programs.

The result has been a devastating decrease in enrollment by minority students. Undergraduate enrollment by African-American freshman has fallen by 14 percent at the University of Texas at Austin and by 23 percent at Texas A&M University. Hispanic enrollment has dropped by 13 percent at the University of Texas and 15 percent at Texas A&M. At the University of Texas Law School, African-American and Hispanic enrollments have decreased by 87 percent and 46 percent respectively. Medical school enrollment for African-Americans has fallen by 40 percent.

Mr. Chairman, these dramatic declines are harmful not only to minority students, but to our society as a whole. African Americans currently comprise 11.5 percent of the Texas population, and Hispanics comprise 27.7 percent. In contrast, African Americans and Hispanics number only 9 percent and 18.8 percent, respectively, of the student bodies of state colleges and universities in Texas. Alarmingly, only 2.9 percent of students accepted for undergraduate studies at the University of Texas in Austin for the 1998–99 school year are African American.

Clearly, a large segment of society would be left behind if efforts to equalize opportunity and diversify the composition of student bodies are eliminated. When opportunity is eliminated, all students are denied the benefits of learning in a diverse environment, which is critical to succeeding in a diverse workplace and society. Minorities are already under represented in professions such as medicine and law. In an increasingly diverse society and global economy, we ignore this problem at our own peril.

Like other Americans, I want a color and gender blind society. However, we cannot close our eyes and pretend that we live in a perfect world. Discrimination still persists. Too often, individual or institutional discrimination, intentional or not, precludes minorities and women from participating in many levels of our society. Not only is that detrimental to the individuals affected, it hurts our nation and our economy.

Like most things in life, the battle against discrimination has sometimes resulted in reverse discrimination. This is counterproductive. I welcome the Administration's continuing review of existing affirmative action statutes. Government should always be willing to review existing laws. However, we must not reverse efforts toward achieving equality and advancement over the last 25 years.

The Hopwood decision in Texas, as well as Proposition 209 in California, have slammed the door of opportunity for minorities. The Riggs amendment would only compound the damage that has already been done. The Congress of the United States should be working to create and expand opportunity, not to deny it. I urge a no vote on the Riggs amendment.

Mr. RIGGS. Mr. Chairman, fundamentally this debate is about the refusal of my colleagues on the other side to give up their Band-Aid—their fig leaf—their placebo for the failure of their great society social programs and the failure of the public education system in America. The poor in this country, white and black and Hispanic and Asian, were trapped for forty years in a dismal and dysfunctional welfare system that we have only now begun to dismantle. They are still trapped in a public school system that is betraying our nation's children—a public education system that we on this side of the aisle have tried again and again to reform. We've tried with education savings accounts, with parental choice in education, with shifting power and responsibility and accountability from Washington bureaucracy and powerful teachers unions to states and localities and families. And every one of our efforts—every one—has been resisted tooth and nail by my colleagues on the other side of the aisle, and by the Clinton administration. They will do nothing to reform primary and secondary education: They did worse than nothing for twenty years to reform welfare. What they will do, is defend to the death the right of government to discriminate based on race and sex. Because that is their Band-Aid, their fig leaf, their placebo for a public education system that traps hundreds of thousands of young children in unsafe and underperforming schools. Our children deserve better. And this amendment is part of doing better for them and by them. Support my amendment.

Mr. FAZIO of California. Mr. Chairman, today my colleagues and I have the opportunity to increase access to higher education for all Americans by supporting H.R. 6.

However, a proposed amendment by Congressman RIGGS promises to have the opposite effect by eliminating affirmative action and closing the window of opportunity that higher education offers.

As Americans, we are committed to equal opportunity for all, and special treatment for none.

All of us should have the opportunity to perform and prove our capabilities.

Proponents of anti-affirmative action believe that we lower standards when we support these particular programs.

On the contrary, I believe that we raise the standard by admitting individuals from diverse backgrounds.

They in turn, will provide the role models to enrich and properly reflect the American fabric.

We level the playing field by allowing the under represented population to compete in arenas historically closed to them.

I am concerned about any legislation that eliminates state and local efforts which are designed to increase opportunities for women and minorities—services like counseling and recruiting programs to boost enrollment among minority youth, and math and science programs developed to help girls in secondary school.

Higher education is filled with preferences. According to the Riggs amendment, it's OK to grant preferential treatment to sons and daughters of alumni, to athletes, to other special talents or one based on geography—they are considered legitimate areas for preferential treatment.

But the Riggs amendment says that race, sex, color, and ethnicity are not legitimate.

Eliminating affirmative action sends the wrong message.

UC Davis, a university in my district, is seeing an alarming decline in enrollment from well qualified minority students.

The campus now scrambles for outreach to properly reflect California.

Meanwhile, private colleges in my state are more engaged than ever in seeking to diversify their student body.

The Republicans preach local control—but only when it's to their advantage. Today they want Congress to be the Admissions Office for all of America's public colleges.

Let's let educators decide what students they want, not politicians.

Vote no on the Riggs Amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in opposition to the Riggs amendment which would ban colleges and universities that consider race and gender in the application process from receiving Higher Education Act funding.

Many of America's educational institutions try to correct past discrimination or to achieve the benefits of a diverse student body by taking race and gender into consideration in admissions. This amendment would force these colleges and universities to choose between abandoning these important policies or their participation in any Higher Education Act Program.

In the year after the University of California's Board of Regents approved a policy prohibiting all affirmative action measures in public universities, the number of African Americans admitted to UCLA law school dropped by 80%, and at UC-Berkeley law school by 81%.

Next fall's UC-Berkeley incoming class has dropped 66% for African Americans and 53% for Hispanics.

When affirmative action is done right it is fair and it words.

It is not quotas.

It is not, and I do not favor, rejection or selection of any person solely on the base of gender or race without considering merit and qualifications.

I believe there will be a day when we do not need affirmative action, but we are not there yet. The statistics show that the job of ending discrimination in this country is not over.

Mr. PAYNE. Mr. Chairman, I would like to voice my adamant opposition to Mr. Riggs' amendment. Congressman Riggs and his supporters believe that the days when affirmative action policies are needed are over. I suppose they believe that equality has been reached when only 18 percent of those enrolled in colleges are minorities but African Americans, Hispanics and Native Americans make up 30 percent of the college age population. I guess they believe that diversity is reached when only 33 percent of all African American high school graduates attended college in 1993 compared to nearly 42 percent of whites.

Affirmative action is still needed and without it the composition of our colleges and university campuses will be reminiscent of what they looked like 30 years ago. We have seen this very thing happen in States such as California and Texas where minority admissions have declined because of anti-affirmative action laws.

This year the University of California campuses report they received more minority applications with stronger academic credentials than ever before. At the same time, UCLA's law school saw an 80 percent drop in the number of African-American students offered admissions for next fall which is the lowest number since 1970.

This is a clear indication of how crippling anti-affirmative action laws can be to the education of minority populations. Many minority students in California are viewing this anti-affirmative action law as evidence that the University of California system does not value diversity on their campuses.

Therefore, they are starting to consider going out of state for school which is much more expensive. By passing the Riggs amendment we will send the same message to all minority students nationwide. Additionally, the loudest battle cry I hear from opponents of affirmative action is that the practice of using quotas and set asides is wrong and needs to be eliminated.

Congressman RIGGS has chosen the wrong area to combat such a belief because under the Supreme Court *Bakke* (back-ee) decision, schools are not allowed to use quotas and set asides in their admissions process.

They may, however, exercise their right to consider race and gender as ONE of the factors in their admissions decisions. This is not discrimination. This is not preferences. This ruling simply allows colleges and universities to have the freedom to choose the students who become part of their institutions.

I believe that if this amendment passes it will have a dramatic and adverse effect on the minority student population at our colleges and universities. And that, Mr. Chairman, would be one of the biggest tragedies I can imagine. I ask my colleagues to consider this when they cast their vote on this amendment.

Mr. RODRIGUEZ. Mr. Chairman, I rise today in opposition to the Riggs amendment. Even after being redrafted by its sponsor, this measure punishes minority students and shortchanges institutions of higher learning.

The amendment assumes we are in a society that is free from discrimination, and that Hispanic and African American students have equal opportunity. The fact of the matter is that discrimination is alive in our society and that while much lip service is paid to equality—for minority students it is far from a reality.

This is why our colleges and universities across the country have turned to affirmative action.

Our institutions of higher education take race and sex into consideration because they know that a diverse student body benefits everyone and provides an educational setting for our students that mimics the real world.

I think everyone in this chamber would agree that students learn as much from each other as they do from their professors and books—and this is all the more true when students are fortunate enough to be in a richly diverse campus.

We must not revert to the days of the educational 'haves' and 'have nots' and keep some of our brightest minds from seeking out public colleges.

If this ill-willed amendment is adopted, some students may be able to take the road to private campuses. But, what is most distressing is that many minority students may have no option at all—and that the cleavages in our society will continue to expand.

The problem here is that the Riggs amendment does not really address the problem of discrimination or equality. What it really does is prohibit our public colleges from using the most effective tools to help remedy past discrimination.

Surprisingly the Riggs amendment would dramatically expand the federal role of education in an area where states and localities should have control. We preach about limiting the federal government's role in education—but what we are doing here is in fact grossly expanding it.

In a recent letter to members of Congress, both Attorney General Reno and Secretary Riley promised to call for a presidential veto to HR 6 if the Riggs amendment is included.

Let us not be fooled by the new Riggs amendment. I urge my fellow colleagues to take a close look at the fine print in this amendment and see how detrimental it will be to our schools and to students.

In my home state of Texas, where affirmative action has been killed, the University of Texas law school now has only four entering African American students, where former classes had more than thirty. The same holds true for the California schools where a similar proposal has been adopted—there has been a significant drop in the number of minority admissions. This is a step backwards and it must be stopped!

We are talking about the future of an entire generation of students. We must offer our FULL support and help them pursue their educational dreams.

I urge my colleagues to reject this measure and stand up for diversity and strength.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I rise in strong opposition to the Riggs Amendment to eliminate affirmative action in higher education. This amendment would have a devastating effect on efforts to correct past discriminations on our college campuses and I would urge my colleagues to oppose this amendment.

The landmark Supreme Court decision Bakke v. California Board of Regents recognized the use of affirmative action as a constitutional means to advance diversity in higher education. The Riggs amendment would eliminate affirmative action even if the courts ordered it as a remedy where there is proven discrimination on the basis of race, sex, or ethnicity.

I have been contacted by Yale University and the University of Connecticut in my home state, as well as many other academic associations, religious organizations and civil rights organizations from across the country who have joined together to express their strong opposition to the Riggs Amendment. It is intrusive and would dictate college admissions policies to public and private institutions by limiting their ability to select students based on the needs of those institutions. Our institutes of higher learning strive to provide the best educational experience possible for American's students. We should not hinder this effort by restricting a school's ability to promote a strong and diverse student body.

The devastating impact of the Riggs amendment on minority enrollment is already evident in the California school system where enrollment by minorities has dropped significantly. As we move into the 21st century with a increasingly diverse and global economy we must ensure that access to higher education is not closed off to the young people of this nation. Rather we should welcome the talents of all our citizens.

I urge my colleagues to oppose the Riggs Amendment.

Mr. MCINTOSH. Mr. Chairman, I support the Riggs Amendment to Title XI of H.R. 6, the Higher Education Re-Authorization Bill, because I believe that it will make America a more fair country.

I believe that America should be a place where people of merit can get ahead based upon their own capabilities, and ''not be judged by the color of their skin but by the content of their character'' in the words of the great Reverend Martin Luther King, Jr.

The American people overwhelmingly oppose the use of racial quotas in higher education. Surveys show that 87% of all Americans, and a full 75% of African Americans, feel that race should not be a factor in admission to a public university.

Federal appellate courts, including the U.S. Supreme Court, have repeatedly struck down racial preference systems used by college admission offices as unconstitutional.

People of color deserve to be proud of their academic credentials. Racial quotas only diminish the significance of their accomplishments.

The statutory law as it currently stands automatically presumes that a person of color grew up in disadvantaged circumstances, and deserve a ''leg up'' in the admissions process. This is a hard message to accept for many of the voters in my district who come from families of modest means.

I would like America to be a color blind society. Unfortunately, this is simply impossible when America's young adults are forced to confront the differences that the color of their skin bears upon whether they'll get into the college of their choice or not.

This is a period in their lives when they form the opinions which they will carry with them throughout adulthood. I am afraid that the frustrations caused by racial quotas causes too many of them to be conscious of race in every setting.

Racial preferences in college admissions violate the principles of freedom and equality on which the civil rights struggle is based. Racial preferences are both immoral and legally unconstitutional.

The field should be level in college admissions. Race should not be a factor.

For these reasons and others, I support the passage of the Riggs Amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Riggs amendment to H.R. 6, which would prohibit public institutions of higher education from receiving federal funding if they use race or gender in making admissions decisions.

The status of admissions in California in the wake of Proposition 209 illustrates the harmful way in which the Riggs amendment would impact the nation. Statistics already show a drop of over 50% in undergraduate admissions at UC Berkeley for African Americans, Latinos and Native Americans.

Acceptance by students is not the only place where the elimination of affirmative action has had a crushing impact. It has an impact on acceptances by students as well. Many of the highest-scoring African American students are turning down the University of California in favor of private universities. African American faculty at the university are discouraging prospective African American students from enrolling because the faculty regard Berkeley as a divisive areas and a national laboratory for the dismantling of affirmative action programs in higher education. Enrollment of African Americans at UC Berkeley has dropped 66 percent this year, and enrollment of Latinos has dropped 53 percent at that university. At the UC Berkeley Boalt Hall law school, none of the African-American students accepted into the class of 1997 chose to enroll.

Affirmative action programs are part of a larger commitment to student diversity which enriches the educational experience, strengthens communities, enhances economic competitiveness, and teaches our students how to be good leaders. This amendment is another opportunity to erode decades of progress in ensuring that diversity in higher education for all Americans. It is just another extreme effort, as we saw in the transportation bill, to eliminate federal programs that provide opportunity for women and minorities.

This bipartisan Higher Education bill has many benefits for our nation's students. The Riggs amendment most certainly is not one of them. It will have a crushing effect on diversity in higher education. I urge my colleagues to support educational opportunity for all Americans and oppose the Riggs amendment.

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Riggs amendment to H.R. 6 which would ban the use of affirmative action in admissions for public colleges and universities that receive funding under the Higher Education Act.

The House should reject this amendment. It is another step down the road of educational segregation led by California Proposition 209, the University of California affirmative action ban, and the Hopwood decision in the U.S. Court of Appeals for the Fifth Circuit. The Riggs amendment overturns the U.S. Supreme Court's ruling in Regents of the University of California v. Bakke, which for twenty years has allowed America's universities to provide opportunities for many disadvantaged minorities. This amendment is an unfair federal intrusion into the college and university admissions process and its passage will likely result in a veto of this important reauthorization legislation.

Mr. RIGGS says in his Dear Colleague letter that he wants to ''ban all preferences and quotas in college admission[s].'' My question is what quotas and preferences? His amendment fails to define them. Is the mere consideration of race as one factor in a complex admissions process considered a preference, even when there is no specific numerical goal for admission of a particular group? There have been ''preferences'' for white Americans since this country was founded. It is only when universities engage in legal, valid attempts to provide a level playing field for minorities that people see a preference problem.

Consider that while African Americans, Latinos, and Native Americans make up 28 percent of the college-age population, they account for only 18 percent of all college students. Only 33 percent of African American and 36 percent of Hispanic high school graduates ages 18–24 attended college in 1993, compared to 42 percent of whites in this age group.

Recent evidence suggests that the anti-affirmative action initiatives of the past few years will only make this situation worse. A year after the UC Regents' decision to ban affirmative action in the UC system, the number of African Americans admitted to the UCLA law school dropped by 80 percent and the number admitted to the Berkeley campus dropped by 81 percent. The fall 1997 semester at Boalt Law School of UC Berkeley witnessed the matriculation of only one Black student in a class of 268. Out of the 468 students in the first-year University of Texas Law School class, only four are African American.

Statistics on UC undergraduate admissions for the fall 1998 class—the first class which will suffer the full brute force of Prop. 209—are equally startling. The number of African Americans admitted to UC Berkeley and UCLA dropped 66 percent and 43 percent, while the number of Latinos dropped 53 percent and 33 percent.

Supporters of the Riggs amendment may be quick to cite today's Los Angeles Times, which reports that Boalt Law School at Berkeley has admitted more than twice the number of African Americans—32—for fall 1998 than were admitted last year. This is great news. However, it does not obviate the need to defeat this amendment. The numbers throughout the UC system are still paltry, and adoption of the Riggs amendment would replicate the UCLA and Berkeley minority undergraduate admissions decline nationwide.

The UC admissions statistics provide incontrovertible evidence that the Riggs amendment would jeopardize educational gains for minorities made in the aftermath of the Bakke decision. In Bakke, the Court held that in certain instances a college or university may consider race in admissions. Examples include the consideration of race to remedy an institutional history of discrimination and the promotion of a university's mission to create a diverse student population. If passed, the Riggs amendment would force public colleges and universities to choose between providing opportunities for minorities and women and receiving funds under the Higher Education Act.

The many schools across the nation that would be affected by this amendment generally have admissions processes based on an array of complex factors. These factors measure not only an applicant's potential for individual academic success but also an applicant's ability to contribute positively to the institution overall. The Riggs amendment represents an unfair federal intrusion into those

processes. We cannot afford to tie the hands of American's universities at a time when minorities still lag behind the rest of America in educational attainment.

The Kerner Commission Report thirty years ago stated that ''Our Nation is moving toward two societies, one black, one white—separate and unequal.'' A new report by the Milton S. Eisenhower Foundation, ''The Millennium Breach,'' suggests that the prediction has become a reality with minorities disproportionately represented among the poor and an ever-increasing gap between rich and poor. If, as I believe it is, education is the key to economic empowerment, then the Riggs amendment will only continue America's progress toward economic and social segregation.

I urge a ''no'' vote on the Riggs amendment.

Mr. LANTOS. Mr. Chairman, I rise today to support affirmative action programs in this nation and to oppose strongly this unfortunate amendment that the House is considering. This amendment is an outrageous assault upon the Constitutional responsibilities of American colleges and universities. If Amendment 73 is adopted, we would face debilitating nation-wide consequences which would destroy the years of progress our higher education system has made in compensating for past and present discrimination against women and minorities.

Affirmative action programs are still needed. Years of past discrimination coupled with continued discrimination have deprived many women and minorities of equal access to higher education. The long shadow of historical legal discrimination is still visible in our country; this discrimination was propagated and enforced by the federal government.

President Clinton has reminded us that there is still no level playing field for women and people of color. Mr. Speaker, now is not the time to forget that bigotry, inequality, and economic barriers still close doors everywhere for women and minorities. Mr. Riggs' amendment (Amendment 73) would prevent educational institutions from providing disadvantaged students with scholarships, financial aid, support programs, and outreach programs are essential if students from disadvantaged communities are to have access to higher education, which is the prerequisite to their economic and social advancement.

In the Bakke decision, the Supreme Court upheld the use of affirmative action to advance diversity in education. Colleges and universities voluntarily administer affirmative action programs to comply with their statutory and Constitutional obligations to end discrimination in higher education. Certain institutions would be placed in the absurd position of being cut off from federal funding while attending to court-ordered desegregation plans. This legislation would create a serious backlash against current legal redress for past discrimination.

Mr. Speaker, if affirmative action admission programs are banned, we would lose a valuable tool for combating the existence of ignorance and prejudice. Attending a diverse campus gives students the opportunity to confront face-to-face the stereotypes and harmful assumptions about difference in our country. The college experience is one of peer exchange. There are few better ways to break down stereotypes of race, ethnicity, and gender in this country than allowing students to live and study together in a community of mutual respect and understanding.

We cannot have an effective dialogue on racism and bigotry in this country unless everyone is given an equal chance to attend college and obtain a college degree. The economic divisions in this country are linked to education levels within any given group. It is not a tragedy of circumstance that those minorities with the lowest levels of higher education attainment are also the poorest people in our country. This ill-conceived amendment would not only re-segregate our colleges and universities, it would have a chilling effect upon the larger society.

As a proud alumni of the University of California at Berkeley, I am appalled by the plunge in undergraduate admissions of minority students since the ban on affirmative action in California was approved in a state referendum. That unfortunate California referendum is the fundamental idea behind this amendment that we are considering, and its consequences in California have demonstrated why we must oppose it. In California, admissions of Chicano, Latino, and African American students for the coming freshman class have dropped by more than half. In the recent fall class of the Boalt Law School at Berkeley only seven African-American students were admitted, and only one chose to enroll.

Mr. Speaker, this ill-conceived amendment by Mr. RIGGS sends a message to women and minorities that they are not welcome in institutions of higher learning. This bill proclaims loudly that we do not want a just society, that we would rather turn our backs and not accept the existence and legacy of discrimination.

I am not alone in decrying the effect of eliminating affirmative action. Mr. Speaker, sixty-two of our country's most prominent university presidents oppose this legislation and have placed advertisements in national papers to emphasize the importance of racial, ethnic, and gender diversity in contributing to a strong entering class.

The students of the University of California, Berkeley, one of the finest public universities in this country and my alma mater, have taken it upon themselves to speak out against H.R. 3300 and to speak in support of affirmative action. H.R. 3300, introduced by Mr. RIGGS, is the stand-alone version of Amendment 73 which we are now considering.

Mr. Speaker, on Wednesday, April 22, the Associated Students of the University of California (ASUC) unanimously approved a resolution opposing these provisions. I am proud that the students stand firmly united against this harmful measure. Mr. Speaker, I ask that the statement be included in the RECORD. Let us learn from them.

A BILL OF THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF CALIFORNIA IN OPPOSITION TO THE ''ANTI-DISCRIMINATION IN COLLEGE ADMISSIONS ACT OF 1998'' (HR 3330)

Authored and sponsored by: ASUC External Affairs Vice-President Sanjeev Bery

Whereas: The misnamed ''Anti-Discrimination in College Admissions Act of 1998'' (HR3330) would prohibit colleges and universities from using affirmative action in college admissions if they receive any federal funds; and

Whereas: If any student at a university receives federal loan money or Pell grant funds, the university would be prohibited from using affirmative action in admissions; and

Whereas: Representative Frank Riggs is the author of this resolution, and is almost certain to offer it as an amendment to the Higher Education Act when it is reauthorized on April 22, and

Whereas: Affirmative action programs establish equal opportunity for women and people of color, redress gender, racial, and ethnic discrimination, and encourage diversity in the workplace and educational institutions; therefore, be it

Resolved: that the Associated Students of the University of California oppose Congressman Riggs' ''Anti-Discrimination in College Admissions Act of 1998'' and urge all California members of the Congress to oppose this resolution.

Mr. THOMPSON. Mr. Chairman, I rise today in opposition of Representative FRANK RIGGS' H.R. 3330, the ''Anti-Discrimination in College Admissions Act of 1998'' which will be offered as an amendment during the House consideration of H.R. 6, The ''Higher Education Authorization Act'' of 1998. This amendment would prohibit colleges and universities that take race, sex, color, ethnicity, or national origin into account in connection with admission(s) from participating in, or receiving funds under any programs authorized by the Higher Education Act of 1965 (HEA).

This amendment will not only have a devastating impact on post secondary admissions at both public and private institutions, but also discourages institutions from considering race, even in instances where the purpose is focused on remedying past discrimination. This piece of legislation is far more sweeping than California's Proposition 209 in that H.R. 3330 aims to eliminate affirmative action in private, as well as public, colleges and universities. It will also constrain an institution's ability to satisfy constitutional and statutory requirements to eliminate discrimination in post secondary education.

There is now evidence of what happens when universities are forced to drop their affirmative action programs. The University of California's board of Regents banned all affirmative action and the acceptance rate of African Americans to UCLA Law School fell by eighty percent. After the Hopwood decision, admission of African-Americans to the University of Texas School of Law dropped by eighty-eight percent. It is clear that with the passage of this amendment, there will be a re-segregation of colleges and universities.

In Mississippi the percent of the population 25 years and older who have a college degree is 14.7%. Moreover, Mississippi ranks 47th out of fifty states in relation to the percent of the population having a college degree and 47th out of 50 in comparison to other African Americans in the fifty states.

The Riggs amendment is an unnecessary, regressive, and dangerous bill that would destroy the progress that has been achieved in the last thirty years. This amendment will merely serve as a tool to increase the disparities in education and income between men and women and whites and blacks. Affirmative Action in higher education has clearly established significant advances in the area of equal opportunity for ethnic minorities and women in admissions to colleges and universities and the workforce. I will continue to support programs which strengthen not tear apart equal opportunity. If the Higher Education Authorization Act (H.R. 6) contains the ''Anti-Discrimination in College Admissions Act of 1998'', I will vote against H.R. 6.

Ms. CHRISTIAN–GREEN. Mr. Chairman, I rise in strong opposition to the Riggs amendment. It is an extreme, vindictive political ploy

which will serve only to prevent innocent children from seeking a better quality of life through the pursuit of higher education—and it should be voted down!

My colleagues, the Riggs amendment would say to Black and Latino taxpayers that even though you, because of these very same programs, help to pay for the cost of public education in your state, college administrators cannot design outreach programs to maximize opportunities for your children to attend their institutions. This is wrong.

As an African American physician, I want you to know that the passage of this ill-conceived amendment would serve to reduce the already existing shortage of African-American physicians in this country.

In an article entitled, ''Can Black Doctors Survive'', Dr. Jennifer C. Friday of the Joint Center for Political and Economic Studies, points out that even despite affirmative action programs instituted by medical schools in the 1960's and 1970's African Americans comprised only 3.1 percent of all the nations physicians in 1980 and still are only 3.6 percent of the total today. This is unacceptable.

We all know that there is a shameful gap in the health status of minorities in this country. Increasing the number of minority physicians is critical to closing this gap.

I am sure there are those among us who would say that the action by the Board of Regents of the University system in California and the ruling in the Hopwood case in Texas could have been mitigated by other policies that could be and were put in place in these two states.

My colleagues, I want to make sure that you know that this has not been the case. The numbers of African Americans and Hispanic admissions in the California and Texas University system, as predicted, have dropped precipitously.

I am totally confounded that anyone could think that discrimination no longer exists, or that educational opportunities are now equal for all races and ethnic groups in this country.

This is clearly and unfortunately not the case. America's children who live in predominantly minority communities do not receive the same level of funding per student and their education is consequently shortchanged. That is why some of us are frequently on the floor arguing for repair, construction and support for our public school system.

My colleagues the Riggs amendment should be defeated because it would: result in the resegregation of public universities across the country; prevent public universities and colleges from remedying past discrimination; produce a two-tiered higher education system which would override the authority of state governments to decide admissions policy; and endanger targeted outreach and recruitment programs for women and minorities.

This proposal is an outrage and flies in the face of all that America stands for. It is as was said in last Thursday's Washington Post, nothing more than political ''grandstanding'' which ''demeans the House'' and should be defeated. I urge my colleagues to vote no on this amendment.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 249, not voting 13, as follows:

[Roll No. 133]

AYES—171

Aderholt	Frelinghuysen	Nethercutt
Archer	Gallegly	Northup
Armey	Ganske	Norwood
Bachus	Gekas	Oxley
Baesler	Gillmor	Packard
Baker	Gingrich	Pappas
Ballenger	Goodlatte	Parker
Barr	Goodling	Paul
Bartlett	Goss	Paxon
Barton	Graham	Pease
Bass	Granger	Peterson (PA)
Bereuter	Greenwood	Petri
Bilbray	Gutknecht	Pickering
Bilirakis	Hall (TX)	Pitts
Bliley	Hansen	Pombo
Blunt	Hastert	Porter
Boehner	Hastings (WA)	Portman
Bono	Hayworth	Ramstad
Brady	Hefley	Riggs
Bryant	Herger	Riley
Bunning	Hill	Rogan
Burton	Hilleary	Rogers
Callahan	Hoekstra	Rohrabacher
Calvert	Horn	Roukema
Camp	Hostettler	Royce
Campbell	Hulshof	Ryun
Canady	Hunter	Salmon
Cannon	Hutchinson	Scarborough
Chabot	Hyde	Schaffer, Bob
Chambliss	Inglis	Sensenbrenner
Chenoweth	Istook	Sessions
Coble	Jenkins	Shadegg
Coburn	Johnson, Sam	Shaw
Collins	Jones	Shimkus
Combest	Kasich	Smith (NJ)
Cook	Kim	Smith (OR)
Cooksey	Kingston	Smith (TX)
Cox	Knollenberg	Smith, Linda
Crane	Kolbe	Solomon
Crapo	Latham	Spence
Cubin	Lewis (KY)	Stearns
Cunningham	Linder	Stump
Deal	Lipinski	Sununu
DeLay	Livingston	Talent
Doolittle	LoBiondo	Tauzin
Dreier	Lucas	Taylor (MS)
Duncan	Manzullo	Taylor (NC)
Dunn	Matsui	Thomas
Ehrlich	McCollum	Thornberry
Emerson	McCrery	Thune
Everett	McHugh	Tiahrt
Ewing	McInnis	Wamp
Fawell	McIntosh	Weldon (FL)
Foley	McKeon	Weller
Fossella	Metcalf	Whitfield
Fowler	Mica	Wicker
Franks (NJ)	Miller (FL)	Young (FL)

NOES—249

Abercrombie	Clement	Farr
Ackerman	Clyburn	Fattah
Allen	Condit	Fazio
Andrews	Conyers	Filner
Baldacci	Costello	Forbes
Barcia	Coyne	Ford
Barrett (NE)	Cramer	Fox
Barrett (WI)	Cummings	Frank (MA)
Becerra	Danner	Frost
Bentsen	Davis (FL)	Furse
Berman	Davis (IL)	Gejdenson
Berry	Davis (VA)	Gephardt
Bishop	DeFazio	Gibbons
Blagojevich	DeGette	Gilchrest
Blumenauer	Delahunt	Gilman
Boehlert	DeLauro	Goode
Bonilla	Deutsch	Gordon
Bonior	Diaz-Balart	Green
Borski	Dickey	Gutierrez
Boswell	Dicks	Hall (OH)
Boucher	Dingell	Hamilton
Boyd	Dixon	Harman
Brown (CA)	Doggett	Hefner
Brown (FL)	Dooley	Hilliard
Brown (OH)	Edwards	Hinchey
Burr	Ehlers	Hinojosa
Buyer	Engel	Hobson
Capps	English	Holden
Cardin	Ensign	Hooley
Castle	Eshoo	Houghton
Clay	Etheridge	Hoyer
Clayton	Evans	Jackson (IL)
Jackson-Lee (TX)	Meeks (NY)	Sawyer
Jefferson	Menendez	Saxton
John	Millender-McDonald	Schumer
Johnson (CT)	Miller (CA)	Scott
Johnson (WI)	Minge	Serrano
Johnson, E. B.	Mink	Shays
Kanjorski	Moakley	Sherman
Kaptur	Mollohan	Sisisky
Kelly	Moran (KS)	Skeen
Kennedy (MA)	Moran (VA)	Skelton
Kennedy (RI)	Morella	Slaughter
Kennelly	Murtha	Smith (MI)
Kildee	Myrick	Smith, Adam
Kilpatrick	Nadler	Snowbarger
Kind (WI)	Neal	Snyder
King (NY)	Ney	Souder
Kleczka	Nussle	Spratt
Klink	Oberstar	Stabenow
Klug	Obey	Stark
Kucinich	Olver	Stenholm
LaFalce	Ortiz	Stokes
LaHood	Owens	Strickland
Lampson	Pallone	Stupak
Lantos	Pascrell	Tanner
Largent	Pastor	Tauscher
LaTourette	Payne	Thompson
Lazio	Pelosi	Thurman
Leach	Peterson (MN)	Tierney
Lee	Pickett	Torres
Levin	Pomeroy	Towns
Lewis (CA)	Poshard	Traficant
Lewis (GA)	Price (NC)	Turner
Lofgren	Pryce (OH)	Upton
Lowey	Quinn	Velazquez
Luther	Rahall	Vento
Maloney (CT)	Rangel	Visclosky
Maloney (NY)	Redmond	Walsh
Manton	Regula	Waters
Markey	Reyes	Watkins
Martinez	Rivers	Watt (NC)
Mascara	Rodriguez	Watts (OK)
McCarthy (MO)	Roemer	Waxman
McCarthy (NY)	Ros-Lehtinen	Weldon (PA)
McDade	Rothman	Wexler
McDermott	Roybal-Allard	Weygand
McGovern	Rush	White
McHale	Sabo	Wise
McIntyre	Sanchez	Wolf
McKinney	Sanders	Woolsey
Meehan	Sandlin	Wynn
Meek (FL)	Sanford	Young (AK)

NOT VOTING—13

Bateman	Hastings (FL)	Shuster
Carson	McNulty	Skaggs
Christensen	Neumann	Yates
Doyle	Radanovich	
Gonzalez	Schaefer, Dan	

☐ 2156

Mrs. MYRICK, and Messrs. GILCHREST, SNYDER, STUPAK and RUSH changed their vote from ''aye'' to ''no.''

Messrs. COBURN, THUNE and GREENWOOD changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2200

PERSONAL EXPLANATION

Mr. MATSUI. Mr. Chairman, I ask that the RECORD reflect that I voted the wrong way on the Riggs amendment. I intended to vote no. I made a mistake and voted the wrong way.

LIMITING DEBATE TIME ON AMENDMENT NO. 79

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on Amendment No. 79 and all amendments thereto be reduced to 10 minutes, equally divided and controlled by myself or my designee and the gentleman from Missouri (Mr. CLAY), or his designee, with an additional 90 seconds on each side for a wrap-up.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. CAMPBELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Is it not customary to have the Reading Clerk read the amendment first?

The CHAIRMAN. Under the rule, the amendment will be considered as read. The gentleman is offering the amendment at this point?

AMENDMENT NO. 79 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 79 offered by Mr. CAMPBELL:

At the end of the bill add the following new title:

TITLE XI—NONDISCRIMINATION PROVISION

SEC. 1101. NONDISCRIMINATION.

(a) PROHIBITION.—No individual shall be excluded from any program or activity authorized by the Higher Education Act of 1965, or any provision of this Act, on the basis of race or religion.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to preclude or discourage any of the following factors from being taken into account in admitting students to participate in, or providing any benefit under, any program or activity described in subsection (a): the applicants income; parental education and income; need to master a second language; and instances of discrimination actually experienced by that student.

The CHAIRMAN. Pursuant to the order of the Committee today, the gentleman from Pennsylvania (Mr. GOODLING), or his designee, and the gentleman from Missouri (Mr. CLAY), or his designee, will each control 6½ minutes.

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

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, this is what my amendment provides. I would like to ask my colleagues' indulgence so I can read it, and I am also going to ask the gentleman from California (Mr. HORN) to make the copies available over to the Democratic side so that they actually have the text, if he might assist me in that, or the gentleman from New Hampshire (Mr. BASS).

Mr. Chairman, it reads: No individual shall be excluded from or have a diminished chance of acceptance to any program or activity authorized by the Higher Education Act of 1965, or any provision of this act, on the basis of race or religion.

Mr. Chairman, there is a second clause which says that no one shall be excluded from a program or their chances of getting into the program diminished on the basis of their race or their religion. I list other things which might be considered as an alternative.

Existing law prohibits exclusion of anybody on the basis of their race. And I want to say ''thank you'' to several colleagues on the Democratic side with whom I almost had an agreement that this be accepted. At the last minute it was not possible, but I want to thank the good faith that went into the effort on that behalf.

The existing law says we may not exclude on the basis of race. I am saying that we may not exclude or have the chance of acceptance diminished on the basis of race. And I suggest this at least is what all of us could agree on is what good affirmative action is.

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment, and I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me this time.

Mr. Chairman, I too rise in opposition to this amendment. I would point out to our colleagues, I believe this is essentially the same issue we just defeated on the last vote and I would encourage them to do the same on this vote.

I also oppose this because I believe it is a breeder of litigation. I believe that this amendment will not breed equality; I believe it will breed litigation. To understand why, imagine the case of a student who applies for a job under a Federal Work Study program, which is a program authorized under the act, and the student alleges that he or she has been denied the job on the basis of race. This amendment does not answer the following questions:

One, must the student prove that there was discriminatory effect or discriminatory intent? Secondly, who has the burden of proof under this amendment? Does the student have to prove that he or she has been the victim of discrimination or is the burden on the institution to show that the student was not the victim of discrimination? And finally, what is the quantum of proof? Does the person carrying the burden have to prove this to a preponderance of the evidence? To a substantial degree? Beyond a reasonable doubt?

Those are all questions that I believe are not satisfactorily answered in the amendment. I believe it captures the same spirit of the amendment we just defeated, but I also believe it breeds litigation and would cause considerable chaos in higher education programs.

Mr. Chairman, I urge its defeat on that basis.

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

Mr. CLAY. Mr. Chairman, we have 3 minutes remaining, and I reserve the balance of my time.

The CHAIRMAN. Just to clarify for the Clerk, the gentleman from California (Mr. CAMPBELL) is offering Amendment No. 79 or Amendment No. 76?

Mr. CAMPBELL. Mr. Chairman, I do not know the number. I am offering the amendment whose text I read and which was preprinted. Mr. Chairman, it is 76, I am informed. I am informed it is 76.

The CHAIRMAN. For the benefit of all Members, it is the Chairs' impression that amendment intended to be considered now is Amendment No. 76 as preprinted.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. Without objection, the time limit previously agreed to by unanimous consent will apply to this debate.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I am prepared to close in less than a minute. Existing law answers all of the questions that were put by the gentleman from New Jersey (Mr. ANDREWS), my good friend and colleague. Existing law says that no person in the United States shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

My proposal says, in addition, it does not repeal that. It says no individual shall be excluded from or have a diminished chance of acceptance to any program or activity authorized by the Higher Education Act of 1965 or any provision of this act on the basis of race or religion.

It then goes on to say that nothing in that subsection I just read shall be construed to preclude or discourage any of the following factors from being taken into account and admitting students to participation in or providing any benefit under any program or activity described in subsection A: Applicant's income, parental education and income, need to master a second language, an instance of discrimination actually experienced by that student.

Mr. Chairman, I conclude by saying there is no one I think in this body who wants to exclude anyone from a Federal program on the basis of that person's race. That is what this amendment makes clear. It should have been noncontroversial. I am hoping that it is when the vote comes.

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

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me this time.

Mr. Chairman, this amendment is really no different than the amendment that we have already defeated. It goes to the very heart of this country's obligation to people who have not had the same opportunities in education, to

open up their opportunities by allowing them entry into our universities.

The Riggs amendment said we could not take into account the necessity of diversity in our campuses by giving an advantage to some group, some racial group, national origin group, so that they could create a much more diverse community in our universities.

What this amendment offered by the gentleman from California (Mr. CAMPBELL) says is not the question of admitting but excluding. We cannot exclude. What does exclude mean? We already have definitions in the law under Title VI of the Civil Rights Act that call for nondiscriminatory action. The gentleman is asking this House to interpret exclusion perhaps from a program as per se discrimination. That is wrong.

If Members voted against the Riggs amendment, they must vote against this amendment also. It is much more mischievous. It creates a great confusion on Title VI of the Civil Rights Act, and I hope that Members will defeat this amendment.

I know that my colleague in speaking earlier on the Riggs amendment broke my heart when he talked about Asian Americans scoring very high, not being able to get into the university. I feel for those individuals. But I as a human being, as an American citizen, I have an obligation to make sure that our public universities have an opportunity for everyone. This means to create a diverse university with the ability to create this we have to have an affirmative action program.

So to adopt this amendment, to say that if we exclude someone it is a per se act of discrimination, we are creating a whole new legion of law and having to bring in the lawyers to interpret this. This is very bad. This is mischievous. I urge my colleagues to defeat this amendment.

The CHAIRMAN. The Chair seeks one last clarification. The Chair and the Parliamentarian are convinced that the author intended to offer and read to the Committee his Amendment No. 79 as preprinted; is that correct?

Mr. CAMPBELL. That is correct, Mr. Chairman.

Mr. CLAY. Mr. Chairman, we are now debating Amendment No. 79?

The CHAIRMAN. The Committee has been debating Amendment No. 79 since it was offered.

Mr. CLAY. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me this time.

Mr. Chairman, this started out as a bipartisan bill designed to expand opportunities and I hope it ends up that way if we defeat this divisive amendment.

Mr. Chairman, this language either means nothing because Title VI already prohibits discrimination or it is different from Title VI and that will take years of litigation to interpret what it means. There is one interesting legal point in terms of discrimination on religion. We do not know whether that would mean that religious schools could or could not discriminate or prefer those of its religion.

But there is one thing that we know, and that is we could not remedy notorious discrimination if this amendment would pass. Whatever it means, it would attack valuable programs designed to address woeful underrepresentation of minorities in certain fields. There are only a handful of minority Ph.D.'s granted in science every year and outreach initiatives to address this woeful underrepresentation aimed at minorities, such as the Ronald E. McNair program to encourage minorities to pursue doctorates in science. Those programs would be in jeopardy.

Let us keep opportunity open. I urge Members to defeat this amendment just like we defeated the last amendment.

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

The CHAIRMAN. Pursuant to the unanimous consent agreement, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) will each be recognized for 1½ minutes to wrap up.

The gentleman from Pennsylvania (Mr. GOODLING) is recognized for 90 seconds.

Mr. GOODLING. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, I merely want to thank everyone for their patience. I think we are probably completing one of the most important pieces of legislation that we will deal with this year. Millions of Americans, young people and old, who are going to colleges and postsecondary schools will certainly benefit dramatically.

□ 2215

I want to thank members of the staff.

First of all, I want to thank the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) for their effort to bring this bipartisan legislation before us. I want to thank Vic Klatt, Sally Stroup, George Conant, Sally Lovejoy, Jo Marie St. Martin, Jay Diskey, Pam Davidson, Darcy Phillips, David Evans, Mark Zukerman, and Marshall Grisby for the tremendous job they have done.

Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. MCKEON), the subcommittee chairman, who worked long and hard to put this legislation together.

Mr. MCKEON. Mr. Chairman, I would like to join the gentleman from Pennsylvania (Mr. GOODLING), the chairman, in thanking the members of the staff. He named all of the ones I was going to name. I want to thank all of you, plus my personal staff, Bob Cochran and Karen Weiss, for the great work they have done, for all of you for being patient with us throughout this day.

This has been a real bipartisan effort. The underlying principle in all that we have done has been for students and their parents to see that they get a full, equal opportunity to get a college education. I think that is good for America, and I think we passed a good bill. I want to thank all of my colleagues for working to make this such a good effort.

Mr. KILDEE. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, as we conclude debate on this, I would like to recognize the very hard work of the staff on this legislation over the last 16 months.

On the Republican side, I want to acknowledge the excellent work of Bob Cochran and Karen Weiss, the personal staff of the gentleman from California, and Vic Klatt, Sally Lovejoy, Lynn Selmser, David Frank, D'Arcy Phillips, George Conant, and Pam Davidson of the committee staff.

But most importantly, I want to recognize the absolutely superb efforts of Sally Stroup who spearheaded this work on this legislation. She is a gracious, thoughtful, and very competent staff person. Everyone in this Chamber owes her a great debt of gratitude.

On the Democratic side, I want to express my appreciation to Chris Mansour and Callie Coffman of my own personal staff, and Gail Weiss, Mark Zukerman, Marshall Grigsby, Alex Nock, and Peter Rutledge of the committee staff, as well as Broderick Johnson, the former committee counsel, now at the White House.

Further, while she has moved to the Institute of Museum and Library Services, I also want to thank Margo Huber, who, as a member of the committee staff, did exceptionally fine work in helping formulate this bill.

Perhaps most important, I thank David Evans. For 19 years, David served Senator Pell, on the Senate Education Subcommittee, and I persuaded him over a year ago to come here and work on this important reauthorization bill. He and I have worked closely together, and I value very, very much the contributions he has made and the friendship we have forged.

Finally, we are all grateful for the hard work of Steve Cope in the Legislative Counsel's office, Deb Kalcevic at the Congressional Budget Office, and the staff of the Congressional Research Service, particularly Margot Schenet, Jim Stedman, and Barbara Miles.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to the Campbell amendment. This measure is legal minutia that erodes existing statutes already established to address concerns about discrimination in higher education.

In fact, in many ways, the Campbell amendment mimics Title VI of the Civil Rights Act—which already prohibits institutions of higher education that participate in programs, receiving Federal financial assistance from the Department of Education, from discriminating against students on the basis of race, color, or national origin. As such, discrimination against individual students in the administration of Higher Education Act programs is already forbidden by law.

The Campbell amendment takes an additional step in that it extends this "anti-discrimination" policy to include religion. The need for

this added dimension is rather confusing since there are no programs under the Higher Education Act in which religion is a consideration. Another issue of concern is that this amendment would prohibit religious educational institutions, which participate in Higher Education Act programs, from considering an applicant's religion in admission.

Mr. Chairman, I am very concerned about the nature and purpose of this initiative. It is extremely ambiguous and very confusing. My concerns about the extent of its impact raises questions about institutions that receive Higher Education Act funding will be prohibited from participating in affirmative action at any level where race or religion is an issue, including admissions.

Mr. Chairman, I urge my colleagues to vote ''No'' on the Campbell ''nondiscrimination provision'' amendment. This is an obscure measure that serves only to raise more questions and puts current statues at risk.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 227, not voting 16, as follows:

[Roll No. 134]

AYES—189

Aderholt	Duncan	King (NY)
Archer	Dunn	Kingston
Armey	Ehrlich	Klug
Bachus	Emerson	Knollenberg
Baesler	Everett	Kolbe
Baker	Fawell	Latham
Ballenger	Foley	Lazio
Barr	Fossella	Lewis (CA)
Bartlett	Fowler	Lewis (KY)
Bass	Franks (NJ)	Linder
Bereuter	Frelinghuysen	Lipinski
Bilbray	Gallegly	Livingston
Bilirakis	Ganske	LoBiondo
Bliley	Gekas	Lucas
Blunt	Gilchrest	Manzullo
Boehner	Gillmor	McCollum
Bono	Goodlatte	McCrery
Brady	Goodling	McDade
Bryant	Goss	McHugh
Bunning	Graham	McInnis
Burton	Granger	McIntosh
Buyer	Greenwood	McKeon
Callahan	Gutknecht	Metcalf
Calvert	Hall (TX)	Mica
Camp	Hansen	Miller (FL)
Campbell	Hastert	Moran (KS)
Canady	Hastings (WA)	Moran (VA)
Cannon	Hayworth	Myrick
Chabot	Hefley	Nethercutt
Chambliss	Herger	Northup
Chenoweth	Hill	Norwood
Coble	Hilleary	Oxley
Coburn	Hobson	Packard
Collins	Hoekstra	Pappas
Combest	Horn	Parker
Cook	Hostettler	Paul
Cooksey	Hulshof	Paxon
Cox	Hunter	Pease
Crane	Hutchinson	Peterson (PA)
Crapo	Hyde	Petri
Cubin	Inglis	Pickering
Cunningham	Istook	Pitts
Davis (VA)	Jenkins	Pombo
Deal	Johnson, Sam	Porter
DeLay	Jones	Portman
Doolittle	Kasich	Ramstad
Dreier	Kim	Regula
Riggs	Shaw	Thomas
Riley	Shimkus	Thornberry
Rogan	Smith (NJ)	Thune
Rogers	Smith (OR)	Tiahrt
Rohrabacher	Smith (TX)	Upton
Ros-Lehtinen	Smith, Linda	Wamp
Roukema	Snowbarger	Watkins
Royce	Solomon	Weldon (FL)
Ryun	Spence	Weldon (PA)
Salmon	Stearns	Weller
Sanford	Stump	White
Scarborough	Sununu	Whitfield
Schaffer, Bob	Talent	Wicker
Sensenbrenner	Tauzin	Wolf
Sessions	Taylor (MS)	Young (AK)
Shadegg	Taylor (NC)	Young (FL)

NOES—227

Abercrombie	Goode	Oberstar
Ackerman	Gordon	Obey
Allen	Green	Olver
Andrews	Gutierrez	Ortiz
Baldacci	Hall (OH)	Owens
Barcia	Hamilton	Pallone
Barrett (NE)	Harman	Pascrell
Barrett (WI)	Hefner	Pastor
Barton	Hinchey	Payne
Becerra	Hinojosa	Pelosi
Bentsen	Holden	Peterson (MN)
Berman	Hooley	Pickett
Berry	Houghton	Pomeroy
Bishop	Hoyer	Poshard
Blagojevich	Jackson (IL)	Price (NC)
Blumenauer	Jackson-Lee (TX)	Pryce (OH)
Boehlert	Jefferson	Quinn
Bonilla	John	Rahall
Bonior	Johnson (CT)	Rangel
Borski	Johnson (WI)	Redmond
Boswell	Johnson, E. B.	Reyes
Boucher	Kanjorski	Rivers
Boyd	Kaptur	Rodriguez
Brown (CA)	Kelly	Roemer
Brown (FL)	Kennedy (MA)	Rothman
Brown (OH)	Kennedy (RI)	Roybal-Allard
Burr	Kennelly	Rush
Capps	Kildee	Sabo
Cardin	Kilpatrick	Sanchez
Castle	Kind (WI)	Sanders
Clay	Kleczka	Sandlin
Clayton	Klink	Sawyer
Clement	Kucinich	Saxton
Clyburn	LaFalce	Schumer
Condit	LaHood	Scott
Conyers	Lampson	Serrano
Costello	Lantos	Shays
Coyne	LaTourette	Sherman
Cramer	Leach	Sisisky
Cummings	Lee	Skeen
Danner	Levin	Skelton
Davis (FL)	Lewis (GA)	Slaughter
Davis (IL)	Lofgren	Smith (MI)
DeFazio	Lowey	Smith, Adam
DeGette	Luther	Snyder
Delahunt	Maloney (CT)	Souder
DeLauro	Maloney (NY)	Spratt
Deutsch	Manton	Stabenow
Diaz-Balart	Markey	Stark
Dicks	Martinez	Stenholm
Dingell	Mascara	Stokes
Dixon	Matsui	Strickland
Doggett	McCarthy (MO)	Stupak
Dooley	McCarthy (NY)	Tanner
Edwards	McDermott	Tauscher
Ehlers	McGovern	Thompson
Engel	McHale	Thurman
English	McIntyre	Tierney
Ensign	McKinney	Torres
Eshoo	Meehan	Towns
Etheridge	Meek (FL)	Traficant
Evans	Meeks (NY)	Turner
Ewing	Menendez	Velazquez
Farr	Millender-McDonald	Vento
Fattah	Miller (CA)	Visclosky
Fazio	Minge	Walsh
Filner	Mink	Waters
Forbes	Moakley	Watt (NC)
Ford	Mollohan	Watts (OK)
Fox	Morella	Waxman
Frank (MA)	Murtha	Wexler
Frost	Nadler	Weygand
Furse	Neal	Wise
Gejdenson	Ney	Woolsey
Gephardt	Nussle	Wynn
Gibbons		
Gilman		

NOT VOTING—16

Bateman	Christensen	Doyle
Carson	Dickey	Gonzalez
Hastings (FL)	Neumann	Skaggs
Hilliard	Radanovich	Yates
Largent	Schaefer, Dan	
McNulty	Shuster	

☐ 2236

Mr. ENSIGN and Mr. GIBBONS changed their vote from ''aye'' to ''no.''

Messrs. GREENWOOD, SOLOMON, HYDE and UPTON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

Mr. VENTO. Mr. Chairman, I rise today in support of the Higher Education Reauthorization Act. As a longtime advocate of educational opportunities for Americans, I have advocated and fought to ensure that access to quality education and solid job training skills is more than a pipedream for working families. Although there are several facets of this legislation, there are a few issues in particular that I would like to highlight. As we prepare to enter the 21st Century, America needs smart tools, smart technology and most of all a very smart workforce to maintain our competitive edge.

As we approach the turn of the century, it is more important than ever to ensure that students have access to the resources they need to pursue a postsecondary education. I worked my own way through college years ago, it was hard than and is more difficult today. I know that today times have changed and without adequate assistance through programs like work study, grants, and loans most students would not be able to complete their college education no matter their willness to work full time as many did in a previous experience. Added to this is the fact that today most entry-level jobs barely pay a living wage, which is not enough anymore to fund today's higher tuition rates, the costs of books, and living expenses. This legislation could and should ensure that monetary aid would be available to keep the doors open to all students who otherwise would not have the resources to fund higher education opportunities.

The Pell grants increases and special loan programs included in this measure H.R. 6 are the vehicles which and have demonstrated their effectiveness and help to meet the need of today and tomorrow's students. Another special aspect to highlight and which I feel is crucial to the competitiveness of our nation is technology training. H.R. 6 speaks specifically to this goal by providing funding for programs designed to promote such initiatives. As technology advances and touches so many areas of our lives—from the workplace to the marketplace to the classroom—it is increasingly imperative that today's teachers receive the training to effectively teach students not only rudimentary computer skills, but how to employ these skills effectively in accessing educational resources.

According to the Education Testing Service Assessment, most teachers have been in the workforce since before the computer age.

Shockingly, 90 percent of new teachers, the majority of whom one might assume have grown up with computers—particularly during their years of higher education—do not feel prepared to use or effectively teach technology skills in their classrooms. Just as a dictionary may not be used as a resource by someone who is unable to read, computers in our classrooms are only useful when teachers are able to understand how they work and confidently apply this know-how in the classroom. The Higher Education Act recognizes this problem and provides for programs designed to implement the integration of technology into teaching and learning. I'm pleased to have helped initiate this policy in legislation which I've co-sponsored this session.

I specifically voice my opposition to the Riggs amendment which attempts to eliminate affirmative action this amendment over reaches and would bar any legal initiative to achieve diversity in our higher education institutions, its wrong and ought to be defeated. The bottom line is that Americans must have education and training they can afford, for the jobs and futures they merit and it must embrace the diversity of four US populace. Without educational opportunities, America's children face a future of lower employment, lower productivity, lower aspirations, and ultimately, a lower standard of living. This is certainly no way to prepare for a new Century. The federal government, prompted by Congress, can and will make a difference in meeting the challenge of change. By supporting higher education, we are investing in people, our nation's most valuable natural resource.

Mr. PAUL. Mr. Chairman, Congress should reject HR 6, the Higher Education Amendments of 1998 because it furthers the federal stranglehold over higher education. Instead of furthering federal control over education, Congress should focus on allowing Americans to devote more of their resources to higher education by dramatically reducing their taxes. There are numerous proposals to do this before this Congress. For example, the Higher Education Affordability and Availability Act (HR 2847), of which I am an original cosponsor, allows taxpayers to deposit up to $5,000 per year in a pre-paid tuition plan without having to pay tax on the interest earned, thus enabling more Americans to afford college. This is just one of the many fine proposals to reduce the tax burden on Americans so they can afford a higher education for themselves and/or their children. Other good ideas which I have supported are the PASS A+ accounts for higher education included in last year's budget, and the administration's HOPE scholarship proposal, of which I was amongst the few members of the majority to champion. Although the various plans I have supported differ in detail, they all share one crucial element. Each allows individuals the freedom to spend their own money on higher education rather than forcing taxpayers to rely on Washington to return to them some percentage of their tax dollars to spend as bureaucrats see fit.

Federal control inevitably accompanies federal funding because politicians cannot exist imposing their preferred solutions for perceived ''problems'' on institutions dependent upon taxpayer dollars. The prophetic soundness of those who spoke out against the creation of federal higher education programs in the 1960s because they would lead to federal control of higher education is demonstrated by numerous provisions in HR 6. Clearly, federal funding is being used as an excuse to tighten the federal noose around both higher and elementary education.

Federal spending, and thus federal control, are dramatically increased by HR 6. The entire bill has been scored as costing approximately $101 billion dollars over the next five years; an increase of over 10 billion from the levels a Democrat Congress Congress authorize for Higher Education programs in 1991!. Of course, actual spending for these programs may be greater, especially if the country experiences an economic downturn which increases the demand for federally-subsidized student loans.

Mr. Chairman, one particular objectionable feature of the Higher Education Amendments is that this act creates a number of new federal programs, some of which where added to the bill late at night when few members where present to object.

The most objectionable program is ''teacher training.'' The Federal Government has no constitutional authority to dictate, or ''encourage,'' states and localities to adopt certain methods of education. Yet, this Congress is preparing to authorize the federal government to bribe states, with monies the federal government should never have taken from the people in the first place, to adopt teacher training methods favored by a select group of DC-based congressmen and staffers.

As HR 6 was being drafted and marked-up, some Committee members did attempt to protect the interests of the taxpayers by refusing to support authorizing this program unless the spending was offset by cuts in other programs. Unfortunately, some members who might have otherwise opposed this program supported it at the Committee mark-up because of the offset.

While having an offset for the teacher training program is superior to authorizing a new program, at least from an accounting perspective, supporting this program remains unacceptable for two reasons. First of all, just because the program is funded this year by reduced expenditures is no guarantee the same formula will be followed in future years. In fact, given the trend toward ever-higher expenditures in federal education programs, it is likely that the teacher training program will receive new funds over and above any offset contained in its authorizing legislation.

Second, and more importantly, the 10th amendment does not prohibit federal control of education without an offset, it prohibits all programs that centralize education regardless of how they are funded. Savings from defunded education programs should be used for education tax cuts and credits, not poured into new, unconstitutional programs.

Another unconstitutional interference in higher education within HR 6 is the provision creating new features mandates on institutes of higher education regarding the reporting of criminal incidents to the general public. Once again, the federal government is using its funding of higher education to impose unconstitutional mandates on colleges and universities.

Officials of the Texas-New Mexico Association of College and University Police Departments have raised concerns about some of the new requirements in this bill. Two provisions the association finds particularly objectionable are those mandating that campuses report incidents of arson and report students referred to disciplinary action on drug and alcohol charges. These officials are concerned these expanded requirements will lead to the reporting of minor offenses, such as lighting a fire in a trash can or a 19-year-old student caught in his room with a six-pack of beer as campus crimes, thus, distorting the true picture of the criminal activity level occurring as campus.

The association also objects to the requirement that campus make police and security logs available to the general public within two business days as this may not allow for an intelligent interpretation of the impact of the availability of the information and may compromise an investigation, cause the destruction of evidence, or the flight of an accomplice. Furthermore, reporting the general location, date, and time for a crime may identify victims against their will in cases of sexual assault, drug arrests, and burglary investigations. The informed views of those who deal with campus crime on a daily basis should be given their constitutional due rather than dictating to them the speculations of those who sit in Washington and presume to mandate a uniform reporting system for campus crimes.

Another offensive provision of the campus crime reporting section of the bill that has raised concerns in the higher education community is the mandate that any campus disciplinary proceeding alleging criminal misconduct shall be open. This provision may discourage victims, particularly women who have been sexually assaulted, from seeking redress through a campus disciplinary procedures for fear they will be put ''on display.'' For example, in a recent case, a student in Miami University in Ohio explained that she chose to seek redress over a claim of sexual assault ''* * * through the university, rather than the county prosecutor's office, so that she could avoid the publicity and personal discomfort of a prosecution * * *'' Assaulting the privacy rights of victimized students by taking away the option of a campus disciplinary proceeding is not only an unconstitutional mandate but immoral.

This bill also contains a section authorizing special funding for programs in areas of so-called ''national need'' as designated by the Secretary of Education. This is little more than central planning, based on the fallacy that omnipotent ''experts'' can easily determine the correct allocation of education resources. However, basic economies teaches that a bureaucrat in Washington cannot determine ''areas of national need.'' The only way to know this is through the interaction of students, colleges, employers, and consumers operating in a free-market, where individuals can decide what higher education is deserving of expending additional resources as indicated by employer workplace demand.

Mr. Chairman, the Higher Education Amendments of 1998 expand the unconstitutional role of the federal government in education by increasing federal control over higher education, as well as creating a new teacher training program. This bill represents more of the same, old ''Washington knows best'' philosophy that has so damaged American education over the past century. Congress should therefore reject this bill and instead join me in working to defund all unconstitutional programs and free Americans from the destructive tax

and monetary policies of the past few decades, thus making higher education more readily available and more affordable for millions of Americans.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in support of H.R. 6 which reauthorizes the Higher Education Act of 1965.

Like the G.I. bill which provided a college opportunity to the returning WWII vets, the Higher Education Act has done more to expand post-secondary education than any other factor in our educational system or in society. The decision by the Congress in 1965 to make a college education a national priority has contributed to the economic success of our nation. Literally millions of students have been able to attain a college degree because of the federal grant and student loan programs authorized by the Higher Education Act. Most importantly these programs are targeted to disadvantaged students who would have no alternative means of paying for a college education.

H.R. 6 continues the goal of expanding educational opportunity for all students, it lowers the cost of borrowing under the student loan program, expands early intervention efforts and includes provisions to address the special needs of women students.

The cornerstone of the Higher Education Act is the Pell Grant program which provides up to $3,000 to help low-income students pay for college. The bill continues the commitment to the Pell Grant program by raising the authorized level of the maximum Pell Grant award from $3,000 in the school year 1998–99 to $5,100 by the year 2002.

The agreement reached on the student loan interest rate assures that the cost of borrowing student loans will be greatly reduced for students. The new interest rate will be around 5.83% in 1998 for a student in school and a rate of around 7.43% for a student in repayment. The agreement also assures that financial institutions will continue to participate in the student loan program so that students will have access to student loans through a variety of lenders.

Early intervention is also a key component of this legislation. We all know the benefits of existing programs such as TRIO, which assists at-risk high school students in achieving the academic tools necessary to attend college and providing support services such as tutoring and mentoring once they are in college to assure that they will stay in school.

H.R. 6 includes a strong commitment to the TRIO program by increasing the authorization to $800 million. Currently TRIO programs are funded at $530 million. We now have a goal to fund this program at its full $800 million authorization level, so that we can expand programs to reach those areas that do not have the benefit of TRIO.

We also added an important component to our early intervention efforts in the adoption of the High Hopes program, a Clinton Administration initiative which will fund a variety of early intervention efforts in middle schools in low income areas. This program will help close the gap between college enrollment among higher income families and low income families.

H.R. 6 also includes provisions designed specifically to address the needs of women students. The bill increases the allowance for child care expenses in a student's cost of attendance from $750 to $1,500. This provision recognizes the high cost of child care and the impact it has on the overall resources a parent has to attend school.

In another effort to assist students with young children, the bill authorizes $30 million for a new program to establish child care centers on college campuses. Also, I understand the Chairman of the Committee has agreed to include in his manager's amendment a grants for campus crime prevention. Unfortunately, women on college campuses are victims of violent crimes all to often. It is the responsibility of the institution to assist in making college safe for women. This grant program will assist in that effort.

Of particular concern to the University of Hawaii is the International Education programs in Title VI of this bill. I am pleased we were able to work out a compromise on the issue of including both the International Education and Graduate Education programs in the same Title. The International Programs appear in a separate Part to make clear that there is no intention of consolidation of these programs. International education plays an increasingly important role in our society and we must prepare our students to work in a global society.

Though I am in support of this bill, there are provisions that cause grave concern—specifically the elimination of the Patricia Roberts Harris Fellowship which is designed to give women and minorities with significant financial need opportunities in graduate education, particularly in the fields of study that women and minorities have traditionally been under represented such as the engineering and sciences.

Although the committee intends this program to be consolidated in the Graduate Assistance Areas of National Need or GAANN program, I note that the GAANN program as amended by this bill has no component which assists women and minorities in fields in which they are under represented. The GAANN program if focused on provided assistance to those individuals who pursue fields of study in which there is a national need for more students. It has no focus on women or minority students. This is something I hope we can work out in conference.

Mr. Chairman, this bill moves us forward in expanding educational opportunities for our students. There has been much effort to make this a bi-partisan bill that everyone can be proud of. I urge my colleagues to support the reauthorization of the Higher Education Act.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of the Higher Education Amendments of 1998, H.R. 6, and the tremendous help this bill will provide to our nation's higher education system. The students of today will be the leaders of tomorrow, and we owe it to them to provide the best possible opportunities for furthering their education beyond high school. In the global economy of today, our children will need more and better skills to compete with their counterparts from around the world. Congress can significantly help this effort by providing low-cost loans, more scholarship opportunities, and programs that encourage partnerships among all levels of government and educational institutions.

There are a few provisions in H.R. 6 I would like to mention specifically that relate to the third district of Oregon which I represent. First is the Urban Community Service Grant program. Under this program, funds are made available to institutions to help link the assets of institutions such as Portland State University, attended by many of my constituents, to the needs of urban communities. This program is the only one in the Department of Education that speaks directly to urban institutions and has made a real difference for those institutions throughout the country.

PSU's project is community-based and focuses on urban ecosystems. It serves more than 1,000 schoolchildren and demonstrates that learning the basics about mathematics, science, and social studies can involve ''real work'' experiences through community service learning. In this project, curriculum topics arise from real issues identified by people in the community. As a result, students perceive their classroom experiences as relevant and are more motivated to participate in educational activities.

Some examples of the work students performed include:

Building and monitoring bird boxes for the Oregon Department of Fish and Wildlife;

Discussing Portland's infamous combined sewage overflow problem with residents and disconnection of downspouts to help alleviate the problem; and

Planting and maintaining a butterfly and bird garden.

Parents, the business community, local government, and nonprofit organizations are involved in and contribute to the program's success. Volunteers work with students in an urban ecosystems environment to apply the fundamentals of science and math to projects that make a difference to the community. This program is unique because it addresses middle school children—those who are at an age when they will either succeed or fail in school—and their families.

Second, I strongly support the Federal Financial aid provisions in the bill. I am pleased the bill ''fixes'' the independent student eligibility for Pell Grant issue. Last year's revisions to the tax code made one thing clear—access to higher education is key to the nation's ability to maintain economic competitiveness. Even more needs to be done to encourage those without financial resources to attend college. As Oregon's primary urban university, Portland State University serves many students who are independent or who have little or no family resources for a college education. At PSU, Federal financial aid means access. About 8,000 of our students receive financial aid, that's more than half of the student population. Clearly, more financial aid will mean more students will attend college.

I also support the bill's position on lowering the interest rate on Student loans. PSU students are increasing their indebtedness to get a college degree. Since 1986–87, student borrowing at PSU has increased from $7.7 million to $43.9 million. This is due to a number of factors—the cost of education has risen, funding for grants has not keep pace with inflation, and loans are now available primarily to middle and upper income students. Although loans are made available to families who don't have savings or other resources for higher education, soaring amounts of debt are still placed on our students. The high level of indebtedness now associated with attending college is of concern to both myself and my constituents.

I also support continued funding of the State student Incentive Grants (SSIG) program. This

program is important because it provides needed financial aid dollars to low- and working class students and it leverages state funds. While the Federal SSIG funds have declined, the Federal match is needed to help states maintain their commitment to providing state aid for students. At a time when states are facing tight budgets, the Federal match has prevented cuts in the states' share of financial aid. It has often made the difference to state legislatures around the country looking for ways to trim budgets.

However, I am concerned about any provision added to the bill which would have the federal government interfere with the ability of colleges and universities to choose students as they see fit, regardless of their racial or ethnic heritage. The Congress should take every precaution to not interfere into policies of this nature. Admissions policies that take into account racial, ethnic and gender actors have widely been recognized as constitutional by the Supreme Court, and should not be subject to further Congressional meddling. I am hopeful this bill is passed without such harmful provisions.

Mr. Chairman, this bill will go a long way towards addressing many students' needs in their pursuit of a college degree. It is the least we can do to prepare our children for the demands they will face in the real world. I urge my colleagues to support H.R. 6, and hope for the bill's speedy passage by the House.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6) to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes, pursuant to House Resolution 411, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 4, not voting 14, as follows:

[Roll No. 135]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—4

Campbell
Crane
Paul
Schaffer, Bob

NOT VOTING—14

Bateman
Carson
Christensen
Doyle
Gonzalez
Hastings (FL)
Lewis (CA)
McNulty
Neumann
Radanovich
Schaefer, Dan
Shuster
Skaggs
Yates

☐ 2255

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 6, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6.

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