

(4) to determine whether a nuclear testing treaty would achieve the non-proliferation and arms control objectives of our Nation.

The bill includes a number of other recitations and other important provisions.

We deal with the question of verification. We deal with the question of the science-based stockpile stewardship program, now being monitored and more fully developed by the Department of Energy.

All of this is carefully covered in this legislation I make to this body tonight.

This is one Senator who believed he had an obligation to confer with his colleagues about this important matter. I believe it is important that this legislation be laid down as a starting point. It may well be that other colleagues have better ideas. I take absolutely no pride of authorship in this effort. Perhaps others can contribute ideas as to how this legislative proposal might be amended.

Eventually, collectively, I hope we can work with our leadership in establishing some type of commission so the consideration of a nuclear testing treaty can go forward and people around the globe will have a better understanding of our efforts to achieve a more secure world.

I went back to do a little research which proved quite interesting. We have heard so many times in this Chamber that politics should stop at the water's edge. I was reminded of this as I was privileged, along with many others in this Chamber, to attend the presentation to the former President of the United States, Gerald R. Ford, and his lovely wife, Mrs. Betty Ford, the Congressional Gold Medal.

I took down some notes from President Ford's wonderful speech. I had the privilege of serving under President Ford as Secretary of the Navy and, indeed, Chairman of the Bicentennial. I have great respect for him.

He talked about Senator Vandenberg and how Senator Vandenberg was an absolute, well-known conservative. Yet it was Senator Vandenberg's leadership that got the Marshall Program through the Senate of the United States. The Marshall Program was a landmark piece of legislation initiated by President Truman. Indeed, in some of the accounts of history, some people said it should be called the Truman Plan. But Truman said "Oh, no, don't name it after me because the Congress won't accept it; name it after George Marshall"—showing the marvelous character of the wonderful President.

President Ford also talked about Everett Dirksen. He said:

The executive branch and the legislative branch worked with him arm in arm on relationships that were important between this country and the rest of the world.

Those are Ford's words.

Bipartisanship helped get the Marshall Plan through and enabled this country to show strength in the face of the cold war period.

That is history, ladies and gentleman.

I don't suggest in any way that I am making history here tonight. But I think it is very important that other Senators take time to look at this and contribute their own ideas. It will require a significant measure of bipartisanship to achieve the objectives of the commission I am proposing. Let's see what we can do to work with our leadership and go forward.

The events of history are interesting. Senator Vandenberg, chairman of the Foreign Relations Committee, in 1948, thought Tom Dewey was going to win the Presidency. He wrote into the Republican platform the following phrase. I quote him:

We shall invite the minority party to join us under the next Republican administration in stopping partisan politics at the water's edge.

As it turned out, Truman won that historic election. And what did Vandenberg do but go on and work with President Truman in the spirit of that statement that he put into the Republican platform, and the first landmark that the two achieved was the Marshall Plan.

Mr. President, I yield the floor.

#### THE LATE CHARLES E. SIMONS, JR., SENIOR UNITED STATES DISTRICT JUDGE

Mr. THURMOND. Mr. President, it gives me no pleasure to rise today and seek recognition, for it is to carry out a very sad task, which is to mark the passing of one of my longest and closest friends, Judge Charles E. Simons, Jr. of Aiken, South Carolina.

Judge Simons has served with distinction as a Federal District Court Judge for the District of South Carolina since his confirmation in 1964. It was my pleasure to recommend this talented and bright man to President Johnson, and everyone who monitors the Federal Bench has been impressed with the skill and insight in which Judge Simons adjudicated cases. His reputation is that of being a tough, but fair, judge whose impartiality is above reproach and whose commitment to the rule of law is well known. The respect and admiration of the legal community for Judge Simons is evidenced by the fact that the Federal Courthouse on Park Avenue in Aiken was dedicated in his honor in 1987. Certainly a fitting tribute to a man who dedicated thirty-five years of his life to the Federal Bench and had served as the Chief Judge of the District Court for six years.

I must confess that Charles Simons was well known to me before I advanced his name to the President, for he and I had been law partners in Aiken, South Carolina for many years. He was such an able and intelligent man, he was a great asset to our practice. In 1954, we had to end our partnership because of my election to the United States Senate, but Charles Si-

mons continued to prosper as an attorney, earning a well deserved reputation as an outstanding general practice lawyer.

While Charles Simons loved his work and the law, it was not an all consuming passion, and he enjoyed many other activities outside the courtroom. South Carolina is a beautiful state, and its citizens eagerly engage in activities that allow them to spend as much time as possible outside enjoying the natural beauty of the Palmetto State. For Charles Simons, these activities included golf, hunting, and fishing, each which he pursued with an unflagging enthusiasm. These pursuits not only allowed him a temporary reprieve from the weighty responsibilities of the duties of a Federal District Court Judge, but they also allowed him to spend time with his friends.

One of the things that bonds friendships is shared interests, and both Charles and I had a shared interest in physical fitness. He remained a fit and active man right up until July of this year when he suffered brain damage as a result of a fall. Sadly, surgery did not return Charles to his previous health and he began a decline that resulted in his death yesterday at the age of eighty-three. Though his passing was not entirely unexpected, it still is a blow to his family and friends and to the South Carolina legal community.

While many mourn the death of Charles Simons, we should take the opportunity to be certain we celebrate his life and accomplishments. He served the nation in a time of war, he was an accomplished attorney, a respected judge, and a devoted family man. He leaves a body of work that stands as case law and he has set a standard for other public servants to follow. All these accomplishments are even more impressive when one considers Charles' humble beginnings and the fact that he accomplished all he did through hard work, determination, and intelligence.

I am deeply saddened to have lost such a good friend and I share the grief of the Simons' family. They have my deepest sympathies and my heartfelt condolences on the death of Charles.

#### REPORT ON CONFERENCE FOR LABOR-HHS APPROPRIATIONS

Mr. SPECTER. Mr. President, a few moments ago, a conference on the appropriations bill for Labor, Health and Human Services, and Education was completed. It was a rather unusual procedure because the conference report was incorporated into the conference of the District of Columbia appropriations bill. That arose in light of the fact the House of Representatives had not passed a bill on Labor, Health and Human Services, and Education—an appropriations bill for those three departments, but the Senate did.

The procedure was adopted to have an informal conference with Senator HARKIN, ranking member of the subcommittee, and myself representing

the Senate, and Congressman JOHN PORTER, chairman of the House subcommittee representing the House. I had talked to the ranking Democrat, Congressman OBEY, and had invited him to participate. He did come to one of the meetings but said he did not intend to participate because of his objection to the nature of the proceedings, in light of the fact that the House had not passed an appropriations bill.

This is not the ideal, proceeding in the manner I have described, but it is the best that could be done under the circumstances. There is a real effort to complete the 13 appropriations bills and submit them to the President before the close of business tomorrow so it all would be on the President's desk before the current continuing resolution expired. It may be that the President will veto the District of Columbia bill and the inclusion of the appropriations bill on Labor, Health and Human Services. If that is to follow, then we will be proceeding to try to reach an accommodation as to what the bill ought to be.

My suggestion is the bill, which has been submitted, is a good bill, not a perfect bill—I haven't seen one of those in the time I have been in the Senate—but, I submit, a good bill.

It contains a program level of \$93.7 billion, which is about \$2 billion less than the program level passed by the Senate. This bill was crafted by Senator HARKIN and myself on a bipartisan basis, crafted in a way to obtain the signature of the President of the United States. We have directed very substantial funding to the three departments where the total bill is \$6 billion over fiscal year 1999 and an increase of some \$600 million over what the President requested.

Education is a priority in America of the highest magnitude. This bill contains a program level of \$35 billion for the Department of Education, constituting an increase of \$2 billion over fiscal year 1999 and some \$300 million over the administration's request.

I ask unanimous consent that a brief summary be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks, and for the purposes of this oral statement, I will summarize the highlights.

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

(See Exhibit 1.)

Mr. SPECTER. With respect to the very important issue of Head Start, the bill contains \$5.2 billion, which is an increase of \$608.5 million over the fiscal year 1999 level, and it matches the very substantial request for an increase requested by the President.

Special education, another very important item, contains \$6.035 billion, an increase of some \$912.5 million over last year.

On the program GEAR UP, which is to support early college preparation for low-income elementary and secondary schoolchildren, there is an increase of

some \$60 million, a 50-percent increase over last year's funding level of \$120 million. I mention GEAR UP specifically because we have not met the President's request, which was a doubling to \$240 million from \$120 million, but accommodating as far as we could some 50-percent increase, or some \$60 million.

There is a contentious issue on class size, and the President has requested some \$1.4 billion with the money to be directed to class size reduction. We have appropriated \$1.2 billion, which is the same as last year's appropriation, a very substantial sum of money, and we have done it in a way which is somewhat different from the President's request. This class size reduction is the priority specified in our bill. But we do allow the local school districts, if they decide, in their wisdom, they want to use the money for something else, such as professional development or any other need of the school district, to direct the funds in that manner.

The President would like to have it limited only to classroom size reduction. This is a matter I have personally discussed with President Clinton, and it seems to me that, public policy-wise, the provisions of this bill are the preferable ones. I say that because we give priority to what the President wanted—that is, classroom reduction size—but if the local school district makes a determination that their local needs are different, they ought to have the latitude to make that change. That does not provide a straitjacket coming out of Washington, DC, but states the preference and allows the latitude for the local district to make the change.

This bill contains a program for fighting school violence, with some \$733.8 million being reallocated from existing programs to focus on the cause of youth violence. I convened three extensive roundtable discussions, or seminars, in effect, with experts from a variety of agencies within the Department of Education, the Department of Health and Human Services, the Department of Labor, and also the Department of Justice, to analyze the problems of school violence. We came up with a variety of programs from existing funds to be directed in this manner.

The bill also contains very substantial increased funding for the National Institutes of Health. Congressman PORTER, Senator HARKIN, and I think the Congress generally has acknowledged that the National Institutes of Health are the crown jewels of the Federal Government. Sometimes I say they are the only jewels of the Federal Government. But enormous increases have been made in medical research to combat Parkinson's disease, with the experts now telling us we may be within 5 years of conquering Parkinson's. There have been enormous advances on Alzheimer's, breast cancer, lung cancer, prostate cancer, heart ailments, and the whole range of medical problems.

Stem cells have become a focal point of medical research. Almost a year ago, they burst upon the scene and provide a real opportunity—a veritable fountain of youth—with these cells being replaced in the human body to conquer these medical maladies. In essence, the bill is a very comprehensive effort to deal with the funding needs of these three major departments.

Another aspect of the conference today was an effort to have offsets in order to obtain the goal that we not touch Social Security, and we have done that with an across-the-board cut of 0.95 percent in budget authority and 0.57 percent in outlays. That is a little less than a 1-percent cut across the board in budget authority and a little more than a half-percent cut in outlays.

Frankly, I do not like an across-the-board cut. But among all of the alternatives we were considering to avoid touching Social Security, this was the least undesirable of the alternatives. And while there will be cuts below what I would like to see, the increases, by and large, are sufficient so that there will be a net increase nonetheless.

For example, in the Head Start program, we increase funding by some \$608 million. The 1-percent cut will reduce that figure by \$38.7 million, to about a \$569 million increase. On special education, for example, we had a \$912 million increase. A 1-percent across-the-board cut will reduce that by \$23 million, so there still will be a net increase of some \$889 million.

We have structured this bill with some advances, but we have made a determination not to come in with advances higher than what the President had proposed. It is my hope that President Clinton will sign this bill. From all of the collateral considerations, it appears unlikely he will sign the bill.

I have personally contacted Mr. Jack Lew, Director of the Office of Management and Budget, in an effort to negotiate with the White House in advance of this conference report. But there have been objections raised by some on the Democratic side in the House to having those discussions move forward because the House, in fact, did not pass a bill on Labor, Health, and Human Services.

If this is another step in the legislative process, so be it, with the bill heading toward the President's desk. If he signs it, great; if he vetoes it, we are prepared to go to work and try to move through what ought to be done. If someone has a better idea on offsets, we are prepared to listen. The objective of not touching Social Security, I think, is a consensus objective. The objective of not raising taxes, again, is a consensus objective. We have provided, I think appropriately—some would say generously—for important education and health programs, worker safety programs, and we will be prepared to move forward to see to it that these very important functions are carried

out and to seek agreement between the legislature—the Congress—and the administration.

One final note: In my discussions with the President when we talked about his interest in having classroom size done to his specifications, I think it is fair to note that the Constitution gives the principal authority on the appropriations process to the Congress. Of course, the President has to sign the bill. But constitutionally, the Congress has the principal line of responsibility. The President would like to have this appropriations bill serve as an authorization vehicle. The authorizers are not happy about that with the process in the Congress for a separate committee to do the authorization and the separate committee to do the appropriations. We have undertaken the authorization but have exercised our congressional preference in setting public policy to establish the President's program for classroom size as the priority, but giving the latitude to the school districts to do it differently. We think that is consistent with the constitutional responsibility we have.

We think some deference ought to be paid to our determination of public policy. But again we are prepared to work with the President to reach a bill which will be acceptable to both the Congress and the President.

I thank the Chair.

#### EXHIBIT 1

##### FISCAL YEAR 2000 LABOR-HHS-EDUCATION APPROPRIATIONS CONFERENCE AGREEMENT

**Budget Summary and Bill Totals**—The bill contains a program level of \$93.7 billion, an increase of \$6 billion over the FY '99 program level of \$87.7 billion, and in increase of \$600 million over the President.

#### BILL HIGHLIGHTS

**School Violence Initiative** totals \$733.8 million. These funds were reallocated from existing programs to focus on the causes of youth violence and to better identify, treat and prevent youth violence.

**Department of Health and Human Services**—The bill contains a program level of \$39.8 billion for the Department of HHS, an increase of \$1.6 billion over the FY '99 appropriation and a decrease of \$900 million above the budget request.

**National Institutes of Health**—\$17.9 billion, an increase of \$2.3 billion over the FY '99 appropriation, and \$2 billion over the budget request.

**NIH Matching Fund**—\$20,000,000 is available in the Public Health and Social Services Fund for a matching fund program at NIH that would establish partnerships with the pharmaceutical and biotechnology industry to accelerate new antibiotic development.

**Substance Abuse and Mental Health Services**—\$2.5 billion, up \$62 million over FY '99.

**Head Start**—\$5.2 billion, an increase of \$608.5 million over FY '99 and the same as the budget request.

**Consolidated Health Centers**—\$1 billion, an increase of \$99 million to increase health services for low income individuals.

**AIDS**—\$4.4 billion for prevention and treatment activities, including \$2 billion for research at the NIH; \$1.6 billion for Ryan White programs and \$85 million to address global and minority AIDS.

**Ricky Ray**—\$50 million to compensate hemophilia victims and their families.

**Home Delivered Meals**—\$147 million, an increase of \$35 million over FY '99. This in-

crease will provide an additional 27 million meals to elderly individuals in their homes.

**Low Income Home Energy Assistance**—\$1.4 billion for heating and cooling assistance as an advance for FY 2001.

**Department of Education**—The bill contains a program level of \$35.0 billion for the Department of Education, an increase of \$2 billion over the FY '99 program level and \$300 million over the Administration's request.

**Pell Grants**—The bill increases the maximum Pell Grant to \$3,300, increased \$175 over last year.

**Campus-based aid**—\$934 million is included for the Work Study program which provides part-time employment to needy college students, an increase of \$64 million over last year. Also increased by \$10 million is the Supplemental Educational Opportunity Grant program for a total of \$631 million in FY 2000.

**Special Education**—\$6.036 billion is included, an increase of \$912.5 million over last year.

**Class size/Teacher Assistance Initiative**—\$1.2 billion, the same as last year for a class size/teacher assistance initiative. Local education agencies would have the choice of using funds first for class size reduction, and if they determine that they do not wish to use funds for reducing class size, funds may be used for professional development or any other need of the school district.

**21st Century Learning Centers**—\$300 million is recommended to help local education agencies with after school programs, an increase of \$100 million over last year's initial funding level.

**Impact Aid**—\$910.5 million to assist school districts that are adversely affected by Federal installations. This amount is an increase of \$46.5 million over FY '99, and a \$174.5 million increase over the Administration's request.

**GEAR UP**—\$180 million to support early college preparation for low-income elementary and secondary children, an increase of \$60 million over last year's funding level. The President requested \$240 million.

**Department of Labor**—The bill contains a program level of \$11.2 billion for the Department of Labor, an increase of \$300 million over the FY '99 program level, and \$400 million below the Administration's request.

**Dislocated Worker Assistance**—\$1.6 billion, an increase of \$195 million over FY '99.

**Job Corps**—\$1.3 billion, an increase of \$49 million.

**Related Agencies**—The bill contains a program level of \$7.7 billion, an increase of \$164.2 million over FY '99 and \$200 million below the budget request.

**Corporation of Public Broadcasting**—\$350 million, an increase of \$10 million over the FY '99 appropriation, and the same amount recommended by the Administration.

**National Labor Relations Board**—\$199.5 million, an increase of \$15 million over the FY '99 appropriations, and \$11 below the budget request.

With a 1%-across-the-board decrease in spending from the Conference Agreement, many programs will still be increased from last year's level and above the President's request. For example:

**Head Start** will be increased by \$468 million over the FY99 level—to \$5,228 billion, allowing over 33,000 additional children to be served.

**Home-delivered meals to seniors** will be increased \$33 million over last year's level, funding 25.5 million more meals than in FY99.

**NIH** will be increased to \$17.7 billion—\$2.1 billion over last year's level, and \$1.8 billion over the President's budget request.

**Ryan White AIDS program** will be increased to \$1.5 billion—\$123.6 million over

the FY99 level and \$24 million over the President's budget request.

The **Community Services Block Grant** will be increased to \$504.9 million—\$4.9 million above the President's request, providing more services to low-income families.

The **Maternal and Child Health Block Grant** will be increased to \$702.9 million—\$8.1 million more than the FY99 level and \$7.9 million more than the President's budget request.

**Job Corps** will be funded at \$1.35 billion, an increase of \$5.1 million over the President's request and \$43 million over the FY99 level.

The conference agreement provides \$5.735 billion for Special Education State grants, an increase of \$679.8 million over the President's request and \$628.2 million over the FY 1999 level.

**Education technology programs** will be funded at \$733.2 million, an increase of \$35.1 million, or 5%, over the FY 1999 level.

The **Impact Act program** will be funded at \$901.4 million, an increase of \$165.4 million over the President's request and \$37.4 million over the FY 1999 level.

The maximum award for the Pell Grant program will be increased to a record high of \$3,275, an increase of \$25 over the President's request and \$150 over the FY 1999 appropriation.

#### HISPANIC HERITAGE MONTH

Mr. BINGAMAN. Mr. President, I want to commemorate the 30-day period from September 15 through October 15 which was designated by the President as Hispanic Heritage Month.

Around the country, and in my home state of New Mexico, Hispanics have been making outstanding contributions to public service, business, education, and to our communities. Hispanic Heritage Month signals a time of recognition and celebration of an enriched legacy, tradition, and culture that has been present in our country for over 400 years.

We in New Mexico are well familiar with the fact that the Hispanic presence in the United States reaches far back to 1528, and in New Mexico to 1539. We also know that Hispanics have influenced greatly our architecture, food, clothing, literature, music, and certainly our family values. Many of our landmark cities have grown from early Spanish settlements; cities such as Los Angeles, San Antonio, San Francisco, and Santa Fe, to name only a few.

Although we know that Hispanics make up the fastest-growing minority group in this country, and by 2025 will be the largest minority group in our national population growth, too many Americans still are not aware of the historic significance and contributions of Hispanics in American life. That is why Hispanic Heritage Month is important as a recognition of the accomplishments and contributions of Hispanics in our country.

There are countless, New Mexicans who have contributed greatly to our Hispanic community through hard work and the belief that one can accomplish what one sets his or her mind to do. Today I'd like to mention two of these individuals from New Mexico, who have contributed to their communities and have made a difference in my home State.