

World War II. Within a very brief period, the marines once again would be sailing across the Pacific to answer their Nation's call to arms to defend freedom.

Mr. President, as I rise to make these brief remarks today, I am reminded of those with whom I was privileged to serve who gave their full measure, who gave their life in the cause of freedom in that conflict.

I was, for a brief period, with a squadron in the 3rd Marine Air Wing, and eventually with an air group, Marine Air Group 33. And each day sorties were flown. And, regrettably, periodically a number did not return.

I shall recall one individual very well. His name was Captain Cole. Captain Cole had been a member of VMF 321, a marine squadron operating out of Anacostia, prior to its transformation to a helicopter base. We had been very close friends, as I likewise was a member of the Reserves in that squadron. Captain Cole was a school teacher. He had served in World War II but when his squadron, VMF 321 was called to active duty, he unhesitatingly responded and joined.

On November 11, 1951, by chance the airplane in which I was then an observer landed at an airfield where Captain Cole was stationed. And that was the last time I saw him. Four weeks later he was killed in the line of duty in Korea. And I am everlastingly grateful that his family has allowed me to hang in my office a picture of my dear friend, Captain Cole. I mention him only because there were many others, but he was an example of an American having come back from World War II, remaining in the Reserves so this country could be strong. Dedicating his life to teaching children. And unhesitatingly responding to the call of battle. I recently had the opportunity to meet with his son who was a very young person at the time of his death. So that I could convey to him some of my recollections about his father.

Mr. President, I am privileged to join here in these remarks. And I look forward to hearing the remarks of two other veterans of that conflict, Senators GLENN and CHAFFEE, who were far more active in the combat role than I. And who deserve the great respect for having made their contribution in this conflict in the cause of freedom.

I yield the floor. And I thank very much my colleagues for allowing me to make these brief remarks.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

Are we back now on the Helms amendment?

Mrs. KASSEBAUM. We would be. My understanding, Mr. President, is that there are some negotiations on the Democratic side of the aisle that are ongoing.

The PRESIDING OFFICER. At the present time the Chair announces the Helms amendment No. 1854 has been set aside.

So we are simply on the bill.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, I wanted to speak briefly.

First of all, in transition, let me thank the Senator from Virginia for his remarks. I did not mean to make such an abrupt transition from your very personal and powerful remarks. I apologize. Sometimes we rush so much we are impolite. I hope I was not.

Mr. WARNER. Mr. President, I was unaware. I was totally absorbed in what I was saying. But I thank the Senator.

Mr. WELLSTONE. I thank the Senator from Virginia.

Mr. President, this amendment, which I gather has been set aside, and I gather there are some negotiations going on, would set a prohibition on the use of Federal funds. And, as I look at this, community-based organizations—part of the definition would be the promotion or encouragement of certain activities—"No funds authorized to be appropriated under this act may be used to promote or encourage, directly or indirectly, homosexuality, intravenous drug use." Let me talk about "encourage, directly or indirectly, homosexuality." We went through this debate before, Mr. President, when we were talking about any activities in schools that would promote directly or indirectly homosexuality.

Mr. President, with all due respect to my colleague from North Carolina, I do not know—I have to believe that this is not the intended effect—but what the effect of this amendment would be, the effect of this amendment would be very cruel and mean spirited and harsh and beyond the goodness of the vast majority of people in this country, because the way this amendment reads—and I certainly hope there will be some change—if you had community-based clinics, say you have the Minnesota AIDS project, and some young man came in and he was talking to some of the people there and he said, "Look, I am gay, and my family is ashamed of me and a lot of my friends shun me. And I do not want to live. I am thinking about taking my life. I feel worthless." If those men and women that are working at that community-based clinic said to that young man, "The fact that you are gay does not make you

any less of a human being. You are a person of worth, dignity and substance. And, for God's sake, you do not want to take your life. You can live a life of contribution to community. You can live a life of contribution to country, a contribution to world. And you certainly do not want to take your life," by the wording of this amendment, those individuals that were working at this community-based clinic would be encouraging homosexuality as a way of life.

We cannot have amendments worded like this on the floor of the Senate. This is just too cruel. I am not going to say that the intent of it is too cruel because I do not want to believe that. But the effect of it would be cruel and harsh. It goes beyond the goodness of people in the country and it goes beyond the goodness of Senators regardless of their political party. And this amendment as now worded should be defeated.

I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. May I ask a question before the Senator asks for the quorum call?

Mr. KENNEDY. I withdraw the request.

Mr. HELMS. What is up? We are supposed to be working on this bill.

The PRESIDING OFFICER. Excuse me. We are under a quorum call.

Does the Senator from North Carolina ask for it to be dispensed with?

Mr. KENNEDY. I withdraw it.

The PRESIDING OFFICER. Without objection, the quorum call is dispensed with.

The Senator from North Carolina.

Mr. HELMS. Certainly. Please explain to me. We were trying to be through, finished with this bill at 6. And I, as a matter of courtesy to the Senator from Massachusetts, permitted him to enter a quorum call.

I had the floor. I did not have to do that.

When can we expect some action on these amendments and the bill? I understand the Democrats have a problem with something else that I have nothing to do with.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome working out a process and procedure by which we can get a determination and a judgment on these measures. I have been told that there will be objection to having the votes this evening, that we would not be able to move toward the votes. But we could work out an agreement which would permit a vote up or down on the Senator's amendments, and also other

amendments as well, that would be related to the Senator's amendments. I was consulting with the chairman of the committee to try and see how that process could be realized.

Obviously, I have no objection to the Senator talking or speaking or debating these matters. What I was trying to do was work out with the floor manager at least a process and a procedure so that we could get votes on the amendments of the Senator from North Carolina and also on amendments that are related to the similar subjects and do that in a way which will accommodate the greatest number of Members.

Mr. HELMS. But the Senator just said they were not going to permit any more votes tonight. Who is not?

Mr. KENNEDY. There is objection to moving towards the conclusion of the votes, to having votes this evening.

Mr. HELMS. So what the Senator is saying then is that the announcement I made that we would attempt to have two more rollcall votes and then finish the debate on the remaining amendments and go to a vote tomorrow morning on two remaining amendments and final passage of the Ryan White bill, that is being objected to, now, is that it?

Mr. KENNEDY. I want to say to the Senator, the Senator made that request at 5:30 without us getting a chance to review those amendments. As far as I am concerned, we ought to get a judgment, and I am quite prepared to stay here to get a judgment. But there has been an issue and question in terms of the scheduling, as a result of the requests that have been made by the acting majority leader. Those matters are being discussed by the leadership, and they believe that if we could work out at least a process by which we could debate or discuss these matters tonight with a judgment so that we could vote on these matters and matters related to those issues tomorrow, that that would be a way of proceeding.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from North Carolina will yield to me just for a moment to pose a question.

Mr. HELMS. Certainly. I hope you can clear it up. I do not understand what he is saying.

Mrs. KASSEBAUM. Maybe I can try. I think that the minority leadership was concerned about the cloture motions that were filed and how that would affect scheduling. It has nothing to do with the Ryan White CARE legislation. It does, unfortunately, pose a problem for us. And it is my understanding there would not be an objection if we could put down a listing of all of the amendments yet to be debated. We can debate some tonight and then the votes would be tomorrow; is that correct?

Mr. KENNEDY. That would be it.

Mrs. KASSEBAUM. I wonder if we can suggest the absence of a quorum at

this point and see if we can put together a UC agreement which all parties could support.

Mr. HELMS. I will agree to that if I may ask unanimous consent that when I choose to ask that the quorum call be rescinded, that I be recognized to do so and that it occur.

The PRESIDING OFFICER. Did the Senator from North Carolina ask not only that he be recognized to call off a quorum call but that the calling off of the quorum call be guaranteed?

Mr. HELMS. Absolutely, 100 percent.

The PRESIDING OFFICER. That is a request that cannot be granted, as each Senator has the right to object to the unanimous consent request.

Mr. HELMS. I will retain the floor. We will stand in limbo.

Mr. KENNEDY. Will the Senator yield? Can we ask unanimous consent that the Senator be recognized after the quorum call is terminated?

Mr. HELMS. That would be all right.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the termination of the quorum call, the Senator from North Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SIMON. Mr. President, I ask unanimous consent that I may speak for 2 minutes, then I will renew the quorum call and Senator HELMS will be recognized immediately following the rescinding of the quorum call.

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

DISCRIMINATION IN SOCIETY

Mr. SIMON. Thank you, Mr. President.

I suppose I am like a great many Americans on this whole subject, and what we are dealing with in the problem of recognizing homosexuality, and this problem in our society.

I grew up in a home where we had strong opinions against prejudice, against people because they were African Americans or Jewish Americans. But frankly, I did not understand this problem. I was not hostile to people who were gay, but I did not understand that they faced some special problems. The reality is, they do. I think we have to recognize that factor.

I also would add, because it is not only this bill, but we face it in the military and other places. When I was in the military, I was in part of something that no longer exists, the Counter Intelligence Corps. Among other things, we screened people for security clearances.

If there were people who were gay, they did not get security clearances. This goes back to 1951 to 1953. I happen to think that was, at that point, a very legitimate reason for not having security clearances, because people could be blackmailed.

If we decide we are not going to have people that are gay in the military, say we have an emergency, and then we have to have selective service, we conscript people, are we going to say that anyone who is gay is not going to be drafted? We are going to end up with an awful lot of gays in this country if we determine that.

I think there are practical problems. I think we should recognize this. Now, does that mean that everyone approves of this lifestyle? That is not the question. The question is discrimination.

For those—and I run into this at town meetings, and I am sure the Presiding Officer has—people who say, what about the Bible. The ten commandments include adultery. Some of the other things did not get mentioned.

I recall my army days. If we had decided we would kick everyone out who was involved in adultery, our branches would have been thinned appreciably.

I think we have to recognize that there are weaknesses in society, but that discrimination is not the route that we ought to be going.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1855
(Purpose: To limit amounts appropriated under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995.)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1855.

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as the clerk has indicated, and I say the amendment as read speaks for itself, this amendment proposes to freeze Federal funding authorizations for the years 1996 through 2000 at an amount not exceeding the fiscal year 1995 funding for HIV/AIDS. The amount appropriated for fiscal year 1995 totals \$633 million of the taxpayers' money.

I consider this amendment is essential—imperative, as a matter of fact, to close a vast loophole in the pending bill. As currently written, the Ryan White Reauthorization Act authorizes funding for the Ryan White programs:

At such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, 2000.

As I said earlier, some of the proponents say, "This does not mean anything. It still has to go through the authorization and appropriations process," which is true. But it has a psychological effect, when it has been written into the Ryan White authorization bill that the appropriations will be "such sums as may be necessary."

So, as I said earlier, if it does not mean anything let us take it out. Because whenever I see vague, open-ended funding language such as this, I can understand why the Federal debt is approaching \$5 trillion. It stands at about \$4.9 trillion now.

Congress should never write a blank check for any purpose. The least we can do for the American taxpayers is to specify the amount of Federal funding, with no obfuscation, no vagueness, no whatever.

Taxpayers will be interested to know that the total estimated outlays under the current act are \$3.68 billion. That is \$3,680,000,000 over a 5-year period. So we are not talking about chickenfeed. We are talking about real money; real money that can run up the debt, the Federal debt, that will be on the backs of the young people of this country for generations.

This \$3.68 billion does not include NIH funding or the many other Federal programs dealing with HIV/AIDS.

Federal funding for AIDS research and prevention within the Public Health Service has increased from \$200,000 in 1981—\$200,000 in 1981—to \$2,700,000,000 in 1995.

When all the other Federal funds spent on HIV/AIDS are included, the total is about \$7.1 billion for fiscal year 1995.

We have an arrangement in the process, I will say parenthetically, that I will present each of my amendments.

Have we obtained the yeas and nays on the amendment set aside?

The PRESIDING OFFICER. The yeas and nays have not been requested on the amendments set aside.

Mr. HELMS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. It is not appropriate to ask for the yeas and nays on an amendment which is not be-

fore the body. The Senator can ask unanimous consent.

Mr. HELMS. I ask, for the purpose of obtaining the yeas and nays, that these two amendments be considered the pending business.

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

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask it be stated.

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. I ask unanimous consent that it be laid aside.

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

AMENDMENT NO. 1856

(Purpose: To ensure that Federal employees will not be required to attend or participate in AIDS training programs)

Mr. HELMS. I withdraw that amendment and send another amendment to the desk.

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

The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1856.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provisions of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

Mr. HELMS. Mr. President, the pending amendment was made essential because of a directive issued by President Clinton on September 30, 1993, in which he ordered all heads of executive departments and agencies to develop and fully implement a comprehensive HIV/AIDS workplace policy and employee education prevention program. The White House staff made it mandatory for every Federal employee—an unreasonable requirement on its face, and particularly so considering the nature of these so-called education programs.

For the record, the White House Office of National AIDS Policy issued mandatory "guidelines" stating:

HIV/AIDS workplace training is mandatory for every Federal employee . . . (and) the duration of the training session should be not less than 2 hours, although 3 hours is the recommended length . . .

Mr. President, it may be useful to examine one agency's training program. The Department of Agriculture's AIDS program—which employees are compelled to attend—counsels Federal employees on the proper ways to engage in oral and anal sex and other similarly inappropriate subject matters.

This is an editorial judgment on my part. I consider it outrageous—not just inappropriate, outrageous. I took it up with the Agriculture Department, and we are having a go at that.

This is an arrogant and nauseating abuse of power by the homosexuals in the Federal bureaucracy. Most Federal employees resent it.

We have had scores of Federal employees to protest to us and ask us to do something about it.

For example, let me to read from a letter I received from a USDA employee in North Carolina after the employee attended one of these so-called training classes:

This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man-hours and consequently wages. We also were required to take a pre- and post-class test . . . Since we are mostly biological scientists we learned essentially nothing.

The employee continued:

Some of the material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does not seem too necessary for government time and money.

That is an understatement by the employee.

Mr. President, I also have at hand a copy of a directive issued by the Foreign Agriculture Service which states:

To comply with this Presidential mandate, the Foreign Agriculture Service is presenting the attached MANDATORY HIV/AIDS training sessions.

Please attend the session scheduled as indicated or arrange to switch session with a coworker.

Supervisors are responsible for disseminating this information to there (sic) . . .

They misspelled the word "there," t-h-e-r-e. They meant t-h-e-i-r. They will learn how to spell that word next week.

employees and for certifying that all employees under their supervision attend a session of the mandated training . . . THIS IS MANDATORY TRAINING FOR ALL FEDERAL EMPLOYEES . . . ATTENDANCE WILL BE TAKEN . . .

You see the intimidation there.

Mr. President, so that there may be no confusion in the mind of any Federal employee, my pending amendment simply stipulates that hereafter all HIV/AIDS training programs will be made optional for Federal employees.

To put it another way, nobody shall be compelled to attend a program that describes how to participate in oral and anal sex.

In addition, my amendment forbids that any Federal department or agency can take retaliatory actions against any Federal employee who chooses not to attend such classes. It makes no sense to say to an employee "this class is optional, but we'll be taking attendance and your absence will be noted," because the employee will be understandably intimidated.

By the way, Mr. President, there are many who may be wondering why we are spending the taxpayers' money on these programs at all. I am one of them. There are today about 3 million Federal employees. It does not take a rocket scientist to do the arithmetic on how much this mandatory program is costing the American taxpayers. Even if the class costs only \$1 per employee—and the actual cost is much more than that—even at \$1 per hour, the American taxpayers are being soaked for \$3 million for this HIV/AIDS training.

Mr. President, at issue in this amendment is whether all Federal employees are to continue to be forced to attend these programs.

At the risk of being repetitious, I do not see any point in forcing Federal employees to attend a session where the subject is the kind of sex conducted by homosexuals.

Like AIDS education in the public schools, Federal AIDS training programs are nothing but thinly-veiled attempts to restructure the values and attitudes of Americans in favor of homosexual lifestyles.

So the question is obvious. Since when does a free and democratic society mandate that its civil servants attend such classes to learn about—let us use the word—sodomy? The bottom line is that the Federal Government has no business requiring its employees to sit through embarrassing and sometimes disgusting classes on HIV/AIDS.

Mr. President, I have several insertions for the RECORD that I want included.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First, President Clinton's Guidelines for the Federal Workplace HIV/AIDS Education Initiative "Aids At Work," April 7, 1994.

Second, a letter from a North Carolina Federal employee who works for the USDA.

Third, the Foreign Agriculture Service's "Mandatory HIV/AIDS Training" memo dated January 1, 1995, and

Fourth, a March 29, 1995, Washington Times article entitled, "Mandatory Federal AIDS Classes Cited as Promoting Gay Agenda".

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

GUIDELINES FOR THE FEDERAL WORKPLACE HIV/AIDS EDUCATION INITIATIVE "AIDS AT WORK"

I. PURPOSE

On September 30, 1993, President Clinton signed a directive (Directive) instructing all Federal departments and agencies to provide comprehensive HIV/AIDS in the workplace training for their employees. The Directive mandates that all initial training be either carried out or scheduled by World AIDS Day, December 1, 1994. In addition to providing HIV/AIDS prevention information, all federal employees must receive information on workplace policies and procedures related to persons living with HIV and other chronic illnesses. Human resources staff is required to review workplace policies and procedures to ensure that the federal workplace encourages people with any chronic illness, including those living with HIV/AIDS, to continue productive employment as long as their health permits.

The President has committed his Administration to a leading role in the fight to end the HIV/AIDS epidemic. Until there is a cure, educating people on assessing their own risk and taking appropriate steps to protect themselves from infection with HIV is the best way to stop the epidemic. As the epidemic matures and medical advances proceed, more and more people living with HIV/AIDS will be in the workforce. Since HIV cannot normally be transmitted in a workplace setting, people living with HIV/AIDS should be encouraged to continue working so long as their health allows them to be productive employees. The Federal Workplace HIV/AIDS Education Initiative (FWAEI) will serve as a model for all businesses on how to provide employees the information they need to prevent infection with HIV and the type of personnel policies and procedures which encourage people with any chronic illness, including HIV/AIDS, to continue productive work for as long as their health permits.

II. BACKGROUND

Based upon comprehensive research and evaluation of many private-sector workplace programs, the Centers for Disease Control and Prevention (CDC), *Business Responds to AIDS*, and the National Leadership Coalition on AIDS recommend that the following five components be included in any comprehensive HIV/AIDS workplace education program: Policy/Procedures; Training of Supervisors and Managers; Employee Education; Family Education; and Community Service/Volunteerism.

The Office of National AIDS Policy (ONAP) has produced the following guidelines for all Federal departments and agencies to assist in the development of comprehensive HIV/AIDS in the workplace programs. In order to succeed, the development and implementation of a training program must take into account the particular needs of each department or agency. The guidelines that follow are minimum requirements and are not intended to preclude any additional training that a particular department or agency determines is appropriate for its own employees. These guidelines will assist departments and agencies in creating developmentally appropriate, technically accurate, training programs whose success can be measured.

III. TARGET AUDIENCE

HIV/AIDS workplace training is mandatory for every Federal employee. The initial training must be conducted or scheduled by World AIDS Day, December 1, 1994. The Directive does not require that contractors receive training. Departments or agencies may

require that contractors receive training, particularly in those locations where they share the same workplace as Federal employees. Contractors should not be trained with Federal staff.

Managers and supervisors should receive more in-depth training that includes dealing with issues of confidentiality, how to approach any necessary counseling and referrals, and how to help a chronically ill employee continue working and remain productive.

III. CLASS SIZE

Class size is critical to the successful implementation of the Federal Workplace AIDS Education Initiative. Employees need to have their questions answered, and large classes prevent employees from getting the response time they need. Class size should be limited, optimally to 30, but never more than 50, participants.

IV. LENGTH OF TRAINING

The duration of the training session should be not less than 2 hours, although 3 hours is the recommended length to allow ample time for questions and discussion. Allowing for breaks will give staff an opportunity to digest the information presented. Additional time may be required for supervisor and manager training.

V. RECORDS/EVALUATION INSTRUMENT

Of the most difficult tasks you will encounter is the documentation of how the Directive is being implemented and whether it has an impact on the knowledge, attitudes, beliefs and behavior of the employees. To accomplish this, accurate records of training sessions, including: the names of participants; the date of the training session; and the total number of employees trained, are essential. All individuals receiving training should have an appropriate "official training form" sent to their personnel files, and/or the attendance information should be entered into their training records database. Keeping a monthly list of class sizes and participants will expedite the formulation of the regular quarterly reports.

Ideally, your instructor should ask each participant to complete pre- and post-training knowledge assessments. These assessments will indicate whether participants increased their understanding of HIV/AIDS in these training session. An increased understanding of the pathology of HIV/AIDS does not necessarily indicate a concomitant change in the behavior of participants.

To determine the effectiveness of the training session it is important to gauge the quality of instruction. An instructor/class evaluation should be administered at the end of each training session. These assessments should be no more than one page and ask participants to grade the class comment, the instructor's ability, the quality of questions and discussion, and whether the training session was worthwhile. Evaluation instruments used during your training should not be referred to as "tests." If the evaluation instruments indicate that the training session was not well received, you should consider appropriate remedies including altering course content or securing a different instructor.

VI. CONTENT

The following topics are suggested for class content. The percentages attached to these topics are intended as guidance for the development of individual sessions. Discussion and questions at each department or agency will vary depending on the group addressed. Because discussion and questions are important, and there are always time constraints, an instructor must be flexible in practice.

30% Prevention Education (The discussion must include how HIV is transmitted and how to prevent transmission, including both abstinence and safer sexual practices. Note: It is especially important to provide sufficient time for questions and answers in this part of the training and no question is too dumb.)

30% Workplace Issues Discussion/Education (Includes a discussion of why this training and associated workplace policies are important, why support services are necessary, and data related to employees needs.)

30% Policy Discussion/Education (Includes a discussion of federal and legal protections as well as the policies of your department or agency.)

10% Resources and Closing Questions and Answers.

VII. INSTRUCTORS

The instructor is key to a successful HIV/AIDS education program. Instructors (Federal or non-Federal) should be trained comprehensively in HIV/AIDS issues and have experience with HIV/AIDS training. Instructor certification is not necessary unless required by your organization. (Certification may not always guarantee quality instruction for your HIV/AIDS education program.) You may want to rely on your department or agency's contractor policies in determining who will be the most suitable instructor. In many cases, members of non-governmental community based organizations have a wide range of experience in HIV prevention that may be helpful for all or part of a training session. It is also important to note that more than one instructor may be needed to present the full range of information necessary. The instructor should be experienced enough to tailor the session to the audience (i.e., the type of questions and concerns voiced by lawyers, support personnel, analysts, economists, etc. could be quite different).

A Federal employee, knowledgeable about all human resources related policy issues, should present the department or agency policies and procedures regarding HIV/AIDS and other life-threatening chronic illnesses. Policies and procedures regarding Federal employees and managers must not be presented by private-sector contractors or non-Federal employees.

If your agency uses a contractor for the HIV/AIDS presentations, be sure they follow these recommended guidelines. Ask the contractor for information regarding the teaching history and the educational experience of the instructor. Include in your contract language that permits the replacement of an instructor with whom you are displeased.

Before training Federal employees or contractors, all instructors may want to read at least two texts from the "Suggested Reading" section of these guidelines, preferably AIDS in the Workplace, The Guide to Living with HIV, or Managing AIDS in the Workplace.

VIII. METHODOLOGY

The training must be tailored to the needs of each department or agency. The primary goals of the educational component shall be: (1) increasing employee's knowledge on issues of HIV transmission; (2) increasing awareness of HIV/AIDS in the workplace issues and available relevant resources; (3) creating positive attitudes about working alongside people living with HIV/AIDS; and (4) encouraging the participation in activities, both at work and in the community, that will stop the HIV/AIDS epidemic.

Effective HIV/AIDS prevention methodology for people at high risk for HIV infection

(i.e., anyone engaging in unprotected sex with more than one partner or people sharing dirty needles), requires targeted, continuous, linguistically specific and culturally based information. It is impractical to divide up a workplace based on risk factors. The training sessions should provide sufficient information for employees to assess their own risk for HIV infection. Resource information provided as part of the training session must provide the employees with locations where they may obtain more targeted interventions if they perceive themselves to be at high risk for HIV infection.

If, for expediency in implementing the Directive, you must place all members of the same department or office together, the training must be relevant to all those present. Staff must be made aware that some of the issues discussed will be related to sexual practices and injecting drug use. Although departments and agencies are encouraged to be linguistically specific in covering the issues, the training sessions should not present material patently offensive to an average employee. If participants find the material offensive, it is often counterproductive to the goal of encouraging an accurate self-assessment of risk for HIV infection.

Classes should be interactive and allow time for individuals to ask questions and to process the information presented. Employees must receive materials on workplace and community resources available to address any concerns raised by the training session.

IX. VIDEO PRESENTATIONS

Video presentations should not represent more than 30 to 35 minutes of the total class time. A video presentation alone is insufficient. A discussion and question period is essential for some people to adequately assess their personal risk factors. Presentations may use videos to provide a standardized source of information for all individuals, but a video must not be the sole source of information. Individuals representing policy, personnel, or employee assistance programs should always be an integral part of the HIV/AIDS educational program and their presentations should not be substituted with video.

X. GENERAL OBJECTIVES FOR ALL EMPLOYEE TRAINING

Based upon the time allocated for the class, prioritize class content using the following objectives:

Knowledge objectives

Participants should be able to:

1. Define HIV.
2. Define AIDS.
3. Know how HIV & AIDS are related.
4. Understand the disease process.
5. Know how HIV is transmitted:
 - a. Primary risk factors (i.e., exchange of bodily fluids from a person living with HIV to someone who is not)
 - b. Secondary risk factors (e.g., how the use of drugs or alcohol may impair judgement about HIV risk, importance of self esteem)
6. Know how HIV is not transmitted.
7. Understand relevant universal precautions for application in the workplace.
8. Know how to assess their personal level of risk for HIV infection.
9. Describe HIV antibody testing and encourage those that perceive themselves at high risk to ascertain their HIV status.
10. Understand the rights of employees with a chronic illness, including HIV/AIDS.
11. Understand basic applications of laws, regulations or policies such as disability, health and leave benefits, the Federal Rehabilitation Act of 1973, the Americans with

Disabilities Act of 1990, and the Family and Medical Leave Act, as these apply to people living with HIV/AIDS in the workplace.

12. Know agency expectations, specifically policies and procedures which address co-worker responses to employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.

13. Identify what are discriminatory behaviors/actions in the workplace.

14. Understand workplace behaviors or actions that are valued in terms of maximum productivity and optimum work environment.

15. Understand the importance of teaching young people how to protect themselves from HIV infection, and how to talk about HIV with children and adolescents.

Attitudinal objectives

Ideally, participants will indicate they:

1. View persons living or perceived to be living with HIV/AIDS no differently than persons with other life-threatening illnesses.
2. Feel more comfortable working with employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.
3. Are more supportive of reasonable accommodations for employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
4. Feel less judgmental toward persons who are chronically ill, including those living with or perceived to be living with HIV/AIDS (with respect to the presumed or known behaviors that resulted in their infection).
5. Experience little or no fear of interacting with employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

Behavioral objectives

Participants should be able to:

1. Assess their own levels of risk for HIV infection.
2. Adopt behaviors that eliminate transmission risks.
3. Provide support for chronically ill employees including those who are living with HIV/AIDS.
4. Express willingness to participate in work assignment adjustments necessary to provide "reasonable accommodation" for chronically ill employees, including those living with HIV/AIDS.
5. Share HIV prevention information with others.
6. Apply information about the Federal Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, Equal Employment Opportunity, Family and Medical Leave Act, as well as leave disability and health benefits information.

XI. OBJECTIVES FOR MANAGERIAL TRAINING

Behavioral objectives

Managers should be able to:

1. Apply policies and procedures for managing employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
2. Manage employee disclosures assuring that confidentiality is maintained. This is critical for staff who may want to disclose they are living with HIV/AIDS and for other staff that may want to voice concerns about working with someone living with HIV/AIDS.
3. Appropriately provide any necessary reasonable accommodation in collaboration with Human Resources personnel and the employee.
4. Manage the performance of employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
5. Discuss concerns with Human Resources or employee assistance personnel during the

employee disclosure, accommodation, or referral process.

6. Manage sensitive documents reporting an employee's HIV or health status.

XII. POLICY STATEMENTS

As indicated above, the Presidential Directive requires all departments and agencies to review their personnel policies to ensure that they provide adequate protections for employees with a chronic illness, including those living with HIV/AIDS, while ensuring a comfortable and safe work environment. To accomplish this we suggest the following:

Review the Office of Personnel Management (OPM), Federal Personnel Manual Letter (FPM) 792-21 (March 1988) and Attachment of FPM Letter 792-21 (April 24, 1991), "Acquired Immune Deficiency Syndrome (AIDS) in the Workplace." Applying the basic guidance from the FPM letter, establish or revise your own organizational policies. OPM is in the process of establishing a repository for all the policies from the various departments and agencies. Upon completion of your organization's policy statement, please send a copy to: Chief, Employee Health Services Branch, U.S. Office of Personnel Management, 1900 E. Street, NW, Room 7412, Washington, DC 20415. If you have questions concerning the FPM letter or applicable policies, you may call the office at (202) 606-1269.

Each training participant should receive specific written policy information, as well as information outlining procedures for the disclosure process, counseling, disability and health insurance benefits. Distribution of a policy statement is not enough; each employee should receive a document that contains the names, locations and telephone numbers of the individuals associated with the administration of the following.

1. Equal Opportunity Employment.
2. Interpretation of the Federal Rehabilitation Act of 1973.
3. Interpretation of the Americans with Disabilities Act of 1990 (where applicable).
4. Health and disability retirement benefits information, Employee Assistance Programs and Counseling.
5. Family and Medical Leave Act.
6. State and local government interpretations.
7. Local union representatives (where applicable).
8. Occupational Safety and Health Administration (OSHA) guidelines, especially those related to possible occupational exposure to HIV.

XIII. GENERAL POLICIES FOR SUPERVISORS AND MANAGERS

Each department or agency should develop policies and procedures for employees with serious illnesses, including those living with HIV/AIDS, that are flexible enough to accommodate individual circumstances. In some situations it will be necessary to negotiate with the employee an appropriate workplace accommodation. This process should always include a designated representative from the Human Resources Department or the Employee Assistance Program (and may include a union representative).

Each department or agency must consult with their General Counsel in developing specific policies and procedures for employees with serious illnesses, including those living with HIV/AIDS. The following guidelines should be considered in developing those policies and procedures. A department or agency may develop policies that are more specific than those addressed here.

Privacy and confidentiality

An employee's health condition is personal and confidential. Employees have understandable concerns over confidentiality and privacy about medical documentation and other information related to an HIV/AIDS diagnosis that is submitted for purposes of an employment decision.

Precautions must always be taken to protect information regarding an employee's health condition. It is inappropriate to report disclosures to other upper-level supervisors unless there is a documented "need to know." (These cases are minimal and should be confirmed with your Human Resource Department.) Employees living with HIV/AIDS or other life-threatening illnesses are entitled to full coverage under the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, sick leave, Family and Medical Leave Act, leave bank programs, disability benefits, and equal employment opportunity. Should questions arise concerning such matters, contact your Human Resources Department.

Some employees work in occupations that may put them at greater risk of HIV infection (e.g., medical facilities, laboratories, security personnel who might come in contact with blood, etc.). These employees should attend a training session with special emphasis on the use of universal precautions where there might be exposure to blood-borne pathogens. These guidelines can be obtained from OSHA.

General practices for discussing disclosures

Generally, when employees disclose any life-threatening illness, including HIV/AIDS, a supervisor should not immediately initiate any sudden changes in the employee's working environment. Be sensitive to the possible contribution of anxiety over this condition to work behavior. Any part of the disclosure process should include discussions with the employee, the first-line supervisor, and a representative from the Human Resources Department or the Employee Assistance Program (and may include the employee's union representative.)

Making "Reasonable" accommodations

The purpose behind reasonable accommodations is to provide alternatives for employees living with disabilities, in this case HIV/AIDS, to continue productive work as long as possible. Reasonable accommodations provide a work environment where individuals living with disabilities can maximize their productivity and continue to be part of the workforce. The implementation of reasonable accommodations usually has a positive impact on all staff, as it communicates the willingness of managers to care for the individual needs of employees.

What reasonable accommodations does not mean is that employees with disabilities, including those living with HIV/AIDS, are held to significantly different performance standards than employees without disabilities in similar positions. It also does not mean new jobs must be created to accommodate any employee living with a disability.

When look at an individual employee's condition, consider changes in work assignments like job restructuring, reassignment, liberal leaves or flexible schedules for employees living with HIV/AIDS in the same manner as for other employees whose medical conditions affect their ability to perform safely and reliably. In so doing, observe established policies governing qualification, internal placement, transfers and other staffing requirements. Alternate work scheduling is often the least expensive and simplest accommodation.

Addressing co-workers' concerns

Be sensitive and responsive to co-workers' concerns, and emphasize the need for education. Be clear that mistreatment, harassment, malicious gossip, or hurtful actions in the workplace will not be tolerated. Through educational efforts and private discussions, teach employees that no medical basis exists for refusing to work with a fellow employee, or clients of a department or agency, living with HIV/AIDS.

XIV. TRAINING SUGGESTIONS

The following recommendations are made by the Office of National AIDS Policy to assure quality in this initiative. By following these suggestions you can reduce training obstacles, ensure quality standards, and expedite the educational process.

1. Upon reviewing these guidelines, examine your organizational structure, the composition of your workforce and any logistical considerations that impact on training. By looking at other training programs offered by our department or agency, you may determine the most appropriate method for conducting HIV/AIDS workplace training for your staff.

2. To achieve consistency, coordinate the training at every level throughout the organization. Request initial input from department heads who can ensure the plan is carried out consistently. Develop a network of HIV/AIDS coordinators throughout your organization. Share the educational plan with them, develop a strategy and schedule the sessions. Also, you may want to include union representatives in your network of coordinators.

3. Establish a local-area network (LAN) bulletin board for questions and answers concerning HIV/AIDS issues, employee benefits, leave programs, interpretation of the Family and Medical Leave Act, policies affecting the terminally ill, etc. Keep entries into the system confidential.

4. Collect questions anonymously and publish answers in employee newsletters. If your own organization does not have a newsletter, perhaps your union does.

5. If your organization employs someone living with HIV/AIDS, and he/she feels comfortable talking to a group, you may invite the employee to a question and answer session or to make brief presentations, especially for World AIDS Day, December 1. These presentations, if included in the training, should not exceed 20 minutes.

6. For workplaces where the risk of occupational exposure to HIV may be greater (i.e., occupations in which employees routinely, or are likely in some circumstances, to come in contact with blood or blood products), a special training session on "Bloodborne Pathogens/Universal Precautions" in addition to the general HIV/AIDS training session may be appropriate. Be sure to inform the class of the exact date, time and location. Detailed, or specific questions about bloodborne pathogens and universal precautions can be answered in the Bloodborne Pathogens session.

7. Keep the education and policy modules together and offer them as one session, including a discussion of workplace policies and procedures. (Managers and Supervisors may need more details from the policy representative.)

8. When asked hypothetical questions that demand complex explanation, maintain credibility and try to negotiate the discussion back to the facts and objectives. Politely refer "highly improbable" questions to designated Human Resource or employee assistance personnel. You may want to visually tract the questions (using a flipchart

etc.), ensuring that each question is addressed by the end of the session. However, if too many questions are deferred, the instructor may lose credibility. A skilled, experienced instructor will strive to provide the necessary balance.

9. Conduct pilot sessions to validate your training sessions and ask for input from unions, human resources, training and employee assistance departments. Optimally, retain the same effective instructors throughout your agency's or organization's program.

10. Before conducting the pilot sessions, take time with the instructor to discuss the employees who will be attending the sessions. (Are they analysts, lawyers, accountants, support staff?) The instructors will not need great detail, but a little background information will make the instructor more at ease and "set the stage" for successful training.

11. Work with your training departments and ensure that basic components of the HIV/AIDS training, especially policy, are incorporated in required managerial training and new employee orientation. If you do not have a new employee orientation program, maintain accurate records and provide future HIV/AIDS training sessions as needed. Remember this initiative is ongoing and HIV/AIDS workplace education must become a part of all employee's ongoing training.

12. As an option, offer some weekend or evening sessions to include family members, friends of employees, and other members of the community who interact with your department or agency.

13. During the training, provide supplemental information regarding discussions of HIV/AIDS with children and teens. The theme for World AIDS Day, December 1, 1994, will be "AIDS and the Family." You may want to offer seminars or workshops emphasizing "AIDS and the Family" throughout the year, or during the week of December 1, 1994.

14. Provide additional information to all employees to enhance and reinforce understanding about the nature and transmissions of HIV/AIDS. Use news bulletin, personnel management directives, meetings, guest experts, Q&A sessions, films and video newsletters, union publications, fact sheets, pamphlets.

XV QUARTERLY REPORTS

Each department and independent agency is required to send quarterly reports to the Office of National AIDS Policy. These reports are compiled and sent directly to the President. Accurate record keeping will expedite the report writing process. The FWAEI Quarterly Report should include:

1. The number of staff trained during the quarter, including number of classes and average class size.
2. The total number of staff trained since inception of the initiative (September 30, 1993).
3. The percentage of the total staff of the department or agency that (2) represents.
4. Any difficulty faced in implementing the HIV/AIDS education program (logistical problem, unclear communications, personnel resistance).
5. Progress made in updating and revising departmental non-discrimination policies.
6. Future plans and milestones in implementing the HIV/AIDS initiative within your department or agency. (How many employees are scheduled during the next quarter, and foreseen barriers to full implementation.)
7. List private-sector and non-profit organizations who have visited with you about their training programs.

8. Other activities you plan or have scheduled to re-emphasize AIDS Awareness, especially for World AIDS Day, December 1, 1994. Include any press articles about your implementation of the Federal Workplace AIDS Education Initiative.

9. For the last report of the year, your future plans section must include what will be your plans for conducting training for the following calendar year. This shall include how many people you estimate to be trained per quarter for the following year.

Due dates for future reports are June 15, September 15, December 15. All reports should be faxed or mailed to the Federal Workplace AIDS Education Coordinator. Mailing information follows.

Office of National AIDS Policy contact

For information about these guidelines, contact the Federal Workplace HIV/AIDS Education Coordinator, Executive Office of the President, Office of National AIDS Policy, 750 17th Street, Suite 1060, Washington, DC 20503, telephone (202) 690-5560 or FAX (202) 690-5560.

Interagency meetings

Each month the Office of National AIDS Policy Conducts a meeting to discuss questions, as well as to present materials that have been developed by organizations for the FWAEI. The meeting is open to Federal and non-Federal employees. Meeting notices are normally faxed and not confirmed by a mailing. Please be sure that your contact name, address, telephone number and fax number are correct with the Office of National AIDS Policy. (See Office of National AIDS Policy Contact.)

XVI. RESOURCES

The Office of National AIDS Policy, the Department of Energy, the Office of Personnel Management, and other Federal agencies have collaborated with the Department of Health and Human Services' employee assistance program to develop training packages which comply with these guidelines. Supervisor training materials are nearly completed and your agency FWAEI contact will be notified when these training packages are available.

Materials should include resources and information provided by local community based organizations who work with HIV/AIDS related issues. The CDC National AIDS Clearinghouse can help you find information (800) 458-5231. The Centers for Disease Control and Prevention's National AIDS Hotline number, 1-800-342-AIDS, must be included in all resource information. Throughout the training, this number should be clearly posted in the room.

XVII. SUGGESTED READINGS

Periodicals

- "A Case of AIDS" by Richard S. Tedlow and Michele S. Marram, Harvard Business Review, November-December 1991, pages 14-25.
- "AIDS Education Is a Necessary High-risk Activity," by Jonathan A. Segal, HRMagazine, February 1991, pages 82-85.
- "AIDS Policy & Law," a bi-weekly newsletter of Buraff Publications, 1350 Connecticut Avenue, N.W., Suite 1000, Washington, DC, 20036, (202) 862-0926.
- "Financial Realities of AIDS in the Workplace," by Vaughn Allilton, HRMagazine, February 1992, pages 78-81.
- "Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome Training from a Union Perspective," by Elaine Askari, MPH, and John Mehring, B.A. American Journal of Industrial Medicine, 22:711-720 (1992).

"AIDS Reference Guide," published by Atlantic Information Services, 1050 17th Street N.W., Suite 480, Washington, DC 20036, (202) 775-9008.

"Removing the Mystery from AIDS Education," by Anne E. Jordheim, Ed.D., R.N., Management Review, February, 1990, page 20.

"Why AIDS Policy Must Be a Special Policy," by Ron Stodghill II, Russell Mitchell, and Karen Thurston, and Christina Del Valle, Business Week, February 1, 1993, pages 53-54.

Books

The AIDS Benefits Handbook by Thomas P. McCormack published in 1990 by Yale University.

AIDS Handbook by Brenda S. Faison, M.F.D. and edited by Laila Moustafa, Ph.D., published in 1991 by Designbase Publishing, P.O. Box 3601, Durham, North Carolina, 27702-3601.

AIDS in the Workplace, Legal Questions and Practical Answers, by William F. Banta, published in 1993 by Lexington Books, 866 Third Avenue, New York, NY 10022.

Getting the Word Out, A Practical Guide to AIDS Materials Development by Ana Consuelo Mariella, 1990 by Network Publications, P.O. Box 18830, Santa Cruz, CA. 95061-1830.

The Guide to Living with HIV Infection by John G. Bartlett, M.D. and Ann K. Finkbeiner, published in 1993 by The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, Maryland 21218-431.

Managing AIDS in the Workplace, by Sam B. Puckett, L.L.B., M.B.A. and Alan R. Emery, Ph.D., published in 1989 by Addison-Wesley Publishing Company, Reading MA.

Preventing AIDS, A Guide to Effective Education for the Prevention of HIV Infection, American Public Health Association, 1015 Fifteenth Street, NW, Suite 300, Washington, DC 20005 (202) 789-5600.

Training Educators in HIV Prevention, An Inservice Manual by Janet L. Collins, Ph.D. and Patti O. Britton, 1990 by Network Publications, P.O. Box 1830, Santa Cruz, CA 95061-1830.

We Are All Living With AIDS, How You Can Set Policies and Guidelines for the Workplace, by Earl C. Pike, published in 1993 by Deaconess Press (a service of Fairview Riverside Medical Center, a division of Fairview Hospital and Healthcare Services), 2450 Riverside Avenue South, Minneapolis, MN 55454.

100 Questions and Answers About AIDS by Michael Thomas Ford, published in 1993 by New Discovery Books, MacMillan Publishing Company, 866 Third Street, New York, NY 10022.

Message #1

- Subject: Mandatory HIV/AIDS training.
 Author: Stec at FAS07.
 Date: 01/31/95 02:27 p.m.
 On September 30, 1993, President Clinton mandated Federal HIV/AIDS education for all Federal employees. To comply with this Presidential mandate, the Foreign Agricultural Service is presenting the attached mandatory HIV/AIDS training sessions.
- Please attend the session scheduled as indicated or arrange to switch session with a coworker.
- Supervisors are responsible for disseminating this information to their employees and for certifying that all employees under their supervision attend a session of the mandate training.
- Please contact Charlotte Stec, 720-1596, if you have any questions regarding this training.

Message #2

Subject: PL 480 status of PA report.
 Author: Rivera JA at FAS15.
 Date: 01/31/95 03:13 p.m.

The monthly Public Law 480 "Status of PA" report is now available on the "u" drive. To access it, go to "pl480" from the Windows' File Manager, since this is a Lotus file, and click on "title1". This report shows Public Law 480, Title I agreements signed, purchase authorizations issued, and sales registered. For information, please call José Rivera at 720-6286.

TRAINING PROGRAM

Please attend the session scheduled as follows in accordance with your last name. This is mandatory training for all Federal employees. If you cannot attend your scheduled session, please arrange to switch sessions with a coworker.

Attendance will be taken. All participants should bring a pencil or pen with them.

A Sign Language Interpreter will be provided for the afternoon session of February 7th only. Employees requiring special accommodations should contact Charlotte Stec.

Date, Time, Location, Last Name, Begins in Letters

February 7, Tuesday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, A-BE, BI-CI.

February 8, Wednesday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, CL-DI, DO-GA.

February 9, Thursday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, GE-HAN, HAR-HO.

February 14, Tuesday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, HU-KI, KL-MA.

February 16, Thursday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, MC-M, N-PL.

February 17, Friday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, PO-RO, RU-SL.

February 24, Friday 8:30-11:30 a.m., 12:30-3:30 p.m., Jefferson Auditorium, SM-TI, TO-WES.

February 28, Tuesday 8:30-11:30 a.m., Jefferson Auditorium, WET-Z.

(For further information or questions, contact Charlotte Stec, HIV/AIDS Coordinator, on 720-1596 or FAX 720-2016.)

[From the Washington Times, Mar. 27, 1995]
 MANDATORY FEDERAL AID CLASSES CITED AS PROMOTING GAY AGENDA

TRAINING ADDRESSES RELIGION AS BARRIER
 (By Rowan Scarborough)

The Clinton administration's guidelines for mandatory AIDS training of all federal employees call for the "breaking down of audience resistance" to the program's teachings if that resistance is based on "religious beliefs."

The training manuals portray people opposed to condom distribution in schools as "partisans." They tell trainers to use the words "sex partners" instead of "husband and wife" and "injecting drug user" instead of "addict."

Would-be trainers have to discuss their views on "homosexuality for my child" as part of the selection process.

A federal worker who underwent training this month said she was offended when the instructor, a private contractor, began talking about her grandmother's likely sex practices.

"I was shocked and upset when the instructor personalized anal sex for each person in

the room by saying our grandmothers probably practiced birth control by participating in anal sex," said the worker, who described the three-hour session on the condition that she not be identified.

"I was highly offended," she said. "I have a very godly grandmother, and I just broke down and cried. I guess they're trying to say homosexuals do it that way and so did your grandmother."

The guidelines are in documents from the departments of Energy, Health and Human Services, and Agriculture. Other departments are believed to use similar guidelines, which are coordinated and approved by the White House.

Aimed at the 2.1 million federal employees, the "Federal Workplace AIDS Education Initiative" was authorized last year by Mr. Clinton, whose campaign received political and financial support from the homosexual community.

Administration rules for AIDS instruction tell trainers:

To avoid certain terms, such as "husband and wife," "homosexual men," "promiscuous," "sexual preference" and "addict."

To deflect "homophobic comments" during a training session by saying, "There is some division of opinion on that point."

To watch out for troublemakers among the pupils. A federal worker who takes an "intransigent point of view" on condom distribution in schools or needle distribution is pegged as a "partisan." A "heckler" is someone who "expresses disbelief, disgust or scoffs at content and processes." A "moralist" believes that "people who are HIV-infected through sex or drug use deserve what they get."

To suggest that a person use his own drug-injection equipment or try "disinfecting with bleach" to avoid getting the human immunodeficiency virus, which causes AIDS.

The Department of Energy's AIDS program is titled, "Walkin' the Talk" and includes a discussion of "serial monogamy," which it defines as an "exclusive sexual relationship with one individual at a time."

"Practicing serial monogamy and therefore having several sexual partners, even over an extended period of times, may place one at risk for HIV infections unless he or she practices safer sex," the program says.

One of the training manuals included a scoring system titled "Values About HIV/AIDS-Related Issues." It was used to select AIDS instructors.

Candidates were asked to rate their opinion on several topics, including "sex without love," "sex outside of a committed relationship," "homosexuality for my child," "stiff sentences for injection-drug users who share needles and other drug-injection paraphernalia," and "laws to protect homosexuals from discrimination in housing, jobs and public accommodations."

Jim Woodall, a vice president of the conservative group Concerned Women for America, said President Clinton should "cease and desist" the training. He said the goals could be achieved by giving employees a Centers for Disease Control and Prevention brochure on AIDS prevention.

"We have been suspecting for a long time that AIDS education is being used as a facade to promote the homosexual lifestyle," Mr. Woodall said. "AIDS education used in public schools and college campuses has now invaded our government, where the president is mandating federal employees to sit down for four hours for this type of education. It's a fraud."

Mr. Woodall's 600,000-member organization is compiling information on the program.

"I do not have any problem with gays relating to gays when talking about sex," he said. "The issue is, the U.S. government is promoting that agenda using taxpayer dollars."

Richard Soriano, White House spokesman on AIDS policy, disagreed with the group's characterization of the program. "The effort has been a very successful effort to supply people with information that allows them to protect themselves and protect their family," he said.

He said Concerned Women for America is misinterpreting some of the training material. For example, he said, the section on "breaking down audience resistance" based on religion is an effort to have workers air those concerns so they can be discussed.

"They are not trying to change someone's religious beliefs at all," Mr. Soriano said. "What they are talking about is beginning the instruction with any concerns they have or religious belief that might make them uncomfortable with the discussion so they can be comfortable in the discussion."

Mr. Soriano said such words as "addict" are avoided for a good reason: "If you say drug addicts are susceptible to HIV, but they don't consider themselves an addict, then they don't recognize themselves as an addict."

He said he has received "positive feedback" from participants who have used the information to educate others. The program is scheduled to end this week. The White House AIDS office then will know how many workers were reached.

Some federal workers have objected to the training.

A defense Department employee said he walked out during his department's session.

"I don't believe I should sit next to a female and be told how to do intercourse, no matter how sidetracked they go," said the employee, who requested anonymity. "I don't want to be in mixed company and talk about a lifestyle I'm not involved in, that I don't approve of. I don't care to be instructed by Big Brother in things I avoid."

A Drug Enforcement Administration worker who objected to attending AIDS training was ordered to attend or be disciplined for insubordination.

Mr. Woodall said the system "weeds out any people who have a problem with the gay lifestyle."

MARCH 31, 1995.

Senator JESSE HELMS,
 Century Post Office Building,
 Raleigh, NC.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS our budgets for agricultural research are particularly tight. Nevertheless, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man hours and consequently wages. We also were required to take a pre- and post-class test. Unfortunately, at least in our agency, there is no way to test out of the class time. Since we are mostly biological scientists we learned essentially nothing. The enclosed material was to be read prior to the class and thereby using more of our valuable time. Some of this material is not appropriate for the workplace (e.g. how to have safe oral sex.

page 28), and it does seem to be necessary for government time and money.

I hope you and other congressional members will carefully consider the cost/benefits of our numerous training sessions. The taxpayer's money can be better spent on research in our agency than in peripheral training sessions not suited to us.

Sincerely,

Mr. HELMS. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the previous amendment so that I can offer another amendment.

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

AMENDMENT NO. 1857

(Purpose: To limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer)

Mr. HELMS. I now send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1857:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

Mr. HELMS. As the clerk has read, Mr. President, this amendment proposes that the Ryan White CARE Reauthorization Act of 1995 have this provision to guarantee that any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed the total Federal funds authorized and appropriated for and in connection with the disease of cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth, No. 9—I believe, as a matter of fact, they lowered it to No. 8. So make that read HIV/AIDS ranks eighth in the number of deaths it causes. It is of interest that HIV/AIDS receives \$2.7 billion per year in Federal funding, which exceeds Federal funding in connection with any other disease. Heart disease, for example, Mr. President, kills more than 720,000 Americans every year, and

\$305 million in Federal funds are allocated and appropriated for heart disease. Cancer kills 515,000 Americans, and it receives \$2.3 billion.

I think the arithmetic of all of this, Mr. President, speaks for itself. I want the RECORD to show that I hope a cure for HIV/AIDS is found tomorrow morning, and I encourage every research effort toward this end. However, I have to make it clear that I am appalled at what has become a total politicization of Federal funding for medical research and health services.

The pending amendment stipulates that Congress may not authorize or appropriate more money for HIV/AIDS than is authorized and appropriated in connection with the disease cancer. More people are dying from heart disease and cancer and stroke and lung disease and accidents and pneumonia and diabetes and Alzheimer's and suicide than die from AIDS. Each one of these kills more people than does the disease AIDS, yet AIDS receives a disproportionate amount of the taxpayers' money.

On average, the Federal Government spends about \$91,000 on every person who dies of AIDS. The Federal Government spends about \$5,000 for every person who dies of cancer.

Now, I have my own ideas about priorities, but that is an issue for another day. And I think I am correct in my impression that Americans agree that this discrepancy is neither fair nor equitable.

In a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS nonetheless receives more Federal funding, it is time I think that Congress established some new equitable priorities.

Mr. President, I ask that all of my previous amendments be set aside enabling me to ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mrs. KASSEBAUM. Mr. President, I am not sure if we are ready to propose a unanimous-consent agreement yet or not.

Mr. HELMS. I am certainly ready to hear it.

Mrs. KASSEBAUM. No, I guess we are not. So if I may just for a moment respond to several of the amendments that have been put forward by Senator HELMS. On the amendment that talks about promotion of homosexual activity, I certainly have great sympathy for wanting to limit what the activities might be supported. I will be introducing an amendment which addresses that same issue but perhaps not in the

same way as Senator HELMS. I will not get into a definition of the amendment. Since the unanimous-consent agreement has not been put forward yet, I am not sure whether we should go ahead and send our amendments to the desk, but perhaps we will get them all out and then we can decide what to do.

AMENDMENT NO. 1858

(Purpose: To prohibit the use of funds for certain activities)

Mrs. KASSEBAUM. I send to the desk an amendment. I ask unanimous consent to set aside the amendments.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment of the Senator from Kansas.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1858.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2878. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or hetero-sexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV."

Mrs. KASSEBAUM. The amendment I have sent to the desk will prohibit the use of the Ryan White CARE Act funds to support activities which promote homosexuality. This provision will assure that the funds allocated under this act would be used to provide treatment for individuals. There would be no funds to be used for promotion of homosexual activities. I offer this amendment because I am aware that some of my colleagues are concerned that the CARE activities may lead to increased sexual activity or to increased drug use. Specifically, some are concerned that needle exchange programs and prophylactic distribution programs may lead to increased homosexuality or drug abuse. Whether or not these concerns are valid, my amendment makes it clear that none of the funds expended under this act could be used for such promotion activities. Rather, this provision would assure that CARE Act funds would be used for treatment. In this regard, it is more narrow than the amendment that has

been offered by Senator HELMS in that it clearly states that the CARE Act funds are for treatment only, not prevention or homosexual promotion activities.

I offer this amendment because I would like to have us fully consider some of the language and implications of that language, and that will be set aside at such time as we come to a vote on the legislation.

Senator HELMS also put forward an amendment to ensure that Federal employees will not be required to attend or participate in AIDS training programs. I would for myself think that is a very sensible amendment. Mr. President, it does seem to me that we should not have to require attendance of Federal employees for such programs. I would like to say, though, I do not believe that the intent was to design these programs to change the lifestyle of Americans. I think the intent was to really try to have an understanding of AIDS, what it was about, what type of disease it was. But I really myself strongly will support Senator HELMS and say that in my mind it should not be a required attendance.

Another amendment that Senator HELMS put forward was on the funding. He would hold the funding levels to the same as they are in 1995. Mr. President, the House Appropriations Committee has appropriated \$656 million for 1996. If we take the 1995 level, that is \$651 million. But holding it until the year 2000 when AIDS cases are increasing at 20 percent a year seems to me to be a very difficult way for us to address this issue at this time. And I think it clearly should be left up to the appropriators. I know that the appropriators today—the Presiding Officer is on the Appropriations Committee—are not going to be frivolous in the moneys they spend. And I have a great deal of confidence that they will take into consideration the needs that are addressed that have to be met in the Ryan White CARE legislation and will consider wise and sensible use of those funds. So that amendment I would just have to oppose because I think putting that type of restraint until the year 2000 clearly would do a disservice to many who are in serious need.

The other amendment was regarding funding equity. And I will be considering another amendment to address that issue because, as I mentioned earlier, it is of great concern. And one of the things where we would differ is what moneys go to research and is discretionary funding and what moneys come from, say, Medicare and Medicaid and the Social Security disability funding. That makes a big difference in the total amount, and I think it is important that there is an understanding regarding that difference. So, I will be putting forward another amendment on funding equity a bit later as we complete this debate.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will just take a moment because the Senator from Kansas has outlined what I think has been a very responsible and thoughtful series of options for the Senate to make a judgment and a decision upon. They will be available to the Members as they examine these issues over the nighttime, and then we will have a chance to address them tomorrow and, hopefully, reach a final resolution. I think she has summarized the reasons and justifications for the positions which she has outlined, and I am in very substantial agreement. With some issues along the way we may have some difference. But I think there will be a series of alternatives for the Members to make a judgment on these matters on tomorrow and, I think, for the Members to make a final judgment on these questions tomorrow as well.

What remains will be the Gregg amendment, which deals with the exports of various pharmaceuticals and medical devices that have not been approved by the FDA or, for that matter, approved by the other 21 different countries that have regulatory agencies. He will best describe his amendment. This is a matter which is before the Human Resources Committee, and it certainly was my impression up until this afternoon that that would be a part of the whole FDA reorganization and structure. It is appropriate that it should be because we have a different criteria, for example, for pharmaceuticals and how the FDA treats those versus biotech and medical device legislation. So, I had thought we would be addressing that as part of our total FDA review.

It has been the judgment of the Senator from New Hampshire to offer that measure, which initially, as I understand it, was a Hatch measure to this proposal. And we will have a chance to discuss that in the morning and make some judgment on that issue. And I would certainly invite our colleagues to pay close attention to the debate that will, hopefully, take place at 9:30 if we are able to work through our consent agreement.

Mr. President, I have more extended remarks on some of these measures which I will either make this evening or include in the RECORD. Hopefully, we are at a point where we might be able to consider a consent agreement, and I have been here long enough to know that, if that is possible, it is wise to try to take advantage of the opportunity before it may escape.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that the name of the Senator

from New Mexico, Senator DOMENICI, be added as a cosponsor.

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

Mrs. KASSEBAUM. It is my understanding we are close to being able to put forward the unanimous-consent agreement. I think there still needs to be a couple of additional checks made.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

It is perfectly acceptable to me, Madam President.

It will take a unanimous consent to vary the order in which the amendments were presented, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Just so there will be no accidental mistake made, I ask unanimous consent that all amendments be voted on tomorrow morning in the order in which they were presented.

The PRESIDING OFFICER. Is there any objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could the Senator state again what the request was? As I understood it, we were in the process of trying to work out a consent request to cover the disposition of the measures tomorrow.

Mr. HELMS. If the Senator will yield. I am not suggesting anything that would vary the unanimous consent that I hold in my hand. I favor that. I simply want to be sure that all amendments are voted upon in the order in which they were presented.

Mr. KENNEDY. I see the Senator from Kansas on the floor.

Mrs. KASSEBAUM. Well, I did not present my amendment regarding promotional activities until you had completed presenting all of your amendments. I wonder in the voting if they could not follow each other, so that we are—

Mr. HELMS. Is that the one where you deleted the second half of mine?

Mrs. KASSEBAUM. Yes. Although it is changed.

Mr. HELMS. You did not change the language in the first half?

Mrs. KASSEBAUM. Yes. It is a different approach because it is just targeted to the care, but using some similar language.

We are going to end up voting on the Senator's amendment. This says the same thing but does not get into a definition.

Mr. HELMS. Madam President, I am going to have to suggest the absence of a quorum on this one because that is a contradiction of my understanding. Perhaps I can correct it. May I see a copy?

Mrs. KASSEBAUM. The Senator has it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Madam President, I ask that it be in order for the Senator from North Carolina to ask for the yeas and nays on final passage on the Ryan White bill.

The PRESIDING OFFICER. It is in order.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1859

(Purpose: To strike provisions relating to the medicare wage index)

Mrs. KASSEBAUM. Madam President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for Mr. GRAHAM proposes an amendment numbered 1859.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 41, line 7, strike "the product of—" and all that follows through line 15, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C)."

On page 43, strike lines 1 through 13.

On page 43, line 14, strike "(E)" and insert (D)."

On page 43, line 24, strike "(F)" and insert (E)."

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike "the product" and all that follows through line 14, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D)."

Beginning on page 46, line 17, strike "means the" and all that follows through

line 8 on page 47, and insert the following:

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A)."

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike "(F)" and insert (E)."

On page 49, line 19, strike "(G)" and insert (F)."

On page 50, line 4, strike "(H)" and insert (G)."

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike "7" and insert "8".

Mrs. KASSEBAUM. Madam President, this amendment has been agreed

to by both sides. It addresses a problem that would exist particularly in Florida regarding formula. It is designed to be of assistance in addressing that in a way that we have all agreed we think works, to everyone's benefit.

Mr. KENNEDY. Madam President, I urge the acceptance of the amendment. This addresses some of the special needs of the State of Florida. I think it is justified. I hope the amendment would be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. KASSEBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Madam President, they are trying to put together a final agreement so that they can go out tonight. Until they do, let me take a few minutes and express myself on the Ryan White bill.

Madam President, people are dying. People are dying and we have the chance today or tomorrow to enact legislation that will really make a difference—really make a difference in their lives, and the lives of their families and friends who love them.

We have the chance to enact legislation that will help alleviate some of the pain and suffering of individuals who are infected with HIV.

We have a chance to enact bipartisan legislation showing that Congress cares more about people—about people who are critically ill and need our help—than about how those people got ill.

Madam President, in 1981, two physicians unknown to each other, on opposite ends of the United States, made similar observations that they would then publish in their respective medical journals.

They noted that a small group of their otherwise healthy patients were becoming infected with organisms that would normally affect individuals who were for some reason immune-suppressed. In layman's terms—these patients had a weakened immune system.

By the end of the following year, 1982, almost a thousand cases of the disease had been reported to the Centers for Disease Control. Congress had appropriated \$8 million for research to combat this mysterious virus.

Over the next few years, the number of such cases dramatically increased and began to spread throughout the country, as did our realization that the virus, now called acquired immune deficiency syndrome, AIDS, was not going to be eradicated overnight.

Funding for research rose to \$44 million in fiscal year 1983, \$104 million in fiscal year 1984 and by fiscal year 1990 had reached \$3 billion. By 1987, there were cases in each of our 50 States.

As I look back, I recall how AIDS began to touch on each of our daily lives, as the number of cases grew, and the need for increasing research and service-related funding for this growing epidemic.

We began to expand funding beyond the Department of Health and Human Services, to the Department of Defense, the Agency for International Development, and the Bureau of Prisons.

We funded the Department of Labor, the Department of Housing and Urban Development and the Veterans Administration. We provided funding through the Federal Employees Health Benefits Program.

Our response grew with the magnitude of the disease, as it should continue today.

As I think back to the early days of AIDS, and how the growing numbers of infected individuals and the resultant death toll caused this country so much alarm and panic.

Unfortunately, as with any unsuspected crisis, the immediate response from many—including members of both houses of Congress—could be characterized as denial, anger, and blame. Fortunately, over time, our compassion has grown for those infected with this insidious virus, as our understanding about the causes of and treatments for this devastating disease increased.

As I look back, I think of the swift reaction of our health care community, yet how painfully clear it was that both our research and service delivery infrastructures lacked the capacity to address the growing number of cases of HIV infection.

I talked about our growing research effort. I did not talk about the dedication of our scientists, and their ensuing frustration, as a cure—or even a vaccine—continued to elude our grasp.

Today, they still remain outside our grasp.

As I look back, I recall how the service delivery programs evolved—the AIDS service demonstration projects, the home and community-based health services grant programs, and the AIDS drug reimbursement program—yet we still could not keep pace with the need for services in our communities.

They came out of our Labor Committee, and we were proud to authorize those programs which have really served to help people. But they were not enough.

Out of this great need for community-based, compassionate care was born the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, a bill I was pleased to author with my colleague from Massachusetts, Senator KENNEDY.

We named the bill after Ryan White, a courageous, intelligent and caring young man from Indiana, who worked tirelessly to educate others about HIV and AIDS. Ryan helped replace fear and indifference with hope and compassion. One of the great lessons of his life—that we should not discriminate against those with the HIV virus of other illness—remains true today. His tireless efforts, indeed his legacy, is being carried on by his mother, Jeanne White. And I met with her a number of times. And I have to say she is doing a good job.

There are so many others who have spoken out with the same spirit and eloquence, including Mary Fisher, founder of the Family AIDS Network, who is a tireless crusader against AIDS, and our much-missed friend Elizabeth Glaser, who established the Pediatric AIDS Foundation which has done so much to improve the lives of children infected with HIV.

I can remember when she first walked into my office. I did not know a lot about pediatric AIDS. I knew about adult AIDS. But I did not realize so many children were being infected at that time. When she walked in and explained it to me, I have to say we decided to help her. Our colleagues, Senator Metzenbaum and others, helped her raise her first million dollars for the Pediatric AIDS Foundation at a wonderful dinner here in Washington, DC and she went on from there to raise several more million dollars in the fight against AIDS, and, of course, she is one of the most valued heroines in this country, as far as I am concerned. There have been so many unnamed others in countless communities across the Nation.

Today, we have before us reauthorization of the Ryan White CARE Act.

My message is simple: it is an important act. It must be reauthorized.

The need continues.

Let me discuss a few dramatic facts in order to highlight the tremendous impact of this disease and explain why this bill should be passed.

The most revealing fact is that the No. 1 cause of death for males aged 29 to 44 is now AIDS.

In the last decade, the proportion of cases represented by women has almost tripled.

Even in my small home state of Utah, it is estimated by the Department of Health that there are 5,000 people infected with the HIV virus. To date, 1,110 have been diagnosed with full-blown AIDS, and 644 have died.

Indeed, our knowledge of AIDS has expanded dramatically since those early days.

We now know that AIDS is not a gay disease, or a Haitian disease.

We know that it cannot be transmitted by casual contact.

We know that it affects man, woman and child, whatever race, whatever nationality.

AIDS does not play favorites. It affects rich and poor, adults and children, men and women, rural communities and the inner city.

We know much, but the fear remains. Madam President, things have changed since 1990. But the need for this legislation remains.

The number of cases continues to increase. At the end of 1994, the Centers for Disease Control and Prevention had recorded 441,528 cases of HIV. The number continues to grow.

The emotional and economic burden for HIV patients and their families is substantial, and it continues.

The Ryan White CARE Act has made a difference and should continue to make a difference.

There is so much that remains to be done.

Since its enactment in 1990, the Ryan White AIDS Care Act has provided the necessary assistance to those persons and their families affected by the AIDS epidemic. Often, the funding provides for models of HIV service delivery that are considered to be some of the most successful health care delivery models in history.

I am very proud of Utah's Ryan White program. Let me tell you of some of our accomplishments.

Ryan White funds were used to establish a home health services program which provides much needed homemaker, health aide, personal care, and routine diagnostic testing services.

A drug therapy program has been established that offers AZT and other drugs to individuals infected with HIV.

Ryan White funds have been used to provide health and support services through an HIV Care Consortium, which offers vital services such as dental, mental health counseling, transportation, benefits advocacy, eye exams and glasses, legal advocacy, information and education, nutrition counseling, and substance abuse counseling.

These are programs which are in place and which are working. They should be continued.

I believe it is vital that we reauthorize the Ryan White Act.

Madam President, many have noted that AIDS brings out the best and worst in people. Let us hope that this debate reflects the best of the great American traditions of reaching out to those in our community.

I plead with my colleagues today, and I will tomorrow, let us not backslide on this. I wish to compliment the distinguished chairman of the Labor and Human Resources Committee, and the ranking member, Senators KASSEBAUM and KENNEDY, for the work that they have done and for the courageous way that they have gone about it and for the work they have done on the floor here this day. I personally respect both of them very much, and I appreciate what they are doing in this bill.

Our progress has been great, but we have so much more to do to wipe out this virus. Let us hope and pray that one day, like smallpox, the HIV virus will be eradicated as a public health problem, and that is what we are talking about, public health, for everybody. Until then, Ryan White programs offer the only glimmer of hope to thousands of Americans who are living with HIV.

So I wish to thank my esteemed colleagues, especially our floor managers today, Senators KASSEBAUM and KENNEDY and others who have worked so hard to move this important piece of legislation forward. I will work with them in any way I can to see that this legislation is sent to the President as quickly as possible, and I again hope that we can do this probably tomorrow morning.

I thank the Chair.

Mrs. KASSEBAUM. Madam President, I wish to express appreciation to the Senator from Utah. Senator HATCH, as he mentioned, was the original cosponsor along with Senator KENNEDY of the Ryan White CARE Act in 1990. If it had not been for the leadership he provided, I am not sure we would be here today debating renewal of that legislation. It was crucial at that time to help develop an understanding of what it was all about, and I think without Senator HATCH's strong and forthright and dedicated concern at that time, it would have been extremely difficult to have the public awareness and support that it has. I just wish to express that appreciation to the Senator from Utah.

Mr. HATCH. If the Senator will yield, I certainly thank her for her kind remarks, but I feel equally disposed to congratulate her and to thank her for the work she is doing this year and has done in the past. She and Senator KENNEDY have done a very good thing here. So I thank her very much.

Mrs. KASSEBAUM. I would just say Senator HATCH, of course, we miss on the Labor Committee, where he was at one time chairman and ranking member, and I have big shoes to follow in that leadership on the Labor and Human Resources Committee.

Mr. BYRD. Mr. President, earlier today during the debate on S. 641, the Ryan White CARE Reauthorization Act, the distinguished senior Senator from North Carolina [Mr. HELMS] raised questions concerning where the appropriations for the Ryan White Program have been going. He indicated that he had been unable to receive any detailed information from the Clinton administration. He further stated his hope that the Appropriations Committee would be able to provide such information in connection with the fiscal year 1996 appropriations bill. I have asked the staff to look into this matter and get such information as is avail-

able as quickly as possible. For now, I have a CRS Report dated March 31, 1995, entitled "Health Care Fact Sheet: Ryan White CARE Act Reauthorization." This report sets forth the programs which are authorized for funding under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101-381). Under that act, this report states that:

Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease.

It further states that for fiscal year 1995, \$633 million has been appropriated for these purposes.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

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

CRS REPORT FOR CONGRESS—HEALTH CARE FACT SHEET: RYAN WHITE CARE ACT REAUTHORIZATION

The Ryan White Comprehensive AIDS (acquired immune deficiency syndrome) Resources Emergency (CARE) Act of 1990 (P.L. 101-381) authorized a set of Federal grant programs to provide emergency assistance to localities disproportionately affected by the human immunodeficiency virus (HIV) epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease. Total FY 1995 appropriations were \$633 million. CARE Act programs are currently authorized through FY 1995. On Mar. 29, 1995, this Senate Committee on Labor and Human Resources ordered reported S. 641, the Ryan White CARE Reauthorization Act of 1995. The bill would modify the CARE Act programs and extend authorizations through FY 2000.

CURRENT RYAN WHITE CARE ACT PROGRAMS

Title I of the Act provides emergency formula and supplemental grants to disproportionately affected, eligible metropolitan areas (EMAs). Eligible areas with more than 2,000 cases of AIDS, or where the cumulative per capita incidence exceeds one quarter of 1% may apply for title I funds. Half of each year's appropriation is distributed to EMAs under a formula based on cumulative caseload and incidence; the remainder is used for supplemental grants awarded on the basis of applications by EMAs. Forty-two EMAs received funds for FY 1995, up from 16 in FY 1991. Title I funds are directed to the chief elected official administering the public health agency providing outpatient and ambulatory services to the greatest number of persons with AIDS in the designated area. The official must establish an HIV Health Services Planning Council which further sets priorities for care delivery in accord with Federal guidelines.

Title II provides formula grants to States and Territories for comprehensive care serv-

ices including home and community-based care, continuity of health insurance coverage, payment for pharmaceuticals and other treatments to prevent deterioration of health, and other services. Grants are allocated on the basis of recent AIDS caseload and State per capita income. States reporting 1% or more of the national AIDS caseload are required to match Federal funds (\$1 State for every \$2 Federal in FY 1995) and must use 50% or more of their grant toward establishing an HIV health and support services consortium. The Secretary withholds 10% of Title II appropriations to support special projects of national significance (SPNS), a grant program that promotes advancements in the delivery of health care and support services to the HIV population.

Title III(b) provides early intervention categorical grants to public and private nonprofit entities already providing primary care services to populations at risk of HIV. Services allowed under title III(b) include counseling and testing, case management, outreach, medical evaluation, transmission prevention, and risk reduction strategies. (Title III(a), authorizing early intervention grants to States, has never been funded.)

Title IV authorizes a number of different HIV-related programs, of which only one, pediatric demonstration grants, had been funded. These grants foster collaboration and coordination between clinical research and health care providers and target HIV infected children, pregnant women, and their families.

Appropriations for FY 1995 total \$633 million as follows: \$357 million for title I, \$198 million for title II, \$52 million for title III, and \$26 million for title IV. (On March 2, the full House Committee on Appropriations rejected a subcommittee reported rescission of \$13 million in FY 1995 funds.)

S. 641, THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

As reported, S. 641 authorizes appropriations of such sums as may be necessary for all titles for FY 1996 through FY 2000. It makes numerous changes in CARE Act programs, including expansion of permissible services, stronger planning and coordination requirements, and a greater emphasis on services to minorities and to women and children. There are also important funding changes, as follows:

A single appropriation would be authorized for titles I and II. For FY 1996, 64% of funds would go to title I; a method for distribution for later years would be developed by the Secretary.

Allocation formulas for titles I and II would be based on estimated persons living with AIDS (rather than cumulative cases) and would include a new factor reflecting area variation in the costs of services. These changes would redirect funds to the areas where the epidemic is growing most rapidly; temporary hold-harmless provisions would prevent sharp funding reductions for existing grantees. New EMAs would have to have populations of at least 500,000, and would be eligible on the basis of caseload alone (rather than caseload or incidence).

The special projects of national significance program would be funded through a 3% withhold from each title, rather than 10% from title II alone.

AIDS FUNDING HISTORY—SEPTEMBER 27, 1994

	Fiscal year 1986	Fiscal year 1987	Fiscal year 1988	Fiscal year 1989	Fiscal year 1990	Fiscal year 1991	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994	Fiscal year 1995 req	House	Senate	Conference
HRSA													
Education and Training Centers		\$1,550	\$11,106	\$14,640	\$14,549	\$17,029	\$16,984	\$16,435	\$16,435	\$16,157	\$16,287	\$16,287	\$16,287
Pediatric AIDS		4,787	7,806	14,803	19,518	19,747	20,897						
Facilities and Renovation		6,702	3,903	4,342	4,029								
Other	\$15,311	10,350	14,361	29,692	74,023								
Ryan White													
Emergency Assistance (Title I)						87,831	121,653	184,757	325,300	364,500	352,500	356,500	356,500
Comprehensive care (Title II)						87,831	107,704	115,288	183,897	213,897	195,897	198,897	198,147
Early Intervention (Title III)						44,891	49,862	47,968	47,968	56,568	51,568	52,568	52,318
Pediatric Programs (Title IV)								22,000	27,000	26,000	26,000	26,000	26,000
Subtotal—Ryan White						220,553	279,229	348,013	579,365	672,365	625,965	633,965	632,965
AIDS Dental Services								7,000	6,884	6,537	6,537	6,537	6,537
Subtotal—AIDS	15,311	11,900	36,956	26,349	33,694	261,129	315,960	385,345	602,809	695,406	649,189	657,189	656,189
CDC	62,155	136,077	304,942	377,352	442,826	496,960	480,132	498,253	543,253	532,693	606,000	589,253	590,243
Total NIH	146,656	293,977	500,399	742,428	904,455	1,004,825	1,047,294	1,072,453	1,237,115	1,379,052	1,337,606	1,337,606	1,337,606
SAMHSA													
Centr. Ment. Hlth. Serv.								2,987	6,943	5,343	6,881	5,394	6,943
Centr. Subs. Abuse								21,156	21,156	7,726	10,526	20,526	18,026
Subtotal—AIDS								24,143	28,099	8,069	17,407	25,920	24,969
Agency for Health Care Policy and Research			1,000	6,831	8,474	10,252	10,135	9,624	10,624	11,917	10,557	10,624	10,591
Office of the Secretary													
Health Initiatives			3,416	4,010	2,149	2,075	2,073						
National AIDS Program Office		363	3,308	3,023	3,666	3,789	2,452	2,936	2,869	2,848	2,899	0	1,750
AIDS Contingency Fund		30,900											
Total	224,122	472,317	846,505	1,159,639	1,397,125	1,779,104	1,858,048	1,994,827	2,484,760	2,629,985	2,623,658	2,589,592	2,621,348

Mr. KOHL. Mr. President, I rise as a cosponsor and enthusiastic supporter of S. 641, the Ryan White CARE Act reauthorization.

The AIDS epidemic is a continuing crisis in our Nation that shows no sign of abating. Once a problem for only a few big urban areas, the crisis has increasingly impacted people in smaller cities and rural areas. More and more Americans are seeing friends and relatives stricken with HIV disease and are struggling to find adequate services for their loved ones.

Mr. President, over 2,700 Wisconsinites have been diagnosed with HIV infection and AIDS since 1985. As of March 1995, the Centers for Disease Control and Prevention has reported 481,234 cases of AIDS nationwide. The Ryan White CARE Act has been critical for communities responding to the AIDS crisis by helping to establish coordinated health care systems. Over 300,000 people afflicted with the disease receive life-prolonging treatment through the act.

This bill continues programs that help hard-hit municipal areas, support coordinated State efforts to combat AIDS, and provide primary care to special populations, including pregnant women and children. The Ryan White CARE Act represents the most effective type of government initiative; it targets State and Federal Government resources to fund comprehensive plans under the guidance of community leaders, medical professionals, affected populations, and officials at municipal, State, and Federal levels.

Since the enactment of the Ryan White CARE Act, Wisconsin has utilized its limited allocations to reach underserved areas of the State while concentrating resources on hard-hit communities. Care is available to citi-

zens in every part of the State, not just a few cities. All funding in Wisconsin is provided through a consortium of community-based groups. This community oriented approach has allowed delivery of services to AIDS patients in their home, avoiding costly long-term hospitalization until absolutely necessary. The result is compassionate care for the afflicted and considerably less Medicaid spending, which saves State and Federal resources.

The Ryan White CARE Act has proven invaluable in meeting the AIDS crisis, but like most government programs, has room for improvement. I am pleased to say that this bill does not simply continue the status quo of the original legislation. There are substantial changes that better target Federal resources while meeting the current threat of HIV and AIDS. These consensus changes were carefully worked out with input from those who fight the AIDS tragedy every day.

The bill resolves longstanding formula inequities that pitted groups against one another. The new formula responds to the evolving dynamics of the epidemic. Using General Accounting Office recommendations, funding would now be distributed based on those currently living with AIDS and the changing cost of care.

States where AIDS is widespread, but without cities designated as "eligible metropolitan areas," have not qualified for title I funding. Such States, like Wisconsin, have relied on limited allocations of title II funding in order to reach the afflicted in both urban and rural areas. The revised bill changes title I and title II funding by including an estimation of the number of individuals currently living with AIDS and the costs of providing services. The new title II formula is adjusted so that

cases are not double counted, which unfairly advantages some States that also have title I cities. Provisions are also included to prevent service disruptions due to the formula changes.

We must improve our response to AIDS given the alarming growth of the epidemic. Few would question that AIDS is one of the leading public health threats facing our Nation and the world. As such, a unified response must be maintained. This bill contains positive changes to equitably distribute funding and allows communities to continue working together to provide the most effective treatment for AIDS victims.

Mr. President, let us not get bogged down in extraneous issues that cloud the purpose of this legislation. The nature of this crisis demands targeted, compassionate treatment for those afflicted with a devastating disease. Women, children, and men of all ages and backgrounds are victims of HIV. Families and whole communities have been devastated by AIDS. They deserve our continued commitment.

The Ryan White CARE Act received strong bipartisan support when originally enacted. With 63 current cosponsors of S. 641, the Senate's resolve to advance this important measure is clear and should remain undeterred.

I urge my colleagues to support the Ryan White CARE Act and provide quick passage.

Mr. SMITH. Mr. President, I am going to vote against S. 641, the so-called Ryan White CARE Act.

This is not going to be a popular vote, and I am sure that many will say that I am being unfair to AIDS victims and their families. But, I believe that this it is this bill that is unfair.

Unfair to persons suffering from other diseases, and their families. Unfair to small States, like New Hampshire. Unfair to the taxpayers.

First of all, let me make it clear that I take a back seat to no Senator in my concern for those afflicted with HIV and AIDS. I have always supported Federal AIDS research. But, we are already funding AIDS research.

In fact, AIDS research is by far the most heavily funded area at the National Institutes of Health.

Earlier this year, I was sent a table from the American Heart Association regarding the distribution of research dollars at the Department of Health and Human Services. The table tracks HHS research funding dollars spent per death in fiscal year 1993.

It tracks five diseases—HIV-AIDS, diabetes, cancer, heart disease, and stroke. We are spending \$36,763 per HIV-AIDS death, \$5,421 per diabetes death, \$3,708 per cancer death, \$1,032 per heart death, and \$731 per stroke death.

Clearly, relative to other diseases, the Federal Government has demonstrated a firm commitment to funding AIDS research. In fact, the American Heart Association materials go on to say that HHS—

spends 36 times more research funding per death of an AIDS victim than was spent per death of a victim of heart disease. Similarly, with regard to dollars spent per death, AIDS funding exceeded stroke funding by 50 to 1.

It seems that, in an effort to demonstrate our commitment to AIDS, we have seriously shortchanged many other devastating illnesses.

As you can see, AIDS research is already being funded. The Congressional Budget Office estimates that this bill will cost \$3.7 billion over the next 6 years. So, where is this \$3.7 billion going to go? If it is not research, what exactly is the Ryan White CARE Act?

One of the architects of the Ryan White Program, the senior Senator from Massachusetts, summarized in his opening statement how Ryan White funds have assisted the city of Boston: 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

I am very pleased to hear that so many people are being assisted in this way, particularly in Boston—right across the border.

But, Mr. President, what makes someone with AIDS more entitled to federally funded mental health or dental services than someone with cancer or diabetes or Alzheimer's?

No other disease has its own program like this.

I am not saying that we should pit one disease against another, and say that they ought to all receive the same amount of funds.

What I am saying is that we are already spending huge amounts of money on AIDS, without this bill.

Would I like to see AIDS victims receive these services? Of course I would. I would like for everyone to receive these services.

But, we need to face the budgetary realities. Our national debt recently climbed over the \$4.9 trillion mark. It is rapidly reaching \$5 trillion. We can't just keep plowing full speed ahead with these sorts of spending programs without contemplating how we are going to pay for them.

But, Mr. President, what concerns this Senator in particular is how my State of New Hampshire gets short-changed in the funding formula in S. 641.

The Senate Labor Committee provided me with a State-by-State breakdown of 1996 funds under this bill. According to the Labor Committee, when you combine titles I and II, my State of New Hampshire gets about \$1,125,000.

It is difficult to look at this number and determine whether this is higher or lower than what we should be getting. So, my staff calculated, using Census Bureau population statistics, how much each State gets back for every dollar it contributed for this bill. This new breakdown clearly shows where most of the money is going.

New Hampshire gets only 20 cents on the dollar.

That is, for every dollar we put in, we only got 20 cents back, while the State of New York gets \$3.18 for every dollar they put in.

Washington, DC, gets \$7.26 for every dollar.

I ask unanimous consent that this State-by-State breakdown be included in the RECORD at this point.

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

FISCAL YEAR 1996 FUNDING BREAKDOWN FOR S. 641, THE RYAN WHITE CARE ACT (By total funds and cents on the dollar)

State	S. 641 Funds (in thousands) ¹	Population (in thousands) ²	Cents on the dollar ³
Alabama	\$1,350	4,187	24
Alaska	100	599	12
Arizona	2,794	3,936	52
Arkansas	753	2,424	23
California	69,290	31,211	164
Colorado	3,581	3,556	74
Connecticut	4,618	3,277	104
Delaware	586	700	62
D.C.	5,578	578	726
Florida	35,585	13,679	192
Georgia	8,626	6,917	92
Hawaii	499	1,172	32
Idaho	138	1,099	09
Illinois	10,415	11,697	66
Indiana	1,537	5,713	20
Iowa	333	2,814	05
Kansas	812	2,531	24
Kentucky	644	3,789	13
Louisiana	4,530	4,295	78
Maine	228	1,239	14
Maryland	8,577	4,965	127
Massachusetts	6,956	6,012	85
Michigan	4,310	9,478	34
Minnesota	1,725	4,517	28
Mississippi	954	2,643	27
Missouri	4,310	5,234	61
Montana	100	839	09
Nebraska	267	1,607	12
Nevada	964	1,389	51
New Hampshire	302	1,125	20
New Jersey	19,618	7,979	185
New Mexico	479	1,616	22

FISCAL YEAR 1996 FUNDING BREAKDOWN FOR S. 641, THE RYAN WHITE CARE ACT—Continued (By total funds and cents on the dollar)

State	S. 641 Funds (in thousands) ¹	Population (in thousands) ²	Cents on the dollar ³
New York	78,531	18,197	318
North Carolina	2,415	6,945	28
North Dakota	100	635	11
Ohio	3,291	11,091	22
Oklahoma	1,051	3,231	24
Oregon	2,241	3,032	54
Pennsylvania	8,501	12,048	52
Rhode Island	555	1,000	41
South Carolina	2,830	3,645	54
South Dakota	100	715	10
Tennessee	1,847	5,099	27
Texas	24,096	18,031	99
Utah	428	1,860	17
Vermont	104	576	14
Virginia	3,668	6,491	42
Washington	4,151	5,255	68
West Virginia	211	1,820	09
Wisconsin	1,068	5,038	16
Wyoming	100	470	16
Puerto Rico	13,699
Totals	349,451	257,908	100

¹Source: Senate Labor and Human Resources Committee.
²Source: 1993 figures, U.S. Census Bureau
³Figure obtained using the following formula: S/(P*100). S= FY96 funding (titles I & II) by state, P= state population, U= Total U.S. Population, T= total funding under S. 641 (titles I & II).

Mr. SMITH. Mr. President, as I look at this table, it seems to me that my State would be better off funding its AIDS programs on its own.

If we collected \$10 in State taxes, we would have \$10 to spend on AIDS services.

But, under this formula, we give the Federal Government \$10, and Uncle Sam writes us a check for \$2, and then tells us how to spend it.

I would urge my colleagues to take a look at this breakdown, and consider how their own State does, before supporting this bill.

Mr. President, I have to congratulate the proponents of this legislation. They have done a superb job at packaging it up with a glitzy title, lots of cosponsors, and a masterful press campaign.

Everyone knows the story of Ryan White, the courageous 13-year-old boy who fell prey to this devastating disease.

It is a very effective technique. You name your bill after a person with a heroic story who is deeply admired by millions of Americans, like Ryan White, and people are afraid to vote against it.

This makes for good politics, but, too often, bad policy.

Frankly, Mr. President, if Ryan White were alive today, because he was from Kokomo, IN, and not a big city, he would not qualify for assistance under the emergency relief program—which accounts for \$368 million—nearly half of next year's funds.

The only funds that he might qualify for would be under the "CARE grant program" (title II) which are distributed by a formula using the numbers of AIDS cases, rather than the size of the cities. But, according to CBO, the formula in this bill only allocates \$205 million for this section—just over half the amount allocated for the big cities.

So, the big cities get \$368 million, the rest of the country—including those

same big cities—get to divide up the \$205 million that is left over.

If we are trying to help all AIDS victims, like Ryan White, why are most of the funds being funneled into large cities?

Some would argue that they get more funds because they have more AIDS cases. That is not why they do better under this bill.

That might be the reason that States with big cities get more money under title II, the \$205 million CARE program. But the bulk of funds in this bill go to title I—\$368 million.

That section says that big cities, cities with more than 500,000 residents, get all of the money, as long as they have more than 2,000 cases of AIDS.

If you have 499,000 residents, and a huge AIDS population, forget it. You get nothing. This has nothing to do with AIDS cases, or fairness, or need—only size.

Suffice it to say that my State does not have any cities that are that big.

Manchester has about 100,000 people.

Nashua has about 80,000.

Concord has about 36,000.

So, this bill says "tough luck for the State of New Hampshire, and many other States."

That is not to say that New Hampshire does not have an AIDS problem. We have the same problem that every other State has.

I would urge my colleagues to take a look at the state-by-state breakdown that I put in the RECORD earlier and see how your own State does.

But, we could have the highest incidence of AIDS in the Nation, and that would not matter. Under title I, it is cut and dry. Unless you have 500,000 residents, you don't get a nickel.

In conclusion, Mr. President, it would be very easy for me to look the other way and vote for this bill. I would probably save myself a lot of grief and controversy.

UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Madam President, I think we have now reached an agreement.

I ask unanimous consent that the following amendments be the only amendments in order to S. 641, and that no second-degree amendments be in order to the amendments: the pending amendment is No. 1854. Then following, Helms amendment 1855; Helms amendment 1857, regarding funding equity; Helms amendment 1856, regarding training; Kassebaum amendment 1860, regarding funding equity; a Kassebaum amendment regarding promotion, 1858; a Gregg amendment regarding FDA, and a Kennedy amendment regarding FDA.

Further, that all debate time be used on the above-listed amendments this evening with the exception of the amendment to be offered by Senator GREGG, and the amendment to be offered by Senator KENNEDY.

Further, that at the hour of 9:15 a.m. on Thursday, Senator REID be recognized for up to 15 minutes for general debate on the bill, to be followed at 9:30 by Senator GREGG, to be recognized to offer his amendment on which there would be 1 hour to be equally divided in the usual form.

I further ask that following the conclusion of the debate on the Gregg amendment, Senator KENNEDY be recognized to offer his amendment regarding FDA, on which there would be 30 minutes to be equally divided in the usual form, and that following that debate the Senate proceed to vote first on the Helms amendment 1854, followed in sequence with two back-to-back votes on other amendments in the order in which they were offered, and that there be 10 minutes for explanation between each of the remaining votes, to be equally divided in the usual form, and that following the disposition of the above-listed amendments, the Senate proceed to third reading and final passage, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. KASSEBAUM. Further, Madam President, I ask unanimous consent that any votes occurring after 12:30 p.m. as a result of this agreement be postponed to occur at a time to be determined by the two leaders.

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

Mrs. KASSEBAUM. I thank the Chair.

Madam President, there are no further votes for this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

MORNING BUSINESS

Mrs. KASSEBAUM. I also ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

TRIBUTE TO THE LATE FRANCIS M. HIPPI

Mr. THURMOND. Mr. President, over the past 40 years, South Carolina has enjoyed tremendous economic growth,

and has emerged as one of the Nation's leading centers for commerce and industry. Many people have had a role in this success, and I rise today to pay tribute to one person who made many contributions to our State's prosperity. Mr. Francis Moffett Hipp, who passed away earlier this week at the age of 84.

Mr. Hipp was recognized throughout South Carolina as both a community and a business leader. His father founded the Liberty Life Insurance Co., which Francis eventually took over and ran as its chairman. Under his direction, the company grew and diversified, even acquiring a chain of television stations, including one in Columbia, SC. The Liberty Corp., as it is now known, is one of our State's largest insurance companies, employing literally thousands of people and contributing an inestimable benefit to South Carolina and its economy.

Because of his stature as a businessman, and his concern for the future of our State, Mr. Hipp also served as the chairman of both the South Carolina Development Board and the South Carolina Research Authority. Both these organizations have played important roles in expanding the Palmetto State business community, and during his tenure at those agencies, Mr. Hipp's dedication and vision helped greatly to develop industry in our State. Thanks to the concerted efforts of Francis Hipp, and those who worked with him, our State stands both financially stronger and better positioned to compete in the 21st century global marketplace.

Mr. President, Francis Hipp led a full and productive life, and through his work, he left a tremendous mark on South Carolina. He was a gifted businessman, a committed citizen of our State, and a dedicated and loyal family man. I was proud to count this man among my friends and regret that the Senate schedule prevented me from attending his memorial service today. My sympathies and condolences go out to all who knew Francis Moffett Hipp, especially his sons, Hayne and John; and daughter, Mary Jane Hipp Brock. We will all miss this man of integrity, ability, and vision.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal

debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, July 25, stood at \$4,940,346,340,499.40 or \$18,753.63 for every man, woman and child in America on a per capita basis.

IRISH-AMERICANS IN MISSISSIPPI TO HONOR CHOCTAW NATION

Mr. KENNEDY. Mr. President, this year marks the 150th anniversary of the beginning of the Great Famine in Ireland. While large numbers of men, women, and children were dying of starvation in Ireland in those tragic years, a group of Native Americans in this country tried to help.

The Choctaw Nation of North America raised \$170 in 1847—the equivalent of about \$3,000 today—for the victims of the Irish famine. Their contribution may have been small in terms of its ability to affect the massive human tragedy taking place in Ireland, but it was a generous symbol of the compassion of the Choctaw Nation for those in desperate need. Sixteen years before the famine began, the Choctaws themselves were the victims of a forced displacement following passage of the Indian Removal Act of 1830, which compelled most Native Americans to move west of the Mississippi River. Many died on the journey known as the Trail of Tears. Yet despite their own tragic circumstances, the Choctaw reached out to the Irish people, whom they saw as more in pain and in need than themselves.

Earlier this year, President Mary Robinson of Ireland visited the tribal headquarters of the Choctaw Nation in Durant, OK, to thank the Choctaws personally for their ancestors' extraordinary generosity to the Irish people. President Robinson often evokes the story of the Choctaw Nation when talking about the Famine and about how the echoes of Ireland's tragic past continue to reverberate in Ireland today, giving the Irish a special affinity for those around the world who face hunger and oppression.

Everyone familiar with global humanitarian efforts knows that Irish aid workers are often the first to arrive to help at places of devastation around the world. President Robinson herself was one of the first to visit Somalia, and to call the world's attention to the starvation there.

His Eminence Bernard Cardinal Law, the Archbishop of Boston, recently in-

formed me that Irish-Americans in Mississippi will honor the Choctaw Nation on September 9 and 10 with a picnic at the Jim Buck Ross Agricultural Museum in Jackson, MS. The sponsors are hopeful that Irish-Americans in other parts of the country will enhance the success of this tribute. Anyone interested in learning more about this auspicious occasion should contact Mr. Sean McGuinness at the Celtic-American Heritage Society, Post Office Box 5166, Jackson, MS 39296-5166.

I commend the Hibernian Society for this well-deserved honor for the Choctaw Nation.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. HOLLINGS. Mr. President, earlier today the Senate held three roll-call votes relating to United States policy in Bosnia. Regrettably, I was necessarily absent during these votes due to my attendance at a funeral in South Carolina. Had I been present at the time, I would have voted for the Cohen amendment, for the Nunn-Graham amendment, and for final passage of the Dole-Lieberman bill (S. 21). I thank my colleagues for the opportunity to state my position and I thank the Chair.

TRIBUTE TO MARLA GARBER

Mr. CAMPBELL. Mr. President, I rise today to share with you the story of Marla Garber, a free spirit who rode the length and breadth of the United States on her motorcycle accompanied only by her dog Skooter.

She was a remarkable young woman; one of those "rugged individualists," constantly seeking adventure in her life and traveling into the depths of the country in her pursuit of it. She shared the stories of the fascinating people she met on her journey's and the memories of the places she had seen with much of the American public, writing for several motorcycle magazines. In this way, she was able to leave her mark on society and the people of the country.

Marla Garber was a woman of vision and strength, a pioneer in her time. A friend of hers described her as one of those who "followed their callings to and beyond the ends of the known world and came back overflowing with stories of strange places * * * and wondrous things they'd seen." Marla Garber was unique for this day and age, and I admire her spirit.

We all suffer from her loss, as surely as we all benefitted from having her among us.

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr.

Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

H.R. 1943. An act to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of House amendment numbered 1: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. BILEY, Mr. MILLER of California, and Mr. DINGELL.

For consideration of House amendment numbered 2: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. THOMAS of California, Mr. ROTH, Mr. BILEY, Mr. COBLE, Mr. MILLER of California, Mr. HAMILTON, Mr. DINGELL, and Mr. MINETA.

For consideration of House amendment numbered 3: Mr. SPENCE, Mr. KASICH, and Mr. DELLUMS.

For consideration of House amendment numbered 4: Mr. COBLE, Mrs. FOWLER, and Mr. MINETA.

For consideration of House amendment numbered 5: Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1943. An act to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Environment and Public Works.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

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

S. 1075. A bill to reauthorize and improve the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the "Francis J. Hagel Building", and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 156. A resolution recognizing the contributions of the United States Army Air Forces to the United States victory in World War II; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

THE NATIONAL VOTER OPPORTUNITY TO INFORM CONGRESS EFFECTIVELY (VOICE) ON TERM LIMITS ACT OF 1995

• Mrs. HUTCHISON. Mr. President, I offer a bill similar to one I introduced in the last Congress. My bill, the National Voter Opportunity To Inform Congress Effectively on Term Limits—or VOICE—Act, would authorize a national advisory referendum on term limits for Members of Congress. It is a companion bill to legislation being in-

troduced today in the House by Congressman PETE HOEKSTRA of Michigan.

In recent years, the American people have come to realize that the seniority system, coupled with the overwhelming electoral advantages of incumbency, has created a class of career politicians—a class not envisioned by our Founding Fathers.

Our Founding Fathers envisioned the Congress as a body of citizen-legislators. People who had trades, professions, or businesses would serve for a period of time, bringing with them experience and fresh ideas to shape the laws that would govern commerce and quality of life.

There has been a vigorous grassroots effort mounting in this country to return us to this vision. Especially over the past few years, the movement to limit congressional terms has gained significant ground. Despite the Congress' reluctance to impose term limits on itself, the people have chosen to press forward without us by passing ballot initiatives to limit the terms of their own Federal representatives. In 23 States—nearly half the country—the people have spoken overwhelmingly and unequivocally that they want the terms of their Congressmen and Senators to be limited.

Last May, the term limits movement suffered a major blow with the Supreme Court's ruling in U.S. Term Limits, Inc. versus Thornton. In a 5-to-4 decision, the Court said the State-imposed term limits violate the Constitution and that any effort to limit congressional terms must be done through a constitutional amendment. This ruling effectively overturned all 23 States term-limits laws that had been passed up to now.

The House's failure to pass an amendment last March proves that there is virtually no chance for term limits in this Congress. Even in this Chamber, a recent rollcall survey found that we are still 24 votes shy of having enough support to approve a term-limits amendment. Congress is truly out of touch with America on this issue.

That is why, Mr. President, I feel it is so important that we give every American, in all 50 States, an opportunity to speak directly to their Federal representatives on the term-limits matter. My bill would do just that by conducting a nonbinding, national referendum. It would place a simple and straightforward question on every ballot in the 1996 election, "Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and United States Senate can serve in office? Yes or No."

Let me hasten to add that this legislation would not create an unfunded Federal mandate. This bill provides that States would be reimbursed at a rate of 4 cents per voter for the cost of putting the question on the ballot.

This Federal reimbursement would be offset by corresponding reduction in the franking budget for Members of the House and Senate.

Mr. President, I want to urge my colleagues to join me in giving the American people a voice in the next election on whether the terms of their representatives in the U.S. Congress should be limited. Rather than debating about what we think the American people want and need, let's give them the opportunity to tell us themselves, clearly and directly. It is time we invoke the communicative power of democracy and ask the people what they think. •

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

THE LUPUS RESEARCH AMENDMENTS OF 1995

• Ms. MOSELEY-BRAUN. Mr. President, today, I am introducing with Senators SIMON and INOUE the Lupus Research Amendments of 1995. This bill would provide the funding so desperately needed by NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus [lupus] is a painful, potentially devastating chronic autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction and attack its own healthy organs. Every element of the victim's musculoskeletal system is susceptible, ranging from the skin and joints to the blood, heart, lungs, and kidneys.

Health officials estimate that between 1.4 million and 2 million Americans, 90 percent of whom are female, are afflicted with lupus. Both the cause and a cure for lupus are currently unknown. Treatments can be effective but can lead to adverse side effects which cause severe and sometimes incapacitating pain, making it impossible for victims to maintain jobs and live normal lives. Increased and intensive research, thus, offers the best hope for prevention and better treatment of lupus and its related disabilities.

The Lupus Research Amendments of 1995 would expend clinical research for the discovery and evaluation of new treatments; encourage the coordination of improved screening techniques; and improve information and education programs for health care professionals and the public. In addition, researching the cause of lupus may reveal other abnormalities of the immune system, and this knowledge could help experts better understand related illnesses. It is to this end that I reintroduce this legislation, which authorizes funding of \$20

million for fiscal year 1996 and such sums as may be necessary for both fiscal years 1997 and 1998.

This legislation can make a real difference to the millions of Americans, particularly women, who are afflicted with lupus. I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 1074

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lupus Research Amendment of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more than men;

(3) there are 3 main types of lupus; systemic lupus, a serious form of the disease that affect many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatment of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

"LUPUS

"SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

"(2) Basic research concerning the etiology and causes of the disease.

"(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

"(4) The development of improved screening techniques.

"(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(6) Information and education programs for health care professionals and the public.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose."*

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

S. 1075. A bill to reauthorize and improve the Individuals With Disabilities Education Act; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1995

Mr. HARKIN. Mr. President, 20 years ago this November, Congress enacted Public Law 94-142, the Education for All Handicapped Children Act, now known as part B of the Individuals With Disabilities Education Act [IDEA]. The purpose of this law is simple—to assist States and local communities meet their obligation to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

I believe that IDEA is an excellent law. Prior to the enactment of Public Law 94-142, 1 million children with disabilities were excluded entirely from receiving a public education and more than half of the children with disabilities in the United States did not receive appropriate educational services that would enable them to enjoy full equality of opportunity.

Because of IDEA, millions of children with disabilities are now receiving a free and appropriate public education. Educational outcomes for children with disabilities have improved dramatically over this 20-year period.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

Thank God for IDEA. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as "one

of the guys." I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.

The rewards of IDEA go beyond the classroom and into the very being of our family. IDEA gives us the strength to face the challenges of bringing up a child with a disability. We know that our son is entitled to an appropriate education just like his nondisabled peers. We also know that IDEA provides us with the tools to ensure that the promise of equal educational opportunity is realized.

In May, Danette Crawford, a junior at Urbandale High School in Des Moines, IA, testified before the Subcommittee on Disability Policy. Danette explained that she has cerebral palsy which greatly limits her ability to carry out any personal care tasks and fine motor activities such as writing. She uses a wheelchair for mobility. Danette testified that:

My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA I am convinced I would not be receiving the quality education that Urbandale High School and the Talented and Gifted Program provide me. After graduating high school I hope to attend Carleton College in Northfield, Minnesota, focusing on a double major in political science or history and Spanish. Carleton is sometimes referred to as the "Harvard of the midwest." I hope to pursue a law degree.

However, despite the great progress that has been made over the past 20 years, significant challenges remain. As Secretary Riley points out, too many students with disabilities are still failing courses and dropping out of school; enrollment in postsecondary education is still too low; and too many students are leaving school ill-prepared for employment and independent living.

As ranking member of the Subcommittee on Disability Policy, I am pleased to introduce, along with Senator KENNEDY, the ranking member of the Labor and Human Resources Committee, the Clinton administration's bill reauthorizing the Individuals with Disabilities Education Act.

With this reauthorization we have the opportunity to take what we have learned over the past 20 years and use it to update and improve this critical law.

I commend Secretary Riley, Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services, Tom Hehir, Director of the Office of Special Education Programs, and their staffs for developing a carefully crafted bill that will enhance educational opportunities for over 5 million children with disabilities.

The administration has developed their bill based on numerous meetings and discussions with all interested parties, including parents, educators, and administrators across the country. The administration has reviewed over 2,000 recommendations sent in response to a call for comment last fall on suggestions for improving the IDEA.

I do not believe that everyone will be in complete agreement about each of the provisions in the bill. But, I do believe that the administration has achieved a necessary balance that is so important in this law.

I fully support the six key principles on which the administration's proposal are based:

Aligning IDEA with State and local education reform efforts so students with disabilities will benefit from them;

Improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible;

Addressing individual needs in the least restrictive environment for students;

Providing families and teachers with the knowledge and training to effectively support students' learning;

Focusing on teaching and learning; and

Strengthening early intervention to ensure that every child starts school ready to learn.

I look forward to working with Senator FRIST, the chair of the Subcommittee on Disability Policy, Senator KASSEBAUM the chair of the Labor Committee, and other colleagues to craft a consensus bill in the tradition of this committee. It is my hope that the administration's bill will be used as the vehicle for achieving this consensus.

Mr. President, I ask unanimous consent that the letter of transmittal of the administration's bill from Secretary Riley to AL GORE, in his capacity as President of the Senate, be inserted in the RECORD.

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

U.S. DEPARTMENT OF EDUCATION,
June 30, 1995.

HON. ALBERT GORE, JR.,

President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the "Individuals with Disabilities Education Act Amendments of 1995," the Administration's proposal for improving and restructuring Federal education programs for children with disabilities under the Individuals with Disabilities Education Act (IDEA). Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

Since enactment of P.L. 94-142, the Education for All Handicapped Children Act of 1975, results for children with disabilities have improved dramatically. Before the enactment of that ground-breaking law, one million children with disabilities were excluded from school altogether, and many were housed in dehumanizing institutions. Today, one of the basic goals of the IDEA has been largely met—children with disabilities have access to education. As we undertake a review of this legislation, we reaffirm our commitment to the basic purposes of the IDEA and the recognition of the Federal role

in ensuring that all children with disabilities are provided the equal educational opportunity that the Constitution guarantees. With this reauthorization, we have the opportunity to take what we have learned over the past twenty years and use it to update and improve this important law.

Despite the great progress that has been made, significant challenges remain. Too many students with disabilities are falling courses and dropping out of school. When appropriate interventions are not provided, these students often get in trouble with the law and spend significant time in jail. Enrollment in postsecondary education is still low, and students are leaving school ill prepared for employment and independent living. Children from minority backgrounds and children with limited English proficiency are often inappropriately identified as disabled and placed in special education classrooms with low expectations. In addition, school officials and others complain that the current law is unnecessarily prescriptive, that it focuses too much on paperwork and process, that it imposes unnecessary costs, that it creates barriers to effective discipline, and that it spawns too much litigation.

Our reauthorization proposal addresses these issues and makes improvements to ensure that the fundamental objectives of the law are achieved, while preserving and maintaining existing rights and protections for children and their families. We based our reauthorization proposal on six key principles that clearly define our mission to improve results for students with disabilities, beginning as early as possible in the child's life.

(1) Align the IDEA with State and local education reform efforts so students with disabilities can benefit from them.

(2) Improve results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

(3) Address individual needs in the least restrictive environment for the student.

(4) Provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

(5) Focus on teaching and learning.

(6) Strengthen early intervention to ensure that every child starts school ready to learn.

Aligning the IDEA with State and local education reform efforts so students with disabilities can benefit from them underlies our entire proposal.

We need to stop thinking about "special education" as a separate program and separate place to put students and start thinking about the supports and services children need in whatever setting is the least restrictive—whether it be the regular classroom, a resource room, a separate classroom, or a separate school. We must promote the transformation of our current categorical education system into a system for all children that meets the individual needs of each child.

We envision an education system that sets higher expectations for all students, gives all students the opportunity to learn to challenging standards, and takes responsibility and is accountable for the success of all children. The strategies we describe below are critical to the development of a system that meets this vision.

Our second principle is that the IDEA must focus on improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

We know that most children work harder and do better when more is expected of them. Disabled students are no different. When we have high expectations for students with disabilities, most can achieve to the challenging standards established for all students, and all can achieve more than society has historically expected.

One strategy for increasing expectations and access to the general curriculum is improving the individualized education program (IEP). Our proposal would refocus the IEP process on educational results and include requirements that make more sense. The new IEP would include meaningful annual objectives for the student and focus on enabling the child to participate and achieve in the general curriculum. Parents would be informed of their children's progress, by means such as report cards, with the same frequency used to inform parents of non-disabled children. The IEP procedures would be revised to require the participation of at least one regular education teacher in the IEP meeting, and provide for earlier transition planning to help ensure that each student completes secondary school prepared for employment or postsecondary education and independent living.

A related strategy for promoting high expectations and access to the general curriculum is the inclusion of students with disabilities in State and district-wide assessments. While civil rights laws already prohibit the discriminatory exclusion of students with disabilities from participation in assessments, some States exclude over 90 percent of all students with disabilities from those assessments. Of course, a small number of students with significant cognitive disabilities cannot appropriately be included in general State and district-wide assessments. States and districts would conduct alternate assessments for these few students.

Our long-range strategy is that each State would use assessment results and other data it collects on students, such as drop-out rates, to assess and report on its progress toward meeting goals the State would establish for the performance of children with disabilities. We believe that when States assess students with disabilities and report to the public on the results, they will focus more on ensuring that students with disabilities receive the help they need to participate and achieve in the general curriculum and meet the challenging standards established for all students.

The third principle underlying our proposal is addressing individual needs in the least restrictive environment appropriate for the student.

A central purpose of the IDEA is to ensure that each child receives an effective and individualized education that addresses the child's particular needs in the least restrictive environment. Today, children are often identified and served according to the disability category within which they are labeled rather than according to what they need to achieve their full potential. Several critical changes will help defeat this unfortunate categorization.

Our first strategy is to ensure that Federal and State requirements and funding systems do not create disincentives for appropriate placements and services. We propose that the Federal funding formula be changed to allocate to States all new funding above their fiscal year 1995 grants on the basis of the total number of children in the State, not just children with disabilities. This change in the formula would remove disincentives for States to undertake improvements such

as the increased provision of early intervention services, and would remove incentives for States to over-identify students as disabled. We are also proposing that any State that bases State aid on the type of settings in which children are served demonstrate that its funding formula does not result in placements that violate the IDEA's least-restrictive-environment requirement or agree to change its formula.

Our second strategy is to promote better ways of identifying and serving students. Under the current IDEA, students must be identified as being in one of 13 specific disability categories to be served. This fosters an undesirable categorical approach to evaluating, labeling, placing, and serving children. We propose to use a new eligibility definition which, together with changes in reporting requirements, would encourage States to move toward less categorical approaches, while permitting States to retain their current eligibility criteria if they choose to do so. Evaluation procedures would also be streamlined so that what is educationally relevant is not lost and resources can be better devoted to helping students. Currently, States are required to conduct extensive evaluations and reevaluations that are costly and of limited utility in making decisions regarding a student's particular educational needs. Under our proposal, agencies would be required to convene an evaluation team every three years to consider the need for additional data, but they would no longer have to conduct tests to re-determine whether the child has a disability unless the agency or parent believes it is necessary. Our proposal would increase the focus of evaluations and reevaluations on instructionally relevant information and whether modifications are necessary to achieve the IEP objectives for the child.

Our fourth principle is that families and teachers must have the knowledge and training to effectively support student learning.

We must provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

There are 14 categorical programs in the IDEA, and over the past two decades there has been much good work done in each of them. However, despite some real successes, we believe that these programs need significant reform. Having developed separately over the years to address specific issues, the 14 programs are fragmented and too narrowly focused. We envisioned a streamlined, comprehensive, and coordinated approach for the discretionary programs that will be more effective in improving results for children with disabilities, while also making more effective use of resources. To achieve this, our proposal would replace the 14 current programs with five flexible authorities. This action would reduce duplication and fragmentation, while fostering collaborative, coordinated efforts across disciplines. The programs would concentrate on developing meaningful and timely information on improving results for students with disabilities and then putting that information into the hands of those who need it: States, school districts, educators, and parents. To ensure that issues concerning the special needs of children with low-incidence disabilities, such as deaf-blindness, continue to be adequately addressed, there would be a minimum "floor" for discretionary spending across the new discretionary authorities to meet the needs of these children.

Family involvement is at the heart of the IDEA. Our proposal will more fully involve

parents in decisions about where and how their child is educated. For example, our proposal would require parents to be involved in the decision regarding the child's educational placement. Currently, parents are entitled to participate in the IEP meeting in which decisions are made about the services to be provided, but they are not entitled to participate in placement decisions, and are, therefore, often excluded. Detailed notice to families of their rights is another critical safeguard, yet families currently receive duplicative notices with excessive and confusing information. Our proposal would streamline the notice requirements while ensuring that families would receive all the necessary information whenever they need it.

We also want to reduce unnecessary lawsuits that create emotional and financial burdens for parents and school districts. While the right of parents to "due process" hearings to resolve disputes is central to the implementation of the law, recourse to these hearings should be a last resort when less adversarial methods have failed. In States that have mediation in place, parents and school districts report that mediation not only helped them to clarify and resolve their particular disagreement, but that it also helped them to work together better and avoid future conflicts. Our proposal would require that mediation be offered to all parents as an option to resolve disputes.

Many children with disabilities have significant health and other needs that cannot and should not be met by schools alone. Our proposal would give States and districts the flexibility to use some of their IDEA funds to help support the development of State or district-wide systems for coordinating education, health, mental health, and social services.

OUR FIFTH PRINCIPLE IS TO INCREASE THE FOCUS ON TEACHING AND LEARNING.

Over the past 20 years, the IDEA has focused on process without sufficient attention to educational results for children with disabilities. Too often, the fundamental purpose of the law is lost. To achieve the improvements we are seeking, we must maximize the extent to which resources are used for teaching and learning. The proposals I have described above for improving IEPs, eligibility determinations, and evaluations of children will help to redirect considerable resources toward more instructionally relevant activities that support higher achievement for children with disabilities. We also propose to reduce unnecessary paperwork for schools, while improving services for students, by allowing schools to use their IDEA funds to pay for special education services in the regular classroom for the purpose of benefiting students with disabilities without having to track whether nondisabled students also benefit.

Requirements imposed on State and local educational agencies also drain resources that could be better used to improve teaching and learning. For example, current application requirements direct States to document their compliance with various procedures. To establish their eligibility for funding, States routinely submit to the Department boxes of documents containing copies of all State policies and procedures for special education. Yet, States are not required to plan for improving educational results. To reduce unnecessary burden, our proposal would eliminate State plans. States would merely be required to update documentation kept on file at the Department. Similarly, we would give States the discretion to eliminate applications from LEAs as long as appropriate documentation is on file.

A new State improvement authority would recognize the key role that the States play in implementing the law and enhance the ability of State agencies to carry out their own plans for program improvement by providing flexible resources based on an IDEA State Improvement Plan. Recognizing that the essential element of school improvement is well-prepared teachers and administrators, the authority would focus substantial attention and funding on teacher preparation. This authority would distribute funds to States on a formula basis and would be an impetus for improving the entire IDEA program by giving States additional resources to undertake the strategies they have identified for meeting their performance goals for children with disabilities. To assist States in these efforts, States would also be given flexibility to consolidate funds available for administration of Part B programs.

Maintaining a safe and orderly environment is essential for learning. Our proposal addresses the issue of school discipline related to students with disabilities. We believe the changes we are proposing to improve the educational opportunities of students with disabilities and to promote effective practices will help curb potential discipline problems. However, prevention is not always sufficient, and there are times when schools must take steps to address misconduct. Our proposal would extend the Improving America's Schools Act amendment to IDEA, which permits schools to immediately remove a child from the classroom for up to 45 days for bringing a gun to school, to cover other dangerous weapons such as knives. We are also proposing that schools be permitted to go to hearing officers to obtain quick decisions about whether a child is dangerous and may be removed from the classroom. Hearing officers already exist in every State to address special education issues. This provision would help schools to expedite decisions related to dangerous conduct that does not involve weapons.

Our sixth principle is to strengthen early intervention to help ensure that every child starts school ready to learn.

Support for families also means working with them to address the early intervention needs of their infants and toddlers. While States and communities have made tremendous progress in implementing their early intervention systems for children from birth through age two under Part H of the IDEA, there remain two major challenges: ensuring that all eligible infants and toddlers receive services, and supporting the prevention of developmental delays by expanding the inclusion of at-risk infants and toddlers within the Part H comprehensive system of services. To address these challenges, our proposal would give States greater flexibility in their efforts to serve infants and toddlers at risk of developmental delay. We also propose to draw on the best expertise in the nation to evaluate the need for and develop an appropriate definition of developmental delay in infants and toddlers in order to help States ensure that all children in need are identified and served.

I urge Congress to act favorably and quickly on these proposals. Their enactment will help local communities in their efforts to create safe, disciplined schools that have high expectations for all their students, and well prepared teachers, and will strengthen the involvement of families in their children's education. I look forward to working with you as we all strive to improve the IDEA in order to improve results for children with disabilities.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY,
Secretary.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HARKIN, the ranking member of the Subcommittee on Disability Policy of the Labor and Human Resources Committee, in introducing the Clinton administration's bill reauthorizing the Individuals With Disabilities Education Act.

In its 20 years of existence, IDEA has greatly improved public education for students with disabilities in the United States. It has given them the opportunity for a public education and the necessary services to improve the quality of their lives and futures.

However, despite the significant advances made through IDEA over the past 20 years, we still have a long way to go. Educational outcomes for students with disabilities remain less than satisfactory. Enrollment in post-secondary education is low, and students with disabilities too often emerge from public education poorly prepared to find employment and live independently.

Moreover, children from minority backgrounds are often mislabeled and placed in special education classrooms, subject to low expectations for achievement. In the majority of States, African-American students are over-represented in special education programs, compared with their percentage of the overall student population. In fact, studies have shown that young African-American males are often inappropriately placed in special education programs, or placed in overly restrictive settings. Once there, they generally remain trapped there, often with very little opportunity to move into regular classrooms, even when such transitions are obviously warranted.

Currently, Federal and State funding contributes to this problem by creating disincentives for appropriate placements and services. Some funding systems base allocations on the number of disabled students that each State educates. As a result, special education programs often operate in ways specifically designed to attract State and Federal dollars to local school districts—not to serve students best.

The administration's bill takes a significant step in addressing this problem by changing the formula so that all new funding to States above their grants for the 1995 fiscal year is allocated on the basis of the total number of children in the States, rather than just the number of children with disabilities.

We have learned much over the past 20 years, and have gained an understanding about what does and does not

work. We now have the opportunity to make significant improvements in the implementation and enforcement of this important law. The Department of Education has worked diligently and carefully to develop legislation that makes substantial improvements in areas that need revision, and to expand upon provisions that have worked in the past.

Specifically, the legislation focuses on aligning IDEA with State and local education reforms, giving students with disabilities the same opportunity to benefit from those reform efforts as other students. The legislation focuses on ensuring that each child receives an individualized education that addresses the child's particular needs in the least restrictive environment possible. It increases the focus on teaching and learning, and works to strengthen early intervention to help ensure that every child starts school ready to learn. It promotes training and education for parents and teachers to help them serve their students better.

The bill also promotes involvement by families of every economic level. Family involvement is a critical component of success in education, and should be at the heart of education reform. Parents in all communities must be able to take a more active role in decisionmaking concerning the education and placement of their children. The administration's bill takes effective steps to make this possible, and contains provisions to ensure that families, teachers and school administrators have the knowledge and training they need to work effectively with students and with each other. It also provides mechanisms to encourage mediation as an available option for parents seeking to resolve disputes.

One of the most significant reforms of public education is to reduce categorizing and labeling, and to focus instead on raising expectations and increasing access to the general curriculum for all students.

All children have the right and deserve the opportunity to receive the proper education for their individual needs, whether or not they have a disability. Each parent has a right to be involved in that process.

I am proud to cosponsor this vital legislation, and I commend Secretary Richard Riley and his staff for their efforts to make the act more effective for all children with disabilities. I look forward to working with my colleagues on the committee to reauthorize and improve IDEA and to achieve its great goals.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the "Francis J. Hagel Building," and for other purposes; to the Committee on Finance.

THE FRANCIS J. HAGEL BUILDING ACT OF 1995

• Mrs. BOXER. Mr. President, I am honored to rise today to introduce this legislation to honor a true hero among civil servants—Frank Hagel—a Federal employee who rose through the ranks to become a top manager and whose leadership was sorely tested during a crisis at the center a few years ago.

His death at an early age last January was mourned throughout the San Francisco Bay area.

Frank Hagel was the seventh director of the Social Security Western Program Service Center in Richmond, CA. Built in 1975, the center stands in the heart of Richmond, and has had as many as 2,000 employees, but now down to 1,200 largely because of automation. In addition to updating the benefit payment rolls, center employees answer the Social Security Administration's national toll-free number during peak times.

Hagel, a native of Missouri, began his Federal career as a file clerk in 1965 at what was then called the Kansas City Payment Center. His hard work and talent enabled him to work his way up through technical and managerial positions in the organization. His special abilities were recognized at the highest levels in SSA. He was called upon frequently to lead management review teams, to serve on strategic planning task forces, and to lead national work groups on critical organizational issues. For his effort, he was recognized with the agency's highest honor award, the Commissioner's Citation.

In March 1986, he moved to California from Missouri to undertake the challenge of providing Federal oversight and liaison to the State of California's disability determination process. He helped the State achieve consistency in timeliness and accuracy.

His continued success led to his promotion in December 1990, when he became Assistant Regional Commissioner, processing center operations. This was a crowning achievement for a man who had started 25 years earlier as a file clerk. Before the year was out, Hagel's skills and abilities would be tested again.

The Western Program Service Center suffered an outbreak of Legionnaire's disease in September 1991. This outbreak included two deaths and serious illness to a dozen more employees from the disease. Fear and panic were rampant but Hagel led his employees through this terrifying period. His first steps were to reassure employees by providing information, health screening, and blood tests to all who wanted it. Hagel then began to put the center back in operation. Because the building had to be closed, the entire 1,200-person work force had to be relocated, and within 2 weeks the operation serving Social Security beneficiaries was back on its feet.

Hagel's calm and steady hand at the head of the center during this crisis

earned him a second Commissioner's Citation in 1992.

In 1994, Hagel became Assistant Regional Commissioner, management and budget, region IX. In this position, he had a broader set of responsibilities to provide support to the entire regional operation, including 180 field facilities. Again, his leadership and his example proved invaluable to the region.

Hagel died on January 1, 1995, leaving a reputation for his willingness to listen closely to everyone, unerring respect for each and every individual, broad lines of communication from labor to the business community and most important, an intense caring for the American people for whom he served.

That caring carried into his personal life. He counseled at-risk youth at the high school level and encouraged other adults to participate.

Mr. President, hundreds of Social Security employees have petitioned me—from mail clerks to top managers—asking that we honor Frank Hagel by naming the building in which they work after their late leader. I am honored to present legislation carrying out their wishes.

I ask unanimous consent to include in the RECORD a copy of the bill and a resolution from the city of Richmond, CA, in support of this naming bill.

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

S. 1076

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

SECTION 1. DESIGNATION OF FRANCIS J. HAGEL BUILDING.

The Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, shall be known and designated as the "Francis J. Hagel Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Francis J. Hagel Building."

"RESOLUTION

"Whereas, The City of Richmond is proud to recognize significant contributions provided by Francis J. Hagel, to improve the quality of life of those Americans who qualify for Social Security benefits, and to provide critical assistance to Richmond residents, while Assistant Regional Commissioner for Processing Center Operations for the Social Security Administration's Western Program Service center in Richmond, and,

"Whereas, Francis J. Hagel, as a Richmond resident, was committed to rendering the highest caliber of community service to its inhabitants, and,

"Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center, directed the activities of employees processing the benefit payment records for over 4.5 million people in 14 western states and the Pacific Islands, and,

"Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations, with its 1200 employees, led it as an integral part of the local economy and one of its major employers: Now, therefore, be it

Resolved, That I, Rosemary M. Corbin, Mayor of the City of Richmond, on behalf of the City Council, in recognition of the valuable contributions made by Francis J. Hagel to the City of Richmond as a resident and also as Assistant Regional Commissioner for Processing Center Operations, do hereby support the request that the name of the Social Security Administration's Western Program Service Center be changed to the Francis J. Hagel Building.♦

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

THE HYDROGEN FUTURE ACT OF 1995

Mr. HARKIN. Mr. President, on behalf of myself, Senators AKAKA, KYL, INOUE, BINGAMAN, and REID, I am introducing today a very important piece of bipartisan legislation, the Hydrogen Future Act of 1995. I want to especially commend my colleague from Hawaii, Senator AKAKA, for his leadership in this area and for the good work he has done in putting together this bill. He continues a great tradition begun by the late Spark Matsunaga as a national leader in the field of hydrogen energy research and development.

Hydrogen is plentiful, efficient, and clean burning source of energy. It is ideal in that it combusts to pure water, and leaves no pollutants—no ozone depleting chemicals, no acid rain, no radioactive waste. All you get is pure, clean when you burn hydrogen.

Hydrogen also efficiently powers fuel cells, the latest breakthrough in power. Unlike electricity, which it complements, hydrogen can be stored and it can be piped long distances with no energy loss. And hydrogen energy is not simply a pipe dream. It is already on the road, powering some buses in Vancouver. But much more work needs to be done to bring hydrogen energy to the point where it can be used on a widescale basis.

With a modest investment in research and development, we can save billions through improved efficiencies and better protect our fragile environment. If we don't act now to develop this alternative energy source, our global competitors will clearly have an advantage. They are already investing more than we are in developing hydrogen. For example, as of several years ago, Germany was spending about \$50 million a year on renewable hydrogen, five times our meager investment.

Our bill says that the United States is committed to hydrogen. We recognize its great potential. And we are willing to make a very modest and cost

effective investment to back up that commitment. As does the bill passed by the House, our legislation authorizes \$25 million in fiscal year 1996, \$35 million in fiscal year 1997, and \$40 million in fiscal year 1998 for research on hydrogen energy. This bill is clearly not everything I would want. It is a good faith attempt at a bipartisan compromise to move us forward.

As you may know, the House has already passed H.R. 655, the companion to our bill. H.R. 655 was sponsored by Representative BOB WALKER, chair of the House Science and Technology Committee, and it was passed by voice vote on May 2, 1995. Representative WALKER has been a real leader in this area and has done it not for political reasons, but out of a true commitment to science and a careful study of the great potential of hydrogen. So the Hydrogen Future Act has broad bipartisan support in Congress and I am hopeful that the Senate will follow the House in quickly and decisively passing this bill.

It is up to us to provide vision to the energy policy of this country by authorizing funds for hydrogen research. Then it is up to our scientists to provide focus to the hydrogen program, through the Hydrogen Technical Advisory Panel, which our bill continues, and through peer reviewed research, which our bill emphasizes.

During the first energy crisis back in the seventies, I served on the House Science and Technology Committee shaping programs for renewable energy and alternative energy production during the Carter administration.

And we held dozens of hearings regarding energy and particularly the role of technology in providing new sources of energy.

If one thing emerged from my 10 years on that committee, it was the understanding—the realization—that hydrogen is truly our best hope for an environmentally safe sustainable energy future.

I carried that understanding with me to the Senate where I learned even more from giants like Spark Matsunaga. And I am proud to have sponsored the Renewable Hydrogen Energy Research and Development Act which built on Senator Matsunaga's work and is reflected in the legislation we are introducing today.

I know hydrogen can be the answer to many of the energy and environmental challenges we face today. It can lead us down the road to a better future. But it is up to us to pave that road. It is up to us to build it. We should fund hydrogen research until every American knows what the promise of hydrogen is, through his or her use of hydrogen in everyday life.

And I know we have begun. When I first became interested in solar hydrogen several years ago, the DOE program consisted of three or four basic

university research programs, exploring alternative methods to produce hydrogen. The program has grown—much more slowly than I would have liked—but it has grown.

In addition to the basic research into alternative hydrogen production techniques, DOE now funds programs in advanced hydrogen storage, systems analysis, as well as the fuel cell for transportation program that has grown a lot faster than the hydrogen program itself.

Do we want a set of fuel cell automobile fleets and hydrogen dispensing stations? Or do we want a dozen photovoltaic and wind hydrogen generating stations? Do we want to set a long-term goal of supplying 1 or 5 or 10 quads of energy by 2105 from renewable hydrogen?

I would vote for all of the above.

But even if Congressman WALKER, Senator AKAKA, Senator KYL, I and the other supporters of this legislation succeed in doubling or tripling what I consider to be a totally inadequate hydrogen budget, we could not meet all of these goals.

So we have to be selective. We have to make choices. This bill does that. We have compromised on the level of funding authorized and the activities to be undertaken.

As I have indicated to you, there are many promising avenues of research for hydrogen. But I want to give one specific example so you can understand the potential of hydrogen. Well, let me tell you about a major hydrogen project that I think is quite important for America. It's called electro-farming.

As Joan Ogden of Princeton and other scientists have shown, hydrogen from biomass is probably the least costly source of renewable hydrogen we have today. DOE does have a biomass energy program, and it has grown very rapidly over the last few years. But the DOE biomass program is focussed on either methanol production or direct electricity production via steam generators—or on biomass gasification to drive gas turbines.

But, as far as I know, there is no program to maximize the hydrogen production in a biomass gasifier for use in a fuel cell. Electro-farming would take advantage of one of our Nation's greatest underutilized assets: the American agriculture production system.

What would that mean on the ground in a State like Iowa? Well right now, the Federal Government pays farmers not to grow crops on 34 million acres of erodible land—the Conservation Reserve Program or CRP.

Just a couple of years ago, the Iowa legislature passed legislation mandating utilities to buy renewable electricity at 6 cents per kilowatt-hour. Well, I worked out a proposal which I presented to the Hydrogen Technical Advisory Panel last year using present

day input costs. What we found was that if farmers grew an energy crop like switchgrass, the Government could save on CRP payments and the farmer could earn a profit for growing biomass for energy.

In fact, based on preliminary numbers we found that an Iowa corn farmer could earn 3-10 times more per acre growing switchgrass on an electro-farm than growing corn on a conventional farm. The fact is electro-farming is a win-win-win proposal. The Federal Government wins—cutting conservation reserve program payments, improving our environment, and reducing dependence on foreign oil. The farmer wins—diversifying his earning base, improving his income, and possibly even becoming energy independent. And utilities win—adding capacity relative to demand and reducing transmission costs.

I think the electro-farm could form one foundation for what I believe to be a good midterm goal for the hydrogen program: sustainable energy centers.

As I suggested to the hydrogen scientists last year, the Department of Energy should initiate one or more sustainable energy centers to demonstrate the production, storage, and use of hydrogen as an energy carrier.

The main purpose of these centers would be to prove to the public and the business community the technical and economic potential of renewable hydrogen. This would show to everybody that hydrogen can provide a zero emission fuel for the future in a cost effective manner.

But unfortunately most people don't know about hydrogen. For most citizens, hydrogen reminds them of the hydrogen bomb or, if you're older, the Hindenburg. If we are to create a sustainable energy option for the future based on renewable hydrogen, we have to educate people on the merits of hydrogen. So the main purpose of the sustainable energy centers would be to show people how hydrogen can be used safely and effectively to heat their homes, power their cars, and drive their factories.

The sustainable energy centers would also serve as a training center for hydrogen scientists and technicians. It would permit the testing of new hydrogen components, and it would permit the integration of various production, storage, and utilization devices into a complete working energy system. In addition, it would permit the evaluation of many costs, to reassure private industry and interest them in developing hydrogen products on a commercially viable basis.

I believe that sustainable energy centers will take hydrogen the next step—moving it from a university-based R&D program to a publicly accepted energy carrier to complement electricity.

And substantially increasing the hydrogen budget is critical to move hy-

drogen from a basic R&D program to a major sustainable energy option for the 21st century.

In short, we all know what the vision is: hydrogen produced by renewable energy with absolutely no pollution of any type, and no resource depletion of any kind—a truly sustainable energy option.

Now we need to put flesh and bones on that vision.

We need to make it real so people can feel the heat from a hydrogen furnace, or drive a hydrogen powered car and see that there are no emissions from the tailpipe—or, in the case of a hydrogen fuel cell car, see that there is no tailpipe at all.

By passing and implementing this legislation, we can pass on to our children and grandchildren a better future, a brighter future—without the pollution, without the smog, and without the resource depletion that is a fact of life today, but that can be a relic of the past tomorrow.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1077

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrogen Future Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from one of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies one or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the research.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research is purely basic or fundamental.

(2) DEVELOPMENT AND DEMONSTRATION.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of development or demonstration.

(3) CONSULTATION.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 6. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 7. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

(3) REPEAL OF UNNECESSARY PROVISION.—The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 1401 et seq.) is amended—

(A) by striking section 103;

(B) by redesignating sections 104, 105, 106, 107, 108, and 109 as sections 103, 104, 105, 106, 107, and 108, respectively;

(C) in section 103 (as redesignated)—

(i) in subsection (a) by striking " , consistent with the 5-year comprehensive program management plan under section 103, " ; and

(ii) in subsection (e) by striking "106" and inserting "105";

(D) in section 104(b) (as redesignated) by striking "104" and inserting "103";

(E) in section 105(a) (as redesignated) by striking "108" and inserting "107";

(F) in section 106(c) (as redesignated) by striking "108" and inserting "107"; and

(G) in section 107(d) (as redesignated)—

(i) by adding "and" at the end of paragraph (1);

(ii) by striking " , and " at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

SEC. 8. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research,

development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) \$25,000,000 for fiscal year 1996;

(2) \$35,000,000 for fiscal year 1997; and

(3) \$40,000,000 for fiscal year 1998.

(b) LIMITATION ON AUTHORITY TO OBLIGATE FUNDS.—

(1) LIMITATION.—In each of fiscal years 1996, 1997, and 1998, the total amount that may be obligated for energy supply research and development activities shall not exceed the total amount obligated for such activities in fiscal year 1995.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as authorizing the appropriation of any Federal funds.

Mr. KYL. Mr. President, it is difficult to believe that the solution to U.S. air pollution and dependence on foreign oil could be solved by the most abundant element in the universe—hydrogen. Yet we know that hydrogen can fuel our cars and cool our homes while producing water as its only byproduct.

We know that this is possible through research conducted by the U.S. Department of Energy. Unfortunately, we do not yet know how to extract hydrogen from water in large enough quantities or at a low enough cost to make it a viable fuel alternative in the United States.

While the Department of Energy has researched hydrogen as an alternative fuel for the last 5 years, the Governments of Japan, Germany, and Canada, where hydrogen-powered buses already run in Vancouver, have out-spent and out-researched us. The United States is already purchasing hydrogen fuel cells from Canada because they are not produced here.

By implementing the Hydrogen Future Act and increasing our funding for hydrogen research, we will remain competitive with other countries and will increase the likelihood that we will develop a nonpolluting alternative fuel which will reduce our dependence on foreign oil and energy products.

This bill would make hydrogen research a priority without increasing spending for research and development within the Department of Energy. It would also require non-Federal sources to pay for at least 25 percent of the research program costs and 50 percent of the costs directly related to any research development or demonstration project.

As I said before, we already know hydrogen can act as a power carrier. We already know our major international competitors are seriously researching its possibilities. We need to know how to produce it in larger quantities and at a reasonable cost, and that is why the Senate needs to pass the Hydrogen Future Act.

Mr. AKAKA. Mr. President, today I join my distinguished colleague, Senator HARKIN, in introducing legislation to encourage the development of a fuel for the future—hydrogen.

Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is growing evidence that hydrogen can be a solution for America's long-term energy needs.

Our Nation's economy is heavily dependent on fossil fuels. Eighty-nine percent of our primary energy base consists of oil, natural gas, and coal. These fossil fuels are nonrenewable and eventually will be exhausted.

U.S. energy consumption has risen steadily for more than a decade and will continue to rise over the next 20 years. From 1983 to 1992, our Nation's consumption of energy from primary sources rose 17 percent. Recent projections by the Energy Information Administration suggest that the United States' consumption of oil, natural gas, and coal will increase by more than 1.0 percent each year through the year 2010.

I want to point out that last year, for the first time ever, more than half of the oil used in our country came from foreign sources. Steadily rising demand for these finite energy resources dictates the need for research on alternatives such as hydrogen.

Now is the time to increase research efforts to develop a new source of energy if we are to make a smooth transition to the next generation energy source. Growing evidence points to hydrogen as the fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

One advantage of hydrogen is that it can be produced from renewable resources through biomass conversion. Biomass conversion uses crops and forest product residues to produce hydrogen. Ultimately, the direct generation of hydrogen from water will provide us with a continuous supply of the fuel.

Hydrogen as a fuel is not a new concept, but technical progress towards this goal has been slow. For more than two decades there has been continuing worldwide interest in hydrogen as a renewable fuel.

The Library of Congress reported in "Hydrogen: Technology and Policy" that large quantities of hydrogen are being produced each year for non-energy uses, however, it would be difficult or impossible to meet future energy demands with today's hydrogen technology.

Some of the problems facing the development of hydrogen as a fuel are the high cost of production, storage, and distribution. More economical methods of producing hydrogen are urgently needed. Currently, the cost of producing pure hydrogen from water by electrolysis is prohibitive, unless cheap electricity is available.

The vast majority of the hydrogen produced today is transported only a short distance before use. An integrated production, storage, and dis-

tribution system will also be required. These are only a few of the barriers to making hydrogen fuel commercially viable.

Our Nation needs an active and systematic research, development, and demonstration program to make the breakthroughs necessary so that hydrogen can become a viable alternative to fossil fuels. "The Green Hydrogen Report" to be published by the Secretary of Energy's Hydrogen Technical Advisory Panel this summer will detail a research agenda for the fuel.

My predecessor, Senator Spark Matsunaga, was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation came to be known, was designed to accelerate development of a domestic capability to produce economically renewable hydrogen in sufficient quantities to reduce the Nation's dependence upon conventional fuels. As a result of Spark Matsunaga's vision, the Department of Energy is conducting research that will decrease the costs of producing, storing, and using hydrogen. But Congress's continued support for this program is needed.

The bill introduced today expands the current research program efforts under the Matsunaga Hydrogen Act. This new initiative acknowledges the potential of hydrogen; the need for a strong partnership between the Federal Government, industry, and academia; and the importance of continued support for hydrogen research. It fosters collaboration among Federal agencies, State and local governments, universities, and industry. It encourages private sector investment and cost-sharing in the development of hydrogen as an energy source and associated technologies.

Hydrogen holds tremendous promise as the long-term solution to our Nation's energy problems. We urge our colleagues to support the Hydrogen Future Act of 1995.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 514, a bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi.

S. 515

At the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 515, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes.

S. 647

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 647, a bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments or revisions to land and resource management plans, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 1055

At the request of Mr. HOLLINGS, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1055, a bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the nuclear international moratorium on nuclear testing.

SENATE RESOLUTION 156—RELATIVE TO THE U.S. ARMY AIR FORCE

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 156

Whereas in World War II, the United States Army Air Forces played a decisive role in turning the tide of war both in Europe and the Pacific.

Whereas the price for this role in victory was high, with more than 50,000 Army Air Forces personnel killed in combat.

Whereas the strategic air campaign of the Army Air Forces in Europe during World War II successfully crippled the industrial and economic infrastructure and communications and transportation networks of Germany.

Whereas the Army Air Forces supported ground forces and gained air supremacy in the skies over the beaches of the D-Day invasion of Europe, an operation that set the stage for the downfall of the Third Reich.

Whereas in August 1942, the Army Air Forces commenced air operations that established air supremacy in the Southwest Pacific, thereby contributing significantly to victory in the battles for New Guinea and the Philippines.

Whereas the Army Air Forces supported the strategic and tactical thrusts of the Armed Forces across the central Pacific, the Aleutians, and the China-Burma-India Theater: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the courage, sacrifice, and devotion to duty of the personnel of the United States Army Air Forces in World War II; and

(2) recognizes the outstanding and critical contribution of the Army Air Forces to the worldwide victory of the United States in World War II.

AMENDMENTS SUBMITTED

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

NUNN (AND OTHERS) AMENDMENT NO. 1848

Mr. NUNN (for himself, Mr. GRAHAM, and Mr. ROBB) proposed an amendment to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina, as follows:

On page 2, after line 18, insert the following:

"(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable."

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

"(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina."

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

D'AMATO AMENDMENTS NOS. 1849- 1850

(Ordered to lie on the table.)

Mr. D'AMATO submitted two amendments intended to be proposed by him to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

AMENDMENT NO. 1849

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Foreign Sanctions Act of 1995".

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or

services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense co-production agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102-484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term "Iran" includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

(7) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

AMENDMENT No. 1850

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1995".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezbollah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhtiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combating Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezbollah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezbollah.

(C) The assassination of American University President in 1984 by the Hezbollah.

(D) The kidnapping of all American hostages in Lebanon from 1984-1986 by the Hezbollah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and
 (3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

- (1) the nuclear and other military capabilities of Iran; and
- (2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "act of international terrorism" means an act—

- (A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and
- (B) which appears to be intended—
 - (i) to intimidate or coerce a civilian population;
 - (ii) to influence the policy of a government by intimidation or coercion; or
 - (iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term "Iran" includes any agency or instrumentality of Iran;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

**THE BOSNIA AND HERZEGOVINA
 SELF-DEFENSE ACT OF 1995**

COHEN AMENDMENT NO. 1851

Mr. COHEN proposed an amendment to amendment No. 1848 proposed by Mr. NUNN to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

Strike the period at the end and insert in lieu thereof the following: "In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia

and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950."

**THE RYAN WHITE CARE
 REAUTHORIZATION ACT OF 1995**

**KASSEBAUM (AND KENNEDY)
 AMENDMENT NO. 1852**

Mrs. KASSEBAUM (for herself and Mr. KENNEDY) proposed an amendment to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalence among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Insti-

tute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or non-profit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

**HELMS AMENDMENTS NOS. 1853-
 1857**

Mr. HELMS proposed five amendments to the bill S. 641, supra; as follows:

AMENDMENT NO. 1853

At the end, add the following new section:
SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, not shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—
 (1) AIDS-INFECTED PATIENT.—The term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term "State" means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term "spouse" means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

AMENDMENT NO. 1854

**SEC. . PROHIBITIONS AND LIMITATIONS ON THE
 USE OF FEDERAL FUNDS**

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term "to promote or encourage, directly

or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

AMENDMENT NO. 1855

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

AMENDMENT NO. 1856

At the appropriate place, insert the following new section:

SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

AMENDMENT NO. 1857

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

KASSEBAUM (AND DOMENICI)
AMENDMENT NO. 1858

Mrs. KASSEBAUM (for herself and Mr. DOMENICI) proposed an amendment to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV."

GRAHAM AMENDMENT NO. 1859

Mrs. KASSEBAUM (for Mr. GRAHAM) proposed an amendment to the bill S. 641, supra; as follows:

On page 41, line 7, strike "the product of—" and all that follows through line 15, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C)."

On page 43, strike lines 1 through 13.

On page 43, line 14, strike "(E)" and insert (D)".

On page 43, line 24, strike "(F)" and insert (E)".

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike "the product" and all that follows through line 14, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D)."

Beginning on page 46, line 17, strike "means the" and all that follows through line 8 on page 47, and insert the following: "means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A)."

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike "(F)" and insert (E)".

On page 49, line 19, strike "(G)" and insert (F)".

On page 50, line 4, strike "(H)" and insert (G)".

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c) shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike "7" and insert "8".

KASSEBAUM AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.

The hearing will take place on Wednesday, August 2, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 26, 1995, at 9:30 a.m. in executive session, to discuss certain pending military nominations.

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

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 26, 1995, session of the Senate for the purpose of conducting a hearing on the authorization of the Maritime Security Program.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 26, 1995, beginning at 2:30 p.m. in room SD-215, to conduct a hearing on new directions in Medicare.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 9:30 a.m. to hold a hearing on Punitive Damages: FDA Defense.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a forum for the ADA anniversary, during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL
SERVICE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, to receive the annual report of the Postmaster General of the United States.

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

ADDITIONAL STATEMENTS

ADDRESS BY SENATOR KENNEDY
TO THE UNITED NATIONS INTER-
NATIONAL SYMPOSIUM ON IN-
TELLECTUAL DISABILITY

• Mr. HARKIN. Mr. President, it is a privilege for me to bring to the atten-

tion of Members of Congress and the country the address made last month by our friend and colleague, Senator KENNEDY, to the International Symposium on Intellectual Disability held at the United Nations in New York City. Once again, Senator KENNEDY has made a valuable contribution to international cooperation and progress on the wide range of issues relating to mental retardation. His words give us hope and move us forward.

Senator KENNEDY has served the people of Massachusetts and the United States for more than 30 years in the Senate. During this time, he has been a champion of social justice for all Americans and for citizens of many other lands, especially for people with disabilities. He is committed to the fundamental principle that all individuals deserve support in achieving their true potential and living with dignity. Senator KENNEDY does not just talk about these issues—he acts. And when others are tired and demoralized, he perseveres. He is a courageous advocate and an effective leader, and I commend him for the impressive difference he has made on these vital issues.

I hope that Members of Congress and many others will take the time to read Senator KENNEDY's address about the remarkable progress that is being made in the world community to improve the lives of people with mental retardation, and the even more remarkable progress that is likely to be achieved in the years ahead if all of us persevere. We have made great strides in recent years, but there is still much more to be done. Senator KENNEDY's address helps to light the way, and I ask that the full text of his address may be printed at this point in the RECORD.

The text follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY:
"FROM DISABILITY TO CAPABILITY"

It is an honor and privilege to be invited here today to speak at this hallowed place that holds the hope of the world for peace, and to participate in this auspicious international symposium on an issue that has been a central focus of my life and my family's life.

For almost as long as I can remember, my family has had a commitment to people with mental retardation and all people with disabilities. So, I am especially inspired by the many leaders from many nations who have come together here to pool their knowledge and strengthen their dedication to this great cause we share. And I welcome the contribution that this Symposium will make to helping people with mental retardation throughout the world.

I thank a great friend and great statesman, Lowell Weicker, for his generous introduction. I never know whether to call him Senator or Governor.

In his Senate years, he was a brilliant colleague in the trenches and on the mountaintops for our cause, and a stalwart champion of equal opportunity and civil rights for all citizens, especially people with disabilities. As a Senator, as the Governor of Connecticut, and most of all as a loving parent, he has been a powerful and compassionate lead-

er on issues of mental retardation. I commend him for his years of tireless achievement, including his remarkable leadership this year in chairing the 1995 Special Olympics World Games.

I also thank the several sponsors of the Symposium for making this dream of international cooperation a reality—the National Institute of Child Health and Human Development at the National Institutes of Health, the Joseph P. Kennedy, Jr. Foundation, the 1995 Special Olympics World Games, and most of all, the United Nations and its Secretary General, Boutros Boutros-Ghali. These organizations and the leaders associated with them have made extraordinary contributions to the field of mental retardation and have helped improve the lives of millions of individuals and families in many different lands.

I would like to talk for just a moment about one of those organizations which is particularly close to me. My sister Eunice and her husband Sargent Shriver have guided the Special Olympics since its founding in 1968, when they began these very special games in their own backyard for the benefit of 10 children with mental retardation.

From that modest start, a worldwide enterprise has grown. The 1995 Special Olympics World Games that began this week in New Haven has drawn 7,200 athletes and 2,500 coaches from 140 countries. In the United States, 400,000 children and young adults with mental retardation, 100,000 volunteers, and half a million spectators participated in the various local and state games that were held this year leading up to the current world games.

The Special Olympics stand as a vivid example of the achievements that are possible when we focus not on disability, but on capability. As the games have demonstrated, people with mental retardation can reach their potential, if only they have the chance and the appropriate encouragement and support.

The remarkable growth of the Special Olympics is a tribute to the vision and dedication of two very special people and the love they have for those with mental retardation everywhere. Eunice and Sarge, we thank you.

For centuries, the institutions of our societies—governments, schools, places of worship, professional organizations, social gathering places, and the world of commerce—all these institutions shut their doors to people with mental retardation. Most of society felt that non-disabled people had little to learn from people with disabilities, and vice versa.

Even when the closed doors finally began to open, people with mental retardation were often seen as objects of pity. The new approach of so-called "enlightened" society was to protect people with retardation from themselves, protect them from society, protect them from even the most ordinary challenges of daily living. As we know now, that approach may have been somewhat less unenlightened than before, but no one should have called it enlightened.

Just 30 years ago, over half of the 250,000 public school districts in the United States denied a place for children with severe mental retardation. State-operated institutions, with over 200,000 residents, were the primary housing option—but it was warehousing, not housing.

Concepts such as employment and self-sufficiency were called "revolutionary." The few laws then in effect to protect citizens with mental retardation, while well-meaning, also "protected" them from having a job, from living at home, from choosing their

friends, and from sharing in the opportunities and challenges of life.

We created systems of separate living, separate transportation, separate communication, separate recreation, and separate education—separate and out of sight. Rarely was it even dreamed that less protection and more assistance could enable people with mental retardation to become valued members of society.

Beginning with President Kennedy's New Frontier in the United States, a peaceful revolution toward independent living and community-based support was launched and continues to this day. Gradually, we moved away from the paternalism and protectionism that characterized public attitudes and government policies toward people with mental retardation. Old approaches such as institutionalization came to be seen as outdated policies that fail to adequately recognize the true value of human potential. People with mental retardation began to be thought of for what they are—real people with real talents capable of meeting and mastering real challenges.

As a result of this peaceful revolution, more and more citizens with mental retardation moved out of the back wards of institutions and into group homes and supported living. They moved from sheltered workshops to supported employment. They moved from being treated as perpetual children to becoming citizens who vote. They moved from classrooms in the basement to full inclusion in regular schools. They moved from tax dependency to tax payers. Through participation in education, employment, and many other aspects of community life, people with mental retardation moved into the mainstream—and we are all benefiting.

Empowerment is one of those words in common use today that means different things to different people. When we talk of empowerment for our fellow citizens with disabilities, including mental retardation, we mean movement toward independence, productivity, and integration. Independence means a level of control and choice over their life. Productivity means active participation in the workforce and genuine contribution to a family or community. Integration means developing real relationships with members of the community, utilizing the same community resources available to everyone else, and living in homes located in the community.

That sense of empowerment has been the theoretical goal of the world community since the passage of the U.N. Declaration on the Rights of Mentally Retarded Persons in 1971. That high purpose was re-stated in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations in 1993. It is time—time now—to issue a new call to action, so that in re-affirming that goal and these vital principles, we also re-commit ourselves to moving faster from theory to practice.

This International Symposium is an essential and rare opportunity not only to share what we know, but also to shape what we do. It is a unique chance for nations, non-governmental organizations and public and private leaders throughout the world to come together to discuss the ways and means of imbuing families, schools, workplaces, communities, and whole nations with the energies and talents of people with mental retardation.

This Symposium is a forum to enable government officials, policy makers, and advocates to compare recent successes, to discuss

the role of government and every other institution of society in the empowerment of people with mental retardation, and to develop sensible plans for moving forward.

By committing ourselves to action, by sharing state-of-the-art knowledge about which laws are effective and which program models can be implemented across national borders or even worldwide, we can bring renewed spirit and deeper understanding to the drive for progress in our own countries.

It is my hope that this Symposium will strive to make empowerment not just a slogan but a reality in the daily lives of people with mental retardation everywhere. Planning takes vision, and action takes courage—may we have both as we participate in this Symposium.

The kind of real social progress we seek is inspired, initiated, and implemented by three sources: governments, the advocacy community, and individuals. Each of these sources is essential, and their efforts are often linked. The successes of one are made possible by the support and actions of the others.

In some societies, government leads the way and community-based organizations and individuals work to implement the policies it enacts. In other societies, the people lead, and the government struggles to catch up. In all cases, as real partnership emerges, real progress occurs.

The important point is that governments at all levels, organizations of all kinds, and individuals of all abilities must be actively engaged in bringing about the changes necessary to empower people with mental retardation. As an African proverb holds, "It takes a village to raise a child." A village can be a small town, a large city, a nation, or the entire world. It takes a community to make the promise of empowerment a reality in the daily lives of people with disabilities.

THE ROLE OF GOVERNMENT

I would like to talk now especially about the role of governments, not because it is the most important, but because it is the most familiar to me. As President Kennedy said of government on America's Independence Day, 33 years ago:

"The greatest works of our nation's founders lay not in the documents and declarations, but in creative, determined action. Others may confine themselves to debate, discussion and that ultimate luxury, free advice. Our responsibility is one of decision, for to govern is to choose."

Government has two basic functions to perform in meeting the needs of people with mental retardation. First, it must protect fundamental rights and freedoms. This means assuring people with mental retardation the right to participate in all aspects of life, free from injustice and invidious discrimination. Ensuring these fundamental rights of citizenship is the unique function of government.

The second basic role of government is the development and support of programs and services to enable people with mental retardation to become more productive and fulfilled citizens, especially when other avenues fail.

No society can afford to waste the energy and talent of any of its citizens, whether the waste results from irrational fear, ignorance, or a misguided sense of paternalism.

The United States and many other countries have passed specific laws in recent decades to advance that goal. Our country passed a landmark Civil Rights Act in 1964, to assure the rights of African-Americans and other minorities to participate equally

in all aspects of American life. This law, and the rights it guaranteed, were not easily enacted. But they have stood the test of time and have made the United States a stronger and better nation. In a similar way, South Africa is currently building a multi-ethnic state by tearing down the walls of apartheid.

In 1973, the United States passed a further law to prohibit discrimination against people with disabilities in any activity that receives federal financial assistance. Other U.S. laws were enacted to protect children with disabilities, to protect the rights of the institutionalized, and to protect the right of people with disabilities to fair treatment in housing. But despite these advances, many people with disabilities remained unprotected from unjust treatment in the workplace, in public accommodations, in transportation, and in many state and local activities and services.

In 1990, all of that changed with the enactment of the Americans With Disabilities Act, which was truly an emancipation proclamation for our 49 million citizens with disabilities. Through its broad prohibitions on discrimination, that law is already making it possible for people with disabilities, including mental retardation, to lead more fulfilling and productive lives. It is our first nationwide law protecting the fundamental rights of all people with disabilities in all aspects of life.

Its passage was intended to clearly and unequivocally eliminate the major barriers to their full participation in society, and it has become a catalyst for action in other lands. Australia and New Zealand have already enacted similar legislation. Great Britain and Israel are considering such laws, and Germany, Sweden, Japan, Ireland, and the Czech Republic have come to the United States to gather information for action. It is just this kind of international cooperation we hoped would occur, and is what motivated us to write to world leaders to encourage them to build on this breakthrough.

In addition to guarantees of basic civil rights, access to education is a hallmark of a free society. It also is one of the most basic services that government can provide to advance the integration and independence of people with disabilities. In 1975, we in Congress passed legislation called the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, to guarantee a free, appropriate public education to every child with a disability. Children with mental retardation were the principal beneficiaries of this law, because they constituted the largest group of children with disabilities who had previously been shut out of public schools.

In the United States, this law made it increasingly possible for children with and without disabilities to interact with one another and learn from one another on a daily basis. Our work has only just begun. Even today, only seven in every hundred students with mental retardation in the United States spend their entire school day in classrooms with other children from their neighborhoods. Eleven out of every hundred have no access at all to their community schools, and attend special schools instead. Nevertheless, educating all children, regardless of disability, in the least restrictive environment is now an accepted standard throughout the United States.

Enabling children and young adults with mental retardation to participate in regular, public education is not just a priority in the United States. Italy was the first country to work toward mainstreaming students with

special needs. Over the past decade, Alvaro Marchasi, the Minister of State for Education in Spain, has led an effort to make all schools in Spain accessible to all children, including those with disabilities and mental retardation.

This effort inspired last year's UNESCO conference on inclusive education, which provided a framework for integrating children with special needs into education systems worldwide.

These examples are not limited to large wealthy nations. The small country of Lesotho has launched a pilot project to integrate every child with a disability into regular schools in all towns and villages.

I hope that we can agree here that every country has an obligation to do all it can to educate all its children, including those with mental retardation and other disabilities, in a manner that enables them to learn and grow from each other, regardless of ability or disability. It is possible. It is practical. It is essential. And it is also cost-effective.

Governments everywhere must take concerted action to ensure access to education, employment, and housing opportunities, and to provide the supportive services that enable people with mental retardation to reach their full potential.

We know, for example, that assuring basic necessities can reduce the incidence of mental retardation by 50 percent. We know that fetal malnutrition causes brain damage. Yet millions of pregnant women go hungry every day. How long will the world community pay the price?

We know that immunization works. Yet vast numbers of children around the world are at high risk for diseases that cause mental retardation. How long will the world community pay the price?

We know that environmental toxins—from industry, from pesticides, from lead, from lack of sanitation—are all creating birth defects and learning disabilities. How long will the world community pay the price? Governments can make the difference. Governments must act.

THE ROLE OF ORGANIZATIONS, FAMILIES AND INDIVIDUALS

But even if government action establishes the legal foundation for such progress—for independence and integration—government action alone will never be enough. The passage of wise laws does not guarantee effective implementation or vigorous enforcement. To achieve real and lasting progress, myths must be fought and attitudes must be changed. It is the role of committed, persistent and unwavering advocacy organizations, families, and individuals with and without disabilities to keep the pressure on, and ensure that the words of the law become a reality in people's lives.

With the worldwide revolution of community-based services and community-based support for people with developmental disabilities, communication between service organizations has never been easier or more important. The same can be said for organizations which represent researchers, families, and people with mental retardation.

Non-governmental organizations are increasingly working together to improve service, support and research. We must continue to involve all of these organizations to develop better worldwide strategies. The United Nations is the logical place to come together, and I hope that our coming together here and now will lead to more and better collaboration in the future.

We know the valuable contribution made by professionals, from biomedical research-

ers discovering new miracles of science, to teachers developing new methods of educating and training, to community leaders providing new generations of services.

The International Association for the Scientific Study of Mental Deficiency has brought together professionals from a wide range of disciplines to examine the most promising research to improve the lives of persons with mental retardation and their families.

We know the brilliant achievement that the past generation made possible through mass screening and an alternative diet for those with PKU. It is one of the great stories of medical history, and it was achieved through international research and cooperation. Today, a simple three-cent test can prevent PKU retardation at birth, and save hundreds of thousands of dollars in later costs for care and treatment.

Through international cooperation, a research team has demonstrated a simple and cost effective way to prevent another well-known cause of mental retardation, spina bifida. By discovering the protective role of folic acid in early stages of pregnancy, a joint team from the United States and Ireland worked together to bring this amazing research to fruition.

In most of the world, parents of people with mental retardation are the driving force for supporting such research, creating beneficial programs, and moving government policies ahead for the benefit of their affected sons and daughters. Through Inclusion International, parent organizations around the world have come together to learn from one another, and learn how governments can provide the services and supports they need. They have shared ideas and information and made strong cases for basic rights and effective services.

These efforts will lead to improved lives for people with mental retardation—but only if we, as public policy makers, hear what they are saying, and turn their ideas and information into meaningful action and assistance. Too often, we fail by default or inaction. Our challenge is to take their powerful and persistent words and ideas and turn them into a reality for those with mental retardation.

Among the newest type of organizations addressing disability issues are the international self-advocacy organizations. They have many different names, but they are generally known as "People First" in much of the world, and as "Self-Advocates Becoming Empowered" in the United States.

Like so many others before them, persons with mental retardation have begun to join together in these organizations to speak out for their rights and needs. For the first time, these formerly left-out citizens are taking their place at the conference tables of organizations planning their future. International bodies and national and local governments need to listen and communicate with these self-advocate organizations in ways which recognize their need for direct, clear discussion and involvement in the issues.

Today, as never before, people with mental retardation are redefining and reshaping their own interests. Who better can articulate what it feels like to be senselessly defined only by a disability, and not as a total human being? Who better can condemn the effects of misguided private attitudes and public policies? Who better can demonstrate the remarkable potential of programs that empower, rather than entrap?

Sweden is the country which has advanced the concept of self-advocacy the most in re-

cent years. It has over 1,200 associations of people with disabilities, and approximately 400,000 members. The Swedish movement consists to a high degree of organizations of, and not for, people with disabilities. They are led to a large extent by people with disabilities themselves. In the last few years they have come to function as successful pressure groups in many communities. Self-advocates have much to teach us about effective legislation, policy and programs. We must do more to listen and learn from them.

People with mental retardation should be included in all decisions that affect them—no ifs, ands, or buts. The board of every organization should have substantial representatives of the people to be served. Every government commission, whether advisory or executive, should include people who are directly affected by policy decisions.

The work of these organizations has brought a surge of progress throughout the world in the movement from isolation and exclusion to integration and inclusion. In the Czech Republic, there is growing use of community residences for people with mental retardation, and equally growing use of supported employment. The supports which exist there to help all workers in acquiring and keeping a job are now also being used to help people with intellectual disabilities enter the workforce. There are now more than eight community residential programs in the greater Prague area, thanks to the growing parent movement there.

In Poland, a pilot project in Lublin is testing a decentralized system for supporting people with mental retardation, relying on local government and individual citizens to develop needed services and support.

As in so many other movements for social change, individuals are often the most effective catalysts for change. As Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever does." We all benefit when everyone can contribute to their communities. In this effort, we all have a vital individual role to play.

We must work more closely with other institutions—especially schools, places of worship, and neighborhood associations—to welcome persons with disabilities as partners, including people with mental retardation. They have much to give. As we move from seeing them as objects of charity to people with gifts and talents to share, we will open our hearts and minds as well to the extraordinary diversity they bring to our common humanity.

Over the past two decades, there has also been an increasing trend toward the use of less specialized and less technical people in the networks of support for people with disabilities. The real strength of these less specialized people lies not in their expertise, but in their ability to relate to, communicate with, and motivate people with mental retardation and other disabilities.

Kindergarten students can be ideal companions. Elderly volunteers can be mentors and friends. Religious leaders, social service providers, employers, co-workers, teachers, neighbors, friends—all can find effective roles, if only they have the will to try.

In the United States, a government-funded program supports people with disabilities in finding jobs. The Vocational Rehabilitation Act provides hands-on support directly on the job. Usually, this support is provided by outside personnel, but it can also be performed by a co-worker. The idea that a worker in a factory or an office can provide

the necessary support for a person with a disability was once dismissed as impossible. It reminds me of a familiar saying a century ago—"It is as impossible as flying."

But it is happening today. The true visionaries—the parents and families of people with disabilities—knew that it was possible. The result is that tens of thousands of people with disabilities are now gainfully employed, earning pay checks and paying taxes. "The difficult we do immediately; the impossible takes a little longer."

More and more communities are coming to accept and include people with mental retardation as a result of all these inspiring efforts. The late Rosemary Dybwad often told a story from the International Congress in 1983 in Kenya. A group of people with mental retardation, some of whom had been confined to state institutions for thirty years, had told the participants in that Congress about their own ideas and recommendations for the future. In a challenge to all of us, Rosemary asked eloquently:

"If that can be done in a multi-national, multi-language, multi-racial international meeting, why is it not done in your community? And if it isn't, what can you, your friends, your organization, do to help persons with severe disabilities to represent themselves adequately, and to participate in community affairs? What will we do to translate this into action? Faith and works, I believe, are the words to remember."

In closing, I would leave you with five thoughts as a call to action. First and most important, the essence of reform in the field of mental retardation is an abiding respect for the person. We are talking about citizens rather than recipients. Let us never lose sight of the person in the policy.

Second, we must seize the moment and learn to move ideas more rapidly into practice. We live in an information age, and the information revolution can be a powerful source of positive social change. No one has to reinvent the wheel in any nation. At the speed of light and the click of a mouse, a practical idea being implemented in the morning in New York can be tested in the afternoon in New Delhi.

Third, governments should pledge to play more of a leadership role by moving at all levels to commit themselves to the three empowerment principles—Independence, productivity, and inclusion. No longer can people with mental retardation be treated as second class citizens. The global community can no longer afford the cost of such prejudice and exclusion.

Fourth, individuals everywhere must play a part in ensuring that people with mental retardation have a fair chance to participate in all aspects of life. I ask all of you at this symposium—legislators, government officials, experts in research, practitioners, teachers, family members, persons with mental retardation, friends and media—to join in a new commitment to action.

Finally, above all, individuals with mental retardation and their families must be intimately involved as active participants in designing policies and implementing programs to meet their needs.

To open the White House Conference on Mental Retardation in 1983, President Kennedy spoke words that are equally applicable today:

"We have left behind prejudice, superstition and ignorance which since the dawn of time distorted our thinking. We have entered a new era of understanding, hope, and enlightenment. We are on the threshold of an exciting and great achievement which is a

tribute to the skills and devotions of thousands of dedicated scientists, professional persons, and public and private citizens."

My brother made an enormous difference on these issues in the United States when, as head of state, he personally gave voice and leadership to this cause. May each of your own heads of state be encouraged by this symposium to make that kind of difference too.

Achieving true and lasting social change is never easy. It requires strength and persistence, courage and vision. We have come far in our journey to empower people with disabilities in our own countries and around the world. My wish is this—may this Symposium be a bright milestone on that journey. May what is imparted here accelerate all our efforts, so that years from now, when we look back, we can truly say, this is where it all began anew.

A story from India that I came across not long ago makes my concluding point most vividly. An old man walking along the beach at dawn saw a young woman picking up starfish and throwing them out to sea. "Why are you doing that," the old man inquired. The young woman explained that the starfish had been stranded by the tide on the beach, and would soon die in the morning sun. "But the beach goes on for miles," the old man said, "and there are so many starfish. How can your effort make any difference?" The young woman looked at the starfish in her hand, and then threw it to safety into the sea. "It makes a difference to this one," she said.

Thank you for inviting me here, and thank you for the difference that all of you are making. •

TRIBUTE TO GEORGE F. COURTOVICH

• Mr. SMITH. Mr. President, I rise today to pay tribute to George F. Courtovich of Stratham, NH. George passed away suddenly on May 21, 1995, at the age of 33.

George was a great American. Although his was not a name that would be nationally recognized, George Courtovich was great because of the way in which he lived and influenced the lives of so many. He lived his life to the fullest and gave of himself to the community in numerous ways. Most notable was his volunteer work for the Stratham Fire Department where he was a member of the EMT rescue squad.

George left his parents, Dorothy and George, his brother, Jim, and his wife, Debra, and daughter, Colleen, much too early. He will be missed by his family, his friends, his colleagues, those whose lives he saved through his EMT work, the elderly in the community to whom he delivered meals on weekends, and those he taught to enjoy the sport of skiing while an instructor at Loon Mountain. George touched many lives and embodied what is best about the American spirit. He has left this world for a new one, and though he is no longer with us, we are all enriched for having known him.

The celebration of George's life was poignantly related by his brother Jim

at the funeral service on May 24, 1995 at St. Michael's Church in Exeter, NH. Mr. President, I ask that the text of the eulogy be reprinted in the RECORD. The eulogy follows:

EULOGY GIVEN BY JAMES C. COURTOVICH

Today we come to celebrate the life of George Courtovich, my brother, my best friend. George had many qualities, but none stronger than the love he had for his family, friends, and even strangers. George enjoyed life to the fullest, and more importantly, he wanted everyone to enjoy it with him. He made it easier for us to do so.

George answered the call—whether as a volunteer fire fighter, friend, neighbor, brother, son, father or husband—he was there to help. He believed that we were here to leave this place better than we found it. George did.

On Thanksgivings, before joining my parents and other family members, George prepared and delivered dinners for people for whom the day would have been nothing special otherwise. His reward was, as in many instances, knowing he helped make someone's day a little better.

It is hard to quantify all of the good George did, as he was able to bring people together, help a neighbor, be a supportive family member in a way that would leave people grateful but not obligated—sometimes not knowing until later what George had done for them. I wish I could talk to all the people whom George helped as a volunteer E.M.T., but I know there were many. I wish I could go back and find all of his friends he helped along the way, but I know there were many. I just know, however, that no matter where George was, he helped.

I remember running into George the day I was leaving for a ski weekend. George spotted my attire and shabby skis. For all of you who were close to George, you know this was unacceptable to him and off we went to a ski store—and we shopped like only George could—he was standing at the fore, directing three salesmen in eight directions ensuring that I arrived at the mountain outfitted for an Olympic tryout. As he paid, George looked at me and said he could not let me go skiing looking like I would have because it might hurt his image on the slopes. He didn't fool me, I knew he was helping me, like he had so many times before. That was classic George.

To understand George's love of family, you need look only at the walls of his and Debbie's home, where Norman Rockwell's four Freedoms hang. Freedom from Want hangs over the dining room table, Freedom of Speech and Freedom from Fear watches over Colleen's crib. This is how George wanted life to be, for all of us. This is what George strived for. He helped us all get one step closer to Rockwell's world.

George brought Debbie, and they together, Colleen into our lives. They have made us stronger and richer. Deb, you are the sister I never had. You brought George so much happiness and joy. We take great comfort in knowing you have been part of George's life and have made it better—as you have done for all of us.

Mom and Dad, you stood by George and helped him along the way. You were always there for him, as you are for me. Just by moving no further than a few miles from you shows the love he had for the both of you. Your commitment to him was clear, your love, unquestioned.

My Grandmother, of course, has been here for all of us. We know this is especially hard

on you, but we can all rest easier knowing George is with our grandfather now. Together, with our many other beloved relatives, they are watching over us.

And to all of you who have come to express your support and sympathy, our family appreciates everything you have done for us. We know that this is a tragedy we all share in and will need each other to get through it. Just knowing that there are so many of you there, comforts us greatly.

Today we have come to say good-bye to my brother, my best friend. Today we will leave here with George in all of us; he will live on in our memories and our hearts forever. George, we love you. ●

**ORDERS FOR THURSDAY, JULY 27,
1995**

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that when the Senate completes its business

today, it stand in recess until the hour of 9:15 a.m., on Thursday, July 27, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 641, the Ryan White bill, with Senator REID to be recognized, as under the previous order.

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

PROGRAM

Mrs. KASSEBAUM. For the information of all Senators, the Senate will resume consideration of the Ryan White bill tomorrow at 9:15. Under the consent agreement, if both amendments regarding FDA are offered and all de-

bate time is consumed, Senators can anticipate a series of consecutive rollcall votes beginning at approximately 11 a.m. Thursday.

Members should also be aware if the FDA issue is resolved earlier, then a series of stacked rollcall votes may occur as early as 9:30 a.m., on Thursday.

**RECESS UNTIL 9:15 A.M.
TOMORROW**

Mrs. KASSEBAUM. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:01 p.m., recessed until Thursday, July 27, 1995, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—Wednesday, July 26, 1995

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 26, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

May the strength of faith move us forward toward the goals of justice; may the energy of hope encourage us to meet the future with confidence; and may the power of love unite us within the bonds of peace. We place before You, O gracious God, the concerns of our hearts and the decisions that are before us, asking that Your spirit will lead us and guide us along life's way. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina [Mrs. MYRICK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

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

S. 1060. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for 1-minute speeches after the joint meeting of Congress, which will begin at 11 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 13, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

The Speaker of the House presided. The Assistant to the Sergeant at Arms, Bill Sims, announced the President pro tempore of the Senate (Mr. THURMOND) and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Kim Yong-sam into the Chamber:

The gentleman from Texas, [Mr. ARMEY];

The gentleman from Texas, [Mr. DELAY];

The gentleman from Ohio, [Mr. BOEHNER];

The gentleman from California, [Mr. COX];

The gentlewoman from Nevada, [Mrs. VUCANOVICH];

The gentleman from New York, [Mr. GILMAN];

The gentleman from Nebraska, [Mr. BEREUTER];

The gentleman from New York, [Mr. SOLOMON];

The gentleman from California, [Mr. KIM];

The gentleman from Missouri, [Mr. GEPHARDT];

The gentleman from Michigan, [Mr. BONIOR];

The gentleman from California, [Mr. FAZIO];

The gentlewoman from Connecticut, [Mrs. KENNELLY];

The gentleman from California, [Mr. BERMAN];

The gentleman from Pennsylvania, [Mr. MURTHA];

The gentleman from Pennsylvania, [Mr. FOGLETTA];

The gentleman from New Mexico, [Mr. RICHARDSON];

The gentleman from New York, [Mr. ACKERMAN];

The gentleman from California, [Mr. BECERRA]; and

The gentleman from Texas, [Mr. DOGGETT].

The PRESIDENT pro tempore of the Senate. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Kim Yong-sam into the House Chamber:

The Senator from Kansas [Mr. DOLE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from North Carolina [Mr. HELMS];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Virginia [Mr. WARNER];

The Senator from Alaska [Mr. MURKOWSKI];

The Senator from Wyoming [Mr. THOMAS];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Rhode Island [Mr. PELL];

The Senator from Hawaii [Mr. INOUE];

The Senator from Georgia [Mr. NUNN];

The Senator from Ohio [Mr. GLENN]; and

The Senator from Virginia [Mr. ROBB].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 3 minutes a.m., the assistant to the Sergeant at Arms announced His Excellency Kim Yong-sam, President of the Republic of Korea.

The President of the Republic of Korea, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(Applause, the Members rising.)

The SPEAKER, Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Kim Yong-sam, President of the Republic of Korea.

(Applause, the Members rising.)

ADDRESS BY HIS EXCELLENCY
KIM YONG-SAM, PRESIDENT OF
THE REPUBLIC OF KOREA

HIS EXCELLENCY KIM YONG-SAM. Mr. Speaker, Mr. President, distinguished Members of the Senate and the House, ladies and gentlemen, I am deeply grateful to all of you for giving me the honor of addressing you in this historic Chamber of democracy, which represents the great American people.

As I stand here now, I feel as comfortable as if I were warmly meeting old friends in my hometown. This is probably because our own National Assembly became like a second home to me, since I served in it for nearly 40 years, after being elected for the first time at the age of 25. Furthermore, I have always felt an affinity with this august body for your unwavering support in the course of our long and painful struggles for the democratization of the Republic of Korea. For that I am deeply grateful.

We Koreans feel a very warm sense of friendship toward the American people, who have always stood beside us as we built Korea into the country it is today, with blood, sweat and tears. At the same time, we earnestly hope that these ties of solidarity between our two countries will continue to mature as we approach the new century, which is opening new horizons for all humanity.

Mr. Speaker, Mr. President, the end of World War II in 1945 brought the blessings of liberation and independence to the Korean people. However, that was short-lived, since we soon were faced with the historic misfortune of national division, and 5 years later, the tragedy of fratricidal war.

Faced with the vestiges of colonial rule, the legacies of poverty, the ruins of war and the threat of communism, the Korean people set out to build a country. We moved forward with great hope for the future and a determination to achieve prosperity. It is this hope and determination that have fueled us as we have striven tirelessly for the past 40 years. And it is this hope and determination which have created today's Republic of Korea, a country which started out as one of the poorest in the world but which today is the world's 11th biggest economic power.

More important than all our other achievements, however, is that democracy has now fully blossomed in Korea. The division of the Korean Peninsula and the military confrontation between the South and the North have

cast long dark shadows over the flowering of Korean democracy. Nonetheless, after a long and tenacious struggle for freedom and dignity, the people of the Republic of Korea were able to finally open an era of civilian-ruled democracy.

Over the last 2 years, we have poured all our efforts into bold changes and reforms to eradicate the ills left over from the era of military dictatorship and to build a truly democratic society. We have poured all our efforts into bold changes and reform, to build a true democracy in Korea. Beginning last year, we launched our *segyehwa*, or globalization, policy and have been striving to turn our country into one which can make a greater contribution to the prosperity and well-being of the global community.

This is the story of the Republic of Korea, a country which began with nothing but bare hands and courage but managed to achieve democratization and industrialization in a short period of time, a country now proudly marching out toward the world and into the future.

Members of Congress, the Republic of Korea's success is, above all, the fruit of peace. If peace had not been maintained on the Korean Peninsula, the Korean people would not be able to enjoy the freedom and prosperity they have today. Peace, however, is something which must be purchased at a high price. Many young Americans shed their blood on the Korean Peninsula. Tomorrow will be a meaningful and emotional day, since all of us will gather to honor once again the Korean war heroes. The Korean War Veterans Memorial, which will be dedicated tomorrow, the 42d anniversary of the Korean war armistice, eloquently testifies to how precious peace is.

On behalf of the Korean people, I would like to take this opportunity to pay my respects to the memory of those young Americans who sacrificed their lives on Korea's battle front and express deep gratitude to all those brave soldiers who took part in the Korean war.

Just before I came to this Chamber, I had a chance to meet some of the Korean war veterans, and I would like to take this opportunity to pay my respects to the 28 Members of Congress who participated in the Korean war as young American soldiers. At the same time, I extend the gratitude of the Korean people to all the American soldiers who have guarded our Republic's frontline over the last 40-odd years and to their families.

Only a half century ago, our two countries felt very far apart, separated by the Pacific Ocean. Now we have become the closest friends. Instead of aid being given in only one direction, we have now forged a mature partnership where we help each other reciprocally, as we together strive toward continued freedom and prosperity.

The seeds of friendship our two countries have jointly nurtured have yielded a rich harvest. The success of our Republic is a joint victory of the people of Korea and the United States.

Mr. Speaker, Mr. President, and Members of Congress, the curtain has already been raised on the Asia-Pacific era. The Republic of Korea and the United States must open this era and reap its benefits even more fully through stronger solidarity.

The Asia-Pacific region has emerged as a new powerhouse of global development on the strength of its vigorous and sustained growth. This has been made possible by the United States long-term maintenance of stability and peace within the region. For the Asia-Pacific era to fully blossom, the United States must continue to play this role. Above all, safeguarding peace on the Korean Peninsula, situated at the heart of Northeast Asia, has become the key to the stability of the entire region.

More than 1.5 million heavily armed troops stand in sharp confrontation on the Korean Peninsula, the last remaining theater of the cold war. For over 40 years, the United States forces in Korea have made a decisive contribution to deterring war and preserving peace on the Korean Peninsula.

I would like to make it very clear to all of you today, to maintain peace in the Korean Peninsula and to maintain stability in the Asia-Pacific region, the United States forces in the Republic of Korea is necessary. The heightening of tension over the North Korean nuclear issue illustrates how potentially unstable the Korean Peninsula can be. We support the Kuala Lumpur accord reached between the United States and North Korea on the nuclear issue. Joint Korea-United States efforts to resolve the North Korean nuclear problem must be solidly maintained until all suspicions about North Korea's nuclear development have been removed. Accordingly, the Korean Government will exert its utmost efforts to ensure that the United States-North Korea agreed framework signed in Geneva is faithfully implemented.

Mr. Speaker, Mr. President, peace on the Korean Peninsula can only take root through dialog and cooperation between the South and the North, the two parties directly concerned. Without dialog, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialog.

We are exerting our utmost efforts to make this year a historic year, one which sees the opening of a new chapter in South-North relations, as we mark the 50th anniversary of Korea's joyous liberation, as well as its tragic national division. The Republic's unification policy aims to ultimately make Korea one nation and one state by

gradually restoring a sense of national community through peaceful coexistence, reconciliation, and cooperation with the North. To that end, stability in North Korea is indispensable; therefore, we are pursuing a joint national development plan designed to promote the mutual prosperity of the South and the North. It is for this reason that the Republic is planning to shoulder the brunt of the costs of providing North Korea with the Korean-model light-water nuclear reactors and playing a central role in the overall project.

For the same reason, we are expanding South-North economic cooperation. Purely out of compassion for our Northern brethren, we are also providing rice to North Korea to help alleviate their difficult food situation. No matter how long and rough the road leading to the unification of the Korean Peninsula may be, we will continue to travel that road patiently but without rest. When the day comes that the Korean Peninsula finally becomes one nation again, genuine peace and prosperity will finally prevail in Northeast Asia.

This unified Korea, I believe, will make a major contribution to the progress of global civilization and the prosperity of all mankind.

Members of Congress, to foster the prosperity of the entire Asia-Pacific region, we must make sure that the ideals of free trade and liberalization take root throughout the region. After World War II, the open markets of the Free World, under the leadership of the United States, were a critical factor in reducing poverty and defeating Communism.

Korea has indeed benefited greatly from free trade. I believe that all countries in the Asia-Pacific region should also benefit from free trade. It is precisely for this reason that, together with President Clinton, I have been devoting particular efforts to the development of the APEC forum. The Korean Government is also actively supporting multilateral cooperation under the new WTO system.

The United States is our Republic's biggest trading partner, while Korea has grown to be America's sixth largest market. Last year, bilateral trade exceeded U.S. \$40 billion, and it will soon reach the \$50 billion level. Korean-United States trade has generally been balanced, although recently Korea's trade deficit with the United States has risen rapidly.

Through our *seggyehwa*, or globalization policy, the Korean Government has been actively promoting openness and autonomy in the economy and every other sector of society. We will continue to pursue our policy of liberalization in earnest and, by joining the OECD, we will raise our degree of openness to the level of the advanced countries. Among the developing countries, Korea has been liberaliz-

ing its markets at the fastest rate. As we continue to pursue autonomy and openness in the future, the Republic will become an even stronger partner of the United States in boosting the prosperity of the entire Asia-Pacific region.

Mr. Speaker, Mr. President, and Members of Congress, a new world is unfolding before us in the 21st century. The importance of the role of the United States, however, has not diminished.

The Republic of Korea will expand its role and responsibilities in the international community. We plan to expand our assistance to developing countries drawing upon our past development experiences and also actively participating in international efforts to solve global problems.

The Korean people are filled with the hope that the cooperation between our two countries in preparation for the Asia-Pacific era of the 21st century will help turn the wheels of history swiftly forward. We are filled with determination to build a unified Korea and work with the American people as partners in peace and prosperity and thereby make a greater contribution to the world and to humanity.

This is the message from the Korean people I wish to deliver to you today. I am certain that you will recognize these sentiments, for they are the same as those which forged the American spirit and built such a great nation in the New World.

Let us march forward together shoulder to shoulder. Let us together open a new century and a new world that will abound with limitless dreams, hopes and possibilities.

Many things have their limitations, but not the yearning of humanity for peace and prosperity. Like our friendship, it is boundless.

Thank you very much.
(Applause, the Members rising.)
At 11 o'clock and 44 minutes a.m., the President of the Republic of Korea, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 45 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RADANOVICH) at 12:15 p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minute on each side.

FACTS CONCERNING MEDICARE

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

Mr. EHLERS. Mr. Speaker, today, as for the past several months, Members will hear during these 1-minute speeches various screams of anguish about the Medicare system, particularly from the other side of the aisle.

Today I come here as a scientist, because I am interested in the facts. I come here as someone who is just a few years from retirement, with a personal interest in having a Medicare system that will last.

Let us look at the facts. The trustees of the Medicare system have said that the system will be bankrupt in 7 years if we do not do something about it: Fact 1.

Fact No. 2: The costs of the Medicare system are rising roughly 2½ times as fast as they are rising in private sector insurance. That is fact No. 2.

Fact No. 3: is that the revenue coming into the Medicare system this year for the first time is going to fall behind the money being spent by the Medicare system. That is fact No. 3.

The Republicans have no plans to cut Medicare. In fact, we want to preserve it. That is fact No. 4.

What do we want to do? Frankly, from my perspective, we want to improve Medicare. We want to have it persist. We want to give people choices, HMO's and other things. We want competition, we want efficiency, and we want a better system. That is what we are going to work for.

MEDICARE CUTS: WHY PICK ON OUR GRANDPARENTS FIRST?

(Ms. KAPTUR asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, this week America celebrates the 30th anniversary of Medicare. Thirty years ago, Medicare brought to our senior population, for the first time, health security they never enjoyed before. They knew that whatever their circumstances, medical care would be available if they suffered from sickness or accident.

All that is threatened now. The majority party's budget does wage war on Medicare. It cuts \$270 billion from Medicare to finance tax breaks for the privileged few. Seniors will lose their choice of physician unless they can afford to pay more. Everybody in this place can, because they earn \$130,000 a year. Their budget will provide seniors cut-rate, substandard medical care unless they can afford to pay more. Their proposed cuts will deprive seniors of the security Medicare now provides, unless they can afford to pay more.

To curb costs, why not rein in rising insurance company premiums costs, along with hospital costs and prescription drug costs? Why pick on our grandparents first? Let us not let America backpedal into the 21st century.

TOP 10 NICKNAMES FOR LIBERAL PLAN FOR MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, quickly, we are not out to cut Medicare, we are out to save it and improve it. That is the key difference.

Mr. Speaker, from the home office in Scottsdale, AZ, we have the top 10 nicknames for the liberal plan for Medicare, or the lack thereof:

- No. 10: The X Files Plan.
- No. 9: The Medicare Plan.
- No. 8: The Let-It-Go-Broke Plan.
- No. 7: The Blank Page Plan.
- No. 6: The Stick-Your-Head-in-the-Sand Plan.
- No. 5: The We-Don't-Need-No-Stinking-Plan Plan.
- No. 4: The Extra Top Secret "We Don't Even Know It Ourselves" Plan.
- No. 3: The Change-the-Subject Plan.
- No. 2: The "Bash Conservative Republicans, Ignore the Solution" Plan.
- And the No. 1 nickname for the liberal plan on Medicare: The Invisible Plan.

□ 1220

AFFIRMATIVE ACTION

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

Mr. FRANKS of Connecticut. Mr. Speaker, I am a product of good affirm-

ative action. Aggressive outreach programs represent good affirmative action.

Discrimination unfortunately does exist in this country. We must identify those who break antidiscrimination laws and we must punish them swiftly and severely.

Quotas, set-asides, and race norming are all related. They are close cousins. I abhor them all.

Race norming was eliminated in 1991; quotas are despised by everyone; and set-asides, which like quotas refers to proportional representation, should also be banned.

They attempt to help minorities and women but they create racial tension and they stigmatize their benefactors as products of a flawed system.

Seventy-seven percent of African-Americans oppose preferential treatment for minorities, according to a Gallup Poll.

There is nothing wrong with having goals coupled with rigorous outreach, but race and gender-based set-asides are wrong.

SPEAKER'S STATEMENT CALLED IRRESPONSIBLE

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

Mr. LEVIN. Mr. Speaker, I believe that this is the first time I have spoken on the floor this year about a statement of the Speaker, but I feel compelled to do so today.

His comment yesterday that he is not convinced that Vincent Foster committed suicide was highly irresponsible.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject of inquiry in the hearing now under way in this Congress.

The Speaker has shot from the hip before, but when it comes to matters of life and death, there is no good excuse.

No one, especially a Government official and surely the Speaker, can be too busy to think about the ramifications of what he says before he talks.

I urge the Speaker to reflect further and withdraw his comment. We need to appeal to the better instincts of our citizenry and not to reinforce or encourage, inadvertently or not, those who try to spread paranoia or unfounded conspiracy theories for whatever purpose, political or otherwise.

HAITI

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

Mr. BALLENGER. Mr. Speaker, earlier this year, I was approached by a group of Haitians requesting aid for

their ailing nation. The group included Duly Brutus, a member of the opposition party, and also Josette Bouto, the mayor of a small town in northern Haiti. They painted a graphic picture of devastating conditions in Haiti.

The mayor had a special request of pencils and paper for the poor school in her town of Limbe. With the help of pencil and paper manufacturers, I secured the contribution of 800,000 sheets of paper and 5,500 pencils that were shipped on July 14 by the AID. The educational materials will be distributed in towns and schools in dire need of them, particularly the small town of Limbe.

This week, I learned of the arrest of Mr. Brutus. He is charged with allegedly committing arson, although many believe that because Mr. Brutus was active in opposing President Jean Paul Aristide, he may be a political prisoner. This arrest has added validity to election observers' statements that fraud and abuse in Haiti's political system is widespread. Furthermore, I have learned that the school in Limbe that was to receive the small contributions was burned to the ground.

These incidents illustrate how far from democracy Haiti is and how long a journey it must make. Although I fear an increased United States presence there, we must continue to support peace and democracy in Haiti and in our hemisphere.

IRS AND STRAIGHTENING OUT THE TAX MESS

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

Mr. TRAFICANT. The IRS said our goal is to learn how taxpayers cheat so we are going to conduct 153,000 additional special audits of American taxpayers that will cost them \$1.5 billion.

Check this out. You file a joint return, they demand to see the marriage license. You claim children, they demand the birth certificates. They demand all household expenses and want a detailed list of every single financial transaction. A W-2 form is not enough. They want a special affidavit from your boss. After all this, they call it voluntary.

Beam me up. The truth is, while Congress keeps turning the other cheek on the IRS, the IRS keeps turning the screws on the American people.

Let us get down to business and straighten this tax mess out.

MEDICARE: THE REPUBLICAN VIEW

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

Mr. DAVIS. Mr. Speaker, since taking control of Congress, Republicans have proven that politicians can go to Washington and actually keep their word. We have not ducked the tough issues and we are not going to start now.

This spring, the Medicare trustees reported that Medicare will go broke in 7 years. Since then, Republicans have faced this issue head-on. We have not tried to duck or hide like some of the Members on the other side of the aisle have. But, you see, many of these Members cannot help it. They are the remnants of the old Washington establishment which was rejected by the voters last November, where it was standard operating procedure to avoid the tough issues, to look the other way, and to run from responsibility. It is outside of their political world view to meet an issue head-on, to take a tough position, to show leadership, and follow through with commonsense solutions.

Medicare is going bankrupt. It may be 30 years old this week, but it is condemned to death at age 37 unless action is taken.

Republicans are working to protect and strengthen Medicare. We ask the Democrats to join us. This is too important an issue to fall into partisan bickering.

TOP 10 REPUBLICAN REASONS TO CUT MEDICARE

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

Mr. ENGEL. Mr. Speaker, from the home office of New York's 17th Congressional District in the Bronx, here are the top 10 reasons why Republicans want to cut Medicare:

No. 10, a Republican memo says older Americans are pack oriented and want to follow a leader;

No. 9, on the 30th anniversary of Medicare, Republicans say don't trust anybody or anything over 30;

No. 8, Republicans need the money to pay for a big tax cut for the wealthy;

No. 7, \$270 billion in cuts is a nice round number;

No. 6, Republicans want seniors to choose between buying food and buying medicines;

No. 5, according to DICK ARMEY, Medicare is a program that he would have no part of in a free world;

No. 4, Republicans want to balance the budget on the backs of the middle class;

No. 3, Republicans think if 40 million Americans don't have health care, why should seniors?

No. 2, Republicans want to see seniors go from Medicare to welfare;

And the No. 1 reason why Republicans want to cut Medicare is:

Medicare, Schmedicare, Who needs health care in a brave new world!

WASTEFUL PRACTICES COST MEDICARE BILLIONS

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

Mr. STEARNS. Mr. Speaker, the top 10 reasons why the Democrats cannot solve the Medicare problem is they do not tell the straight facts. I can say that 10 times, but I do not want to use all my time.

Mr. Speaker, I want to talk about waste, fraud, and abuse in the Medicare Program, because this program is spending so much money. It is alleged that almost 12 percent of the entire Medicare-Medicaid budget is rife with fraud and abuse.

Let me share some facts. In 1980 Medicare spent \$34 billion. In 1990 that sum had increased to \$107 billion. In 1995 it will spend approximately \$177 billion. When Willie Sutton was asked why he robbed banks, he responded, "That's where the money is."

Is it any wonder with billions of dollars at stake that all manner of scoundrels and ne'er-do-wells would plunder this Government bank account for all it is worth.

Over the next few weeks I plan to talk a good deal about this problem which is costing the taxpayers billions of dollars. I also plan to talk about what we can do to remedy the fraud, waste, and abuse in the Medicare Program.

MEDICARE: THE DEMOCRATIC VIEW

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, on Sunday I turn 55 and Medicare turns 30. I think I have got a better chance of survival than Medicare does because the Republicans do not have quite as much oversight on my future as they do on Medicare's.

I will tell you why they are robbing Medicare—the same reason they rob banks. That's where the money is.

Medicare needs some reforms, we know that. But you take the money you save from the reforms and you put it back in Medicare. If Medicare is in trouble, which we all agree it could be because of the rising cost of health care, you certainly do not take \$270 billion out of it to fund a tax cut.

Look, this is all about a tax cut for the rich. That is all it is about. What we are saying is that it is totally unfair to take the money out of the pockets of the elderly who had planned on this, who had counted on this, and they do not want to see one more Government promise undercut.

PRESERVING MEDICARE

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

Mr. TATE. Mr. Speaker, I have not done a 1-minute on the floor for probably several weeks, but I can be silent no longer.

Every day I turn on and hear the words "mean-spirited" and "callous." I am coming to believe that if those words were eliminated from the minority party's vocabulary, there would truly be silence on that side of the well.

Nothing could be more callous and more mean-spirited than to sit back and do nothing. All I can think of, Mr. Speaker, is retirees back in my district that are on fixed incomes. Grandmothers and grandfathers across this country that are concerned about Medicare.

What do the Democrats do? They do nothing. Absolutely nothing. They have even ignored their own President's report that came out and stated clearly that Medicare would go broke in 7 years if we do nothing. The American people deserve more than scare tactics from liberal Democrats. The American people want to preserve and to protect Medicare.

SHOW US THE PLAN

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

Mr. POMEROY. Mr. Speaker, picture yourself as a homeowner who has just entered a contract for some home repairs. What would you do if the contractor showed up, not with a pickup and some tools on the back but, rather, driving a crane with a huge wrecking ball swinging from the turret? You would say, "Wait a minute. You don't do home repair with a wrecking ball."

Well, that is precisely what the Republicans are proposing to do to Medicare. They are saying, "We're here to fix it." But they have a \$270 billion cut they intend to inflict on this program. That is like trying to fix a home with a wrecking ball. It won't work. It will inevitably mean higher costs for seniors and restricted choice of physician.

If you were the homeowner, you would say, "Well, wait a minute. Show me the plan on how you're going to fix my home with that wrecking ball."

We in Congress and the seniors of this country should say, "Wait a minute. Show us the plan in terms of how you're going to fix Medicare with that \$270 billion cut."

They have no plan. They have not shown the plan. We deserve no less.

HELP US SOLVE THE MEDICARE CRISIS

(Mr. SOUDER asked for and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, Medicare will be bankrupt in 7 years. No amount of accusations against each other about robbing banks or telling stories is going to solve the problem. We cannot stick our heads in the sand. Medicare will go broke in 7 years. We must work together to solve the problem rather than just spit out rhetoric.

Many of you have a parent or grandparent who is 58 years of age and expecting Medicare benefits when they turn 65. They have worked hard all their lives, paid their taxes, and saved for their retirement. When they reach 65, however, and are getting ready to retire, there will be no Medicare waiting for them.

Mr. Speaker, for 30 years Medicare has enabled the seniors of this country to get the medical attention they need, and now the Democrats seem to want to stand by, yell a lot, but let the program die.

We Republicans will not stand for it. We are working to strengthen and preserve Medicare. I hope my Democrat colleagues will stop the rhetoric and help us solve the Medicare crisis.

DO NOT BREAK OUR 30-YEAR COMMITMENT TO SENIORS

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

Ms. DELAURO. Mr. Speaker, this week we celebrate the 30th anniversary of the creation of Medicare, and it is an event that is worth celebrating. Thirty years ago we made a commitment to the Nation's seniors when we said to them, "Never again will you go without health care. Never again will you be forced to squander your life's savings to pay a doctor's bill."

But now Medicare is in danger, real danger. The Republican budget, which cuts \$270 billion from Medicare, would end Medicare as we know it today. Thirty years ago, 93 percent of the Republicans in this body opposed the creation of Medicare, and now Republicans are closing in on a 30-year goal to end what they never wanted in the first place.

In 1965 we made a deal with seniors. We said, "You pay into this trust fund all of your working life and when you are unable to work any longer, we will use that money to pay for your health care costs."

Seniors have kept up their end of the bargain but now Republicans want to back down on our end. Medicare is the real Contract With America and Republicans should not break it.

IF YOU CARE ABOUT SENIORS, SAVE MEDICARE

(Mr. LEWIS of Kentucky asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, as you are well aware, this is the week of the 30th anniversary of Medicare. Republicans are working hard to make sure Medicare is available over the next 30 years. We wish the President was doing the same.

Instead, President Clinton is using the White House's resources and energies, not to mention taxpayers' dollars, to raid seniors' pension funds—not to save Medicare.

By promoting economically targeted investments [ETI's], which take into consideration the investment's benefit to society rather than the financial benefit to the retiree, the Clinton administration is depriving seniors of the most profitable return from their pension fund.

The Labor Department is supposed to protect your pension fund from being raided, not be the raider. And President Clinton is supposed to care about seniors, not shaft them.

THE CONTRACT WITH AMERICA IN 1965: MEDICARE

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

Mr. ROMERO-BARCELÓ. Mr. Speaker, 30 years ago, we made a contract with the American people, particularly our elderly. We said, if you work hard and pay your Medicare taxes, you will have a guaranteed insurance program for your medical care that will free you from the threat of financial disaster in your retirement years.

The fact that one of the first things the Republicans have done since they took over Congress in January is to launch an assault on the Medicare Program by voting for \$270 billion in Medicare cuts to pay for tax cuts for the wealthy should come as no surprise. The Republicans never wanted Medicare, they never liked it.

Suddenly, 30 years after they tried to block the program, they have come up with a plan for Medicare; a plan that will limit choice of doctors and hospitals, will double premiums, and will mean higher deductibles.

In just 6 months, House Republicans have passed, adopted, proposed, and drafted significant changes to the Medicare Program. Changes that will effectively take away the security that the Medicare Program represents to our seniors and that a single fact best summarizes: Before Medicare, 1 in 3 elderly Americans lived in poverty. Thirty years later, it is close to 1 in 10.

Can our elderly afford \$1,650 more for premiums to cover their doctor bills? Can the elderly really afford \$1,700 more for the same or less health care in 1 year alone? Will the proposed vouchers cover them against sudden

premium increases if they get sick? Is it fair to make older Americans give up their doctors and be forced into managed care? As President Clinton stated yesterday, the answer to every single one of these questions is no. No.

While House Republicans believe they have devised a contract to meet the political whims of the day, Democrats made a commitment with Americans in 1965 when Medicare was enacted. Let me assure you that President Clinton and the Democrats intend to keep that commitment. Our seniors deserve no less.

MEDICARE IS A FAMILY ISSUE

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

Mr. OLVER. Mr. Speaker, on Sunday, Americans celebrate the 30th birthday of Medicare and Americans will celebrate the medical security that Medicare gives to our senior citizens.

I am sure there are people listening who just turned 30 who are thinking: "This doesn't affect me? Why should I care?" I'll tell you why you should care.

When the Republicans cut \$270 billion from Medicare and use most of that to give tax breaks to the wealthiest handful of Americans, those cuts will make Medicare too expensive for many seniors who will have no place to turn for help except to their adult children.

How else will seniors pay a deductible that has doubled, or pay a monthly premium that has doubled, or pay a new copayment for home care? How else will they pay the specialist not covered by the managed care plan they have been forced into?

Young people cannot ignore the Republican attack on Medicare; 30-year-olds, seniors, and everyone in between should remember that Medicare is not just a seniors issue, it is a family issue.

□ 1240

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Science, the Committee on Small Business, and the Permanent Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

Mr. SKAGGS. Mr. Speaker, reserving the right to object, it is my understanding that our Democratic leadership has been consulted on this matter and we have no objection to the request, so I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2076, and that I may include tabular and extraneous material.

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

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 2076, pursuant to the provisions of House Resolution 198, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

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

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to House Resolution 198 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. 2076.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill. The CHAIRMAN (Mr. GUNDERSON). When the Committee of the Whole rose on Tuesday, July 25, 1995, the amendment offered by the gentleman from Maryland [Mr. HOYER] has been disposed of and title I was open for amendment at any point.

Are there further amendments to title I?

Mrs. SCHROEDER. Mr. Chairman, domestic violence is not just a private matter anymore; these private dramas are spilling out into public places, endangering family members and strangers. In Colorado alone, the following incidents have happened:

May 3, 1995: A teenage boy entered a Denver grocery store, pulled a gun on his former girlfriend, whom he had been stalking, and her friend. Police shot and killed him, only to find out it was a fake gun.

April 28, 1995: A man walked into a Denver grocery store, where he shot and killed his wife, the store director, and a sheriff's deputy who arrived on the scene. He then left the store, as customers crouched in the aisles and shielded their children. He entered the parking lot, spraying it with bullets as people ran for cover. He hit a pregnant woman in the leg; she lived. He apparently had made several threats that he was going to kill his wife. A few days earlier, she had gotten a restraining order against him, but it hadn't been served yet because there was some missing information and the court clerk couldn't reach her. She had also just filed for divorce and had received temporary custody of their son.

April 1994: A Boulder police officer was shot and killed while responding to a domestic dispute. The male suspect shot and killed himself at the scene.

April 1994: In Aurora, a man allegedly shot and killed his ex-girlfriend and her 2½-year-old son and wounded his twin brother.

July 1993: An Aurora man threatened with divorce shot his wife, crippling her, and killed her sister.

January 1988: A man shot and killed his wife outside a divorce courtroom in Littleton. He also wounded the man he thought was her lover.

January 1986: An Aurora police officer shot and wounded his wife's divorce lawyer.

My colleagues, I am very sorry we did not fully fund the Violence Against Women Act. I'm also very sorry we had to fight so hard for the money we got. It is clear that if the Congresswomen hadn't been constantly monitoring this—the amount would be zero. That is

incredible when the act passed last year 421 to 0. What a difference a year makes. So there is some funding thanks to the hard work of NITA LOWEY, but we are still \$50 million short. Women still must beg for every dollar.

Ms. HARMAN. Mr. Chairman, a vote to restore some of the funds to the Violence Against Women Act is a vote to fulfill only a part of the promise Congress made to help victims of domestic violence. This promise was made to make America and the home a safer place for women.

Last August, the Congress passed the Violence Against Women Act, a promise to finally treat domestic violence like the crime that it is, to improve law enforcement, to make the streets safer for women, and to vigorously prosecute perpetrators. We promised more counseling and more shelters to provide a safe haven for abused women. Now this Congress threatens to backtrack on our promise and abandon these promises to combat domestic violence.

Under the amendment, the Violence Against Women Act receives only a fraction of the promised authorization of \$175 million to fund justice grants to combat violence against women. And while I appreciate the efforts of the committee to add \$50 million to the bill for the program, the shortfall is still severe and I fear may be interpreted as a message to battered women that there are few resources for them, only empty promises.

A shelter in San Pedro, CA, in my district, desperately needs the money authorized in the Violence Against Women Act to implement its programs to combat domestic violence. Two women whom Rainbow Services had been helping were killed in the last 6 months—women whose lives could have been saved had they been able to stay at the shelter longer. These women came forward and tried to do the right thing, but the resources were not there to keep them away from their abusers long enough. The grants in the Violence Against Women Act money translate into saving human lives.

Rainbow Services has waiting lists for counseling, beds, and all of its other services. The number of women who come seeking help has doubled in the last 3 months since a domestic violence hotline was established in May. The increased funds from California's grant only constitutes half of what they need for their emergency response program, a program operating 24 hours a day, 7 days a week. They just received a grant for a new shelter—the first shelter for battered elderly women in the area—and the Violence Against Women Act grants are critical to its operation.

I urge my colleagues to join me in supporting the amendment to restore some funding for the Violence Against Women Act. It is critical that we keep our promise to help victims of domestic violence—they cannot wait any longer.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the amendment to increase funding for the Justice Department's violence against women programs.

Just 1 year ago, the Violence Against Women Act was passed in the House with overwhelming bipartisan support. Yet today, the funding allocation for these programs has

been reduced so drastically that it would cripple or eradicate many of the programs so recently created to address the needs of poor and abused women.

Programs covered under this funding include training for law enforcement and judiciary officials on violence issues and programs to address the serious problems of stalking and campus sexual assault against women.

How can we be satisfied with the efforts we have made to promote and address the problem of violence against women when the committee cannot see fit to fund adequately these necessary programs? This bill as written sends a clear message to the Nation that this Congress does not take violence against women seriously.

Women in danger of violence or sexual assault need our compassion, not deaf ears. I urge my colleagues to support Congresswoman LOWEY's amendment and to go on record with your commitment to the safety of America's women.

Mr. Chairman, I rise in support of the amendment offered by Mr. MOLLOHAN to H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996. This amendment will provide much needed funds for community policing grants authorized by the Violent Crime Control Act of 1994.

The programs that we authorized last summer are aimed at preventing crime in our communities and have been supported by the mayors, police chiefs, and law enforcement officials throughout our country.

Mr. Chairman, it is important to acknowledge that the fight against crime requires more than simply adding prison space or new classes of punishment. It requires that we demonstrate the courage to champion the innovative programs which provide alternatives to drugs, gangs, and the random acts of violence which afflict our society. The Mollohan amendment realizes this and I urge a "yes" vote on this amendment.

AMENDMENT OFFERED BY MR. ROGERS

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

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 22, line 6, strike "\$102,400,000" and insert "\$152,400,000";

On page 22, line 13, strike "\$32,750,000" and insert "\$82,750,000";

On page 24, line 4, strike "\$3,333,343,000" and insert "\$3,283,343,000"; and

On page 24, line 6, strike "\$2,000,000,000" and insert "\$1,950,000,000".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a noncontroversial amendment. I think it is agreed to by both sides. It moves \$50 million from the local law enforcement block grant to the Violence Against Women Grant Program.

Mr. Chairman, we believe that these funds would have been spent out of the local law enforcement block grant for

domestic violence programs, but moving these resources will ensure that local communities will target it to domestic violence issues.

Both the gentlewoman from New York [Ms. MOLINARI] and the gentleman from New York [Mrs. LOWEY] have worked closely with me and my ranking member on this amendment, and I applaud both of their efforts to pursue funding for this program and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. TRAFICANT

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

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 25, after line 24, add the following:

"Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service."

Mr. TRAFICANT. Mr. Chairman, there is an awful lot of talk about cops on the beat, but there is no provision in any of our legislation that ensures there be more cops on the beat. As an old sheriff, sometimes they hire three on the street and push three up into administrative type jobs. My amendment says that there shall be a net increase in street cops.

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

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MOLLOHAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 24, line 13, strike "\$475,000,000" and insert "\$505,000,000";

On page 24, line 18, strike "\$300,000,000" and insert "\$270,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 30 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

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

Mr. Chairman, the amendment that I propose today to the body, I think, is about fairness in the distribution of scarce crime fighting dollars. It is really at the heart of it.

Mr. Chairman, for Members who do not know, or for whom, perhaps, it would be helpful for the purposes of this debate to refresh their memory, in the crime trust fund we have approximately \$4 billion that is allocated. Mr. Chairman, out of that \$4 billion, approximately a half a billion is spent on the Federal level, and that includes enhancements to the immigration initiative. It is enhancements to the FBI, to U.S. attorneys, to the DEA, to the Border Patrol, and to the Judiciary, and a number of other miscellaneous programs. Out of that \$4 billion, that is about half a billion dollars.

Then, Mr. Chairman, there is about \$116 million in budget authority for prevention programs. So, we are getting close up to a billion dollars there. Then, Mr. Chairman, when we go into the State and local assistance accounts, which are the biggest accounts, there is \$3.3 billion.

Out of that \$3.3 billion, \$2 billion goes into this program, the block grants, and last night we argued strongly that that \$2 billion be apportioned to the COPS Program. Then that leaves about \$1.3 billion. Out of that \$1.3 billion, Mr. Chairman, approximately \$475 million, about half a billion dollars, is apportioned for the Byrne Grant Program.

Now, all of my colleagues know about the Byrne Grant Program. It is an extremely flexible program, getting money down to local law enforcement, which is used for a variety of purposes. There are about 21 authorized purposes for Byrne grants and they are very good, because they are very flexible. Subsequently, they are very popular.

For example, the DARE Program is funded through Byrne grants. The drug task forces are funded by Byrne grants all across this country in every State of the country. Byrne grant money is used for flexible purposes at all levels of Government. There is a half billion dollars in here for that Byrne grant money which is available to every State in the Union.

Mr. Chairman, out of that approximately \$1 billion left, we take the Byrne grant out and now we have just a little more than a billion dollars, \$500 million, or half a billion dollars, is appropriated in this bill to reimburse States, seven States, Mr. Chairman,

and really principally one, for incarceration of illegal aliens; to pay for prison guards, if you will.

I am not suggesting during this debate, that we should not reimburse States for incarceration of illegal aliens. I think that is a proper purpose of the Federal Government within this crime trust fund. I do not object to the funding.

I do question the level of funding, because I think it is disproportionate. It is, in fact, not fair. We have the Byrne Grant Program, which is about half a billion dollars, which is apportioned to all of the States, and we have the incarceration that goes to seven, and 80 percent of it to one State, to California.

Mr. Chairman, in committee I offered an amendment to combine these accounts. The Byrne Grant Program, money is sent out to all the States on a formula basis, based on population essentially. So, every State shares proportionately in the Byrne grant money. Every State, based on its population, receives money. We cannot get any fairer than that.

Under the Illegal Alien Program, it goes to States that incarcerate illegal aliens. The amendment that I offered in full committee would combine that money, send money to all the States, that billion dollars, and send that to all the States to be apportioned more fairly so that States have money to fight what is their particular crime problem, what is their particular priority.

Now, we lost that pretty much on a party line vote in full committee and we could not get a rule to offer it. So today this amendment that I offer is far more modest than that. Mr. Chairman, we take out of the \$500 million for incarceration of illegal aliens only \$30 million and we apportion it to the Byrne Grant Program which funds it at its authorized level of \$505 million.

Mr. Chairman, this means more money for every State in the Union for the Byrne Grant Program. More money to every State, even the seven States that receive money from incarceration of illegal aliens.

It does mean that the incarceration of illegal alien account is reduced by \$30 million. The only State in the Union that receives less total dollars is California. But let me emphasize, Mr. Chairman, California gets 80 percent of \$470 million; 80 percent of \$730 million if my amendment is adopted.

Mr. Chairman, it is a simple amendment, really. It is about fairness, it is doing what we can to get dollars apportioned across this country so that every jurisdiction can use these dollars for crime fighting. The benefits are set out in a handout that I will have for Members at the time of the vote, and it shows State by State, the benefit and the difference that this amendment would mean to the States and the dif-

ference is additional dollars to go into the Byrne Grant Program for local community law enforcement.

California gets \$3.6 more million for Byrne grant. New York would get \$2 million more for Byrne grant. Illinois would get \$1.3 million more for Byrne grant. West Virginia would get \$208,000 more, which may not sound like a lot of money, but \$208,000 for local law enforcement is a lot of money, particularly when it is used more efficiently for the Byrne Grant Program.

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

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am in opposition to the Mollohan amendment. I agree that the State and local communities need more money to fight crime. My bill already provides more resources than ever before to all State and local agencies to fight crime.

We have already increased Byrne grants by \$25 million over 1995, and what the administration requested. Between the almost \$2 billion local block grant program, and the \$475 million Byrne formula grant program that I proposed, every State will receive approximately 5½ times more money to fight crime than they received this year; 5½ times more.

But for some States and local communities, addressing crime also means addressing the serious problems of illegal immigration, because often illegal immigration brings along with it other illegal criminal activities.

As my colleagues well know, along with addressing crime in our bill, we include a serious commitment to addressing the problem of illegal immigration. Our initiative is not only focused on controlling the borders; it is equally focused on addressing the growing population of deportable illegal aliens and is heavily weighted on the criminal illegal alien population.

Mr. Chairman, I agree that we should not just give money to the States to reimburse them for the costs they are incurring without having a strong plan to address the underlying problem. This is a Federal responsibility and we are responsible for getting it under control.

This bill, and the resources included in 1994 and 1995, provided during times when the subcommittee was under the watch of the gentleman from West Virginia, will significantly strengthen our ability to address illegal immigration.

Our hope is that States' burdens will decline as our efforts are successful in dealing with this problem. My bill attempts to address the costs that States bear as a result of crimes committed by aliens. The Department of Justice tells me that these resources will be available to all States based on the level of incarcerated illegal aliens.

Mr. Chairman, I oppose the Mollohan amendment and urge the Members to reject it.

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

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN] who worked so very hard on the Byrne amendment last year, the Super-Byrne program. He worked with our colleagues and created a real awareness for this program with the amendment. He did an excellent job.

Mr. LEVIN. Mr. Chairman, the Byrne program is built on one of the strongest principles I know: United we stand; divided we fall. It helps us fight the scourges of drugs and crime united as one.

DARE is a good example of a partnership that unites parents, teachers, students, and police to keep our kids off drugs.

When I was in the Sterling Heights DARE class some time ago, I saw a young officer with enormous energy who had developed personal rapport with the kids in his class. DARE means a lot to the children in my home communities.

It also supports multijurisdictional task forces which unite law enforcement from all levels: county, State, and local. Criminals do not respect city limits, so these partnerships, like our local Combined Oakland-Macomb Enforcement Team, otherwise known as COMET, and our Narcotics Enforcement Team, otherwise known as NET, enable our law enforcement officials to pool resources and information across city lines.

Last year, my friends, the gentleman from Michigan [Mr. STUPAK] and the gentleman from New York [Mr. RANGEL], and I gathered support of over 150 Members from both sides of the aisle in support of this program. I understand the need and Federal responsibility for criminal illegal alien incarceration. There is an increase here of 250 percent.

So, as a matter of priorities I believe we can afford this modest increase in Byrne without losing anything vital in our commitment to assiting the States with criminal illegal alien incarceration. We must never forget the front-line local enforcement people working to make our towns and our cities safer; to give our kids the heroes they deserve.

Vote for the Mollohan amendment.

□ 1300

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, as chairman of the Immigration Subcommittee that has just marked up comprehensive legislation to end the problem of illegal immigration, I rise in opposition to the Mollohan amendment on reimbursing our States for the

costs of incarcerating illegal aliens. The Mollohan amendment violates the commitment that we made to our Governors and ignores Congress' culpability in the problem of illegal immigration.

The solution to the problem of illegal immigration is to prevent illegal immigrants from entering the United States. And removing illegal immigrants if they arrive. My bill, the Immigration in the National Interest Act, will accomplish this goal. It fulfills one of the Federal Government's central functions: securing our Nation's borders.

In the past, Congress has been part of the problem, not the solution. Past Congresses have ignored the problem of illegal immigration and failed to stem the tide of illegal aliens entering our country. While Congress dithered, illegal immigrants entered our Nation in record numbers, with upwards of 1 million illegal aliens permanently entering our Nation every 3 years.

Congress' failure to secure our Nation's borders has been a disaster for our citizens, our local government, and our States. Our citizens have been plagued by crime committed by illegal immigrants. And States have been forced to pay the costs of incarcerating criminal aliens whom the Federal Government did not prevent from entering our country and preying on our citizens. These State costs have resulted directly because, in the past, Congress refused to address the problem of illegal immigration.

What has been the cost to States of Congress' failure to stem the tide of illegal immigration? The General Accounting Office estimates that incarcerating illegal immigrant felons costs States at least \$650 million per year. That translates into \$66 million that New York cannot spend on schools, \$43 million that Texas cannot spend on roads, and \$400 million that California cannot spend on health care. All because the Federal Government failed to do its job.

Mr. Chairman, I do not generally favor reimbursement as a means of solving our illegal immigration problems. We should prevent illegal aliens from entering the country, rather than spending money on them after they get here. However, Congress has made a commitment to our governors to help reimburse some of the costs that they have incurred. The Mollohan amendment goes back on this commitment and breaks our word to our governors.

The Mollohan amendment is wrong for our citizens and wrong for our States. Keep Congress' word to Governor Bush, Governor Wilson, Governor Whitman, Governor Pataki, and others. I urge my colleagues to oppose the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute, and I invite the gentleman from Texas to stay in the well.

The gentleman from Texas indicated that one of the premises of your talk was that there would be a net loss to States as a result of this amendment. I would just like to point out to you that, indeed, there is a net loss only to one State. That is California. For every other State in the Union, it is a net gain.

Let me explain why, and it is true. For example, Texas would gain approximately half a million dollars net. It is a close call for Texas.

Under my amendment, Texas would get an additional \$2 million, in Byrne grant money, with all the flexibility that represents, and they would get a decrease of about \$1.5 million from the illegal alien assistance program, for a net gain of \$500,000.

Mr. SMITH of Texas. If the gentleman will yield, I appreciate your point you just made. My concern is still the commitment we made to the Governors to reimburse the States.

Mr. MOLLOHAN. Reclaiming my time, one of the premises was there would be a net loss to the States. That is incorrect.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK], another distinguished Member who has worked so hard on crime fighting and been such an integral part of our crime task force on the minority side.

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

Yesterday we had a fight on this floor about the Clinton COPS Program and your local block grant that you wanted over there. You claimed there was no flexibility in the Clinton program. Now we have the Byrne grant, which gives us 26 different programs, including illegal aliens. So this is all kinds of flexibility you want, and now you say, "No, let us not do that, let us keep all the money in one pot for illegal aliens."

We are asking for 10 percent, or \$30 million, of a \$300 million pot to be used for the Byrne memorial grant which can be used for 26 different programs, which can be used with all the flexibility you need.

My colleague from Michigan, Mr. LEVIN, spoke of DARE. In my district we do bake sales and pancake breakfasts to fund the DARE program. We are asking for a little help for the DARE program.

In my district, which has 23,000 square miles, we have undercover drug teams, which is a combination of Federal, State, and local officers, the same team, the TNT team, the Hunt teams, the upset teams. They do undercover drug work with the Byrne grant money. The arrests have gone up by 400 percent because of the cooperative efforts we have here. We could not do it without the Byrne Memorial grant.

What we are asking for underneath the Mollohan amendment is take 10

percent, \$30 million of the \$300 million, put it in the Byrne grants, and it still leaves \$270 million for incarceration of illegal aliens. In Michigan that means \$1 million more we have to work with under the DARE program and undercover drug teams.

The Mollohan amendment makes sense from a law enforcement point of view. It makes sense for 49 of the 50 States in the Nation. Our No. 1 priority in this country is crime and crime fighting. Here is a program that works, with all the flexibility you wanted yesterday. It is here. Do not gut this amendment. Please, support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. GALLEGLY] who is chairman of the House task force on immigration.

Mr. GALLEGLY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from West Virginia, which would eliminate \$30 million earmarked for reimbursing States for incarcerating violent criminal aliens.

Earlier this year the House passed H.R. 667, the Violent Criminals Incarceration Act of 1995. In that legislation was a provision sponsored by this Member which would authorize \$650 million per year to reimburse States for the burden of incarcerating illegal aliens that commit felonies.

In the bill before us today, there is only \$500 million set aside for that purpose and this amendment would reduce this amount by another \$30 million.

Mr. Chairman, the States can no longer afford to pick up the tab for the failure of the Federal Government to enforce its borders and enforce its immigration laws.

For some perspective, the cost of this failure to California alone is over \$500 million a year. But this is not only a California problem. There are over 4 million illegal aliens in our country and they are found in every State. Clearly, the States that are negatively impacted by this failure of Federal policy can no longer pay the bill for the fact that the Federal Government has shirked its responsibility to enforce its border and the law.

I would just like to make one statement in relation to the gentleman from West Virginia: California gets less money per capita than any other State in the Nation as it relates to reimbursement for the incarcerating of illegal aliens under this legislation.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, first, let us give credit where it is due. The gentleman from West Virginia [Mr. MOLLOHAN], as chairman of the Appropriations Subcommittee that he is now the ranking member of, was the first person to put in money to reimburse costs for incarcerated illegal aliens last year.

Second, although my friend from West Virginia is looking at early disbursement of this year's funding to determine the percentages, the fact is if his amendment passes, increasing a good program, the Byrne program, we take away not only from California but from Texas, Florida, and New York City, not just State governments, but local governments, county jails that are dealing with this problem. We take away that which we are obligated to finance.

You cannot vote to compensate State and local governments for Federal mandates and then back away from the obligation to reimburse them for the costs of the failure of Federal policy. It is that simple.

If you are not from New York or Illinois or California or Florida or Texas, I can understand why you might think you would do better. It is not right.

I urge you to vote against this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW] who is chairman of the Human Resources Subcommittee in the Committee on Ways and Means.

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

Mr. Chairman, we heard this is a California problem. Nothing could be further from the truth.

Three thousand illegal aliens each and every day violate our borders and come into the United States. This is a national disgrace. It has gone on through administration after administration, Congress after Congress: Yet we have not acted.

Our own State cannot act because, under the Constitution, this is a Federal responsibility, and it is a failed Federal responsibility in which we have failed our States.

Right now 10 percent of the prison population in my home State of Florida is made up of illegal aliens. The Governor, Governor Chiles, just within the last hour has told me \$80.7 million a year this alien population is costing the State of Florida, and in addition to that, because of the fact that it is 10 percent of our jail population, we are going to have to build 4 or 5 new prisons at a capital cost of \$80 million to \$100 million.

Why in the world is this a State responsibility? Not only because of this, but only because of the impact on our prisons, but the impact on our hospitals, on our school systems. Down in south Florida, the Jackson Memorial Hospital is overrun with illegal aliens, and yet we are taking that as a local responsibility to our own State funding to take care of these people.

The impact is absolutely, absolutely incredible. For anyone to stand on this floor and talk about a Federal responsibility where we should take away 10 percent of the money that is not even

funding half of the cost for the States today, I think, is very shortsighted and is overly parochial.

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

Mr. SHAW. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

First of all, we are not taking 10 percent. We are taking \$30 million out of the half a billion.

Mr. SHAW. I did not say you were taking 10 percent. I said the illegal aliens are 10 percent of our prison population in Florida, and it is a responsibility of the Federal Government to at least reimburse all of the States of this country, not just Florida, all of the States, to reimburse them at least a share of this extra cost, because of a failed Federal responsibility.

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

I say to the gentleman from Florida [Mr. SHAW], the point I wanted to make is we are trying to get Florida more dollars, and Florida is a net beneficiary under our amendment.

Mr. SHAW. I heard you. Mr. MOLLOHAN. Let me make my point. It is my time. I will let you respond to me.

Under the distribution, the first distribution of moneys under this program was \$43 million. California got \$33 million, Florida got \$1 million. Under my amendment, Florida gets \$1.5 million. It is a net gain for the State of Florida and for every other State if this money is put through the Byrne grant program, and Florida can spend the money, if they want, on incarceration of illegal aliens.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in support of the Mollohan amendment in order to bring some balance to this particular bill.

I can think of few initiatives here in Congress that work better for our local law enforcement officials than providing much needed assistance in drug prevention efforts, equipment acquisition, and overall support for law enforcement.

When I talk to my local police chiefs and other local law enforcement officials back home, they respond with a simple plea, and that plea is, "Please, provide us with assistance on basic equipment, like fax machines and other support so that we can fight crime in our communities and also support strong prevention efforts."

I ask Members to support this amendment. Bring some balance to this bill, and let us use a smart approach when it comes to criminal justice activities.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

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

I speak in some pain here because I do respect tremendously the ranking member on the committee, the gentleman from West Virginia [Mr. MOLLOHAN], and especially with all the efforts he has undertaken to try to provide law enforcement with the resources it needs and given his efforts so far on the issue of immigration.

□ 1315

Mr. Chairman, I see this as an issue where we are robbing from Peter to give to Paul. Both areas involve law enforcement; one is in the incarceration area, the other is with the Byrne grants. I am a strong supporter of the Byrne grants, but I must say we have a Federal commitment to provide States with reimbursement for criminal alien incarceration and, when we have a Federal commitment, we should live up to that commitment to provide the funds.

Finally last year we took some action on the issue of providing reimbursement to States for the criminal incarceration of immigrants, and what we find now is that the President, having taken this first step, it should now be continued. We should continue with this effort to try to provide the funds to reimburse the States.

Mr. Chairman, we have an obligation to follow our talk with our walk, and I would hope that what we will see is that, although we have two good programs, the Byrne grant program and the criminal incarceration of undocumented immigrants issue, we should try to meld the two and make sure that we are not taking from one to give to the other, because both are very good. In a tough time we should try to do the best we can, and I would hope that what we would find is that it is time for us to live up to our obligation of giving money to reimburse States for those obligations that really should be Federal obligations.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from West Virginia. I realize that the Byrne grant program is a worthy program, however, I strenuously object taking \$30 million dollars out of the funds which are committed to help reimburse States for the cost of incarcerating illegal aliens.

California will incarcerate nearly 19,200 illegal immigrant felons in State prisons this year. That is enough to fill eight new prison facilities to capacity. The cost to California taxpayers will be \$503 million. In fact, over the past 8 years, the total cost to California is over \$2.5 billion.

The current bill funds \$300 million dollars for this reimbursement and I

commend Chairman ROGERS for his support for this program. However, the authorized level provides for funding up to \$650 million. As you can see, we are currently funding less than half of what we could. It may not seem like a lot of money to some, but \$30 million dollars is monumental to the States that have to foot the bill for what is widely recognized as a national problem.

Until the Congress is able to provide fully, the authorized level of funding, a handful of States will continue to be penalized by the Federal Government's failure to combat illegal immigration and assume its proper responsibility.

Mr. Chairman, a reduction in funding such as the one Mr. MOLLOHAN is proposing, unfairly increases the burden that California taxpayers will have to bear and increases what could be called an unfunded mandate. I urge the defeat of this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I rise in opposition to the Mollohan amendment.

When the original Thirteen Colonies agreed to join together to "form a more perfect union", one of the powers they conferred on their new Federal Government was that of protecting the national borders from foreign invaders. Considering the fact that four million or more aliens are in our country illegally, it is abundantly clear that the Federal Government has woefully failed in its promise to the States to secure our national borders.

The very least we can do is to assist the States in paying for the costs of imprisoning illegal aliens who have committed felonies against the people and property of their citizens. This amendment would be a backward step and would say to the States that we are unwilling to pay the costs of our breach of promise.

Now is the time to reaffirm to the States our commitment to uphold our Federal responsibility and to attempt to reimburse them for the partial costs resulting from our failure to protect U.S. borders in the past and the present. We can never repay their citizens who have been murdered, raped, and robbed by those who should never have been allowed inside our country, but we can begin by paying the costs of imprisoning these felons.

I urge a "no" vote on the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as somebody who lives on the border, but as someone who was a mayor and a county supervisor, I recognize that law enforcement, neighborhood law enforcement, was the No. 1 responsibility of a locally elected official and a re-

sponsibility. The Federal Government's No. 1 responsibility was the integrity of our national frontiers, and it was nice when the Federal Government helped us with our local responsibilities. It was a great effort. But those of us that are impacted severely by the abandonment of the Federal Government of their No. 1 obligation needs to have redresses of those problems, and I say this to my colleague, "I understand your concerns, but you take care of your obligations before you start issuing people gifts, and this is a moral obligation."

Mr. Chairman, the fact is the State of California spends \$400 million-plus. In the existing formula, existing formula, there will still be a \$100 million debt owed to that one State. Now this is an obligation that my colleagues may say we can walk away from for a while, but the obligation to protect our borders is a responsibility. I say to my colleagues, "Don't abandon it because it is coming your way."

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. BEILENSEN].

Mr. BEILENSEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN]. This amendment would reduce the funding for reimbursing State and local governments for the costs of incarcerating illegal criminal aliens by \$30 million.

Last year, in an amendment that I offered with several of our colleagues, Congress created the State Criminal Alien Assistance Program [SCAAP] in recognition of the serious burden that costs associated with incarcerating criminal alien place on State and localities—costs which are a result of the Federal Government's failure to enforce immigration controls. In addition, thanks to the efforts of the Appropriations Committee, the gentleman from West Virginia [Mr. MOLLOHAN], and the gentleman from Kentucky [Mr. ROGERS], Congress for the first time appropriated funds for the SCAAP Program. And, in February of this year, the House of Representatives approved an amendment H.R. 667, the Violent Criminal Incarceration Act, which provides that, before the Department of Justice can spend any funds authorized in the bill for prison construction, the Attorney General must reimburse States for at least \$650 million of the cost of incarcerating illegal aliens convicted of felonies.

This year also, largely because of the commendable efforts of Chairman ROGERS and the subcommittee, funding for the State Criminal Alien Assistance Program [SCAAP] has been increased to \$500 million. This is still \$150 million below what is needed, but it would provide significant relief to the affected State and localities.

Criminal aliens are people who have entered our country in violation of Federal laws; that makes their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, not just those who live in regions with large numbers of illegal immigrants. As the House of Representatives

recognized with the passage of unfunded mandate legislation earlier this year, the Federal Government should not continue to pass the costs of Federal actions—or in this case, lack of effective Federal action—onto State and local governments. Yet that is precisely what we have been doing for years by making States and localities pay for the Federal Government's failure to stop illegal immigration.

While State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, they have no jurisdiction over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

From 1988 to 1995, the number of illegal alien felons in California State facilities has soared by 235 percent—from 5,700 to an estimated 19,200 by the end of this year. During the same period, the total annual cost of incarcerating and supervising this population has skyrocketed from \$122 million to an estimated \$503 million by the end of the next fiscal year—a 310-percent increase. The cumulative cost during this 7-year period is in excess of \$2.5 billion.

Mr. Chairman, shifting funds from the SCAAP Program to the Byrne grant program will disproportionately affect California, because of the enormously large population of illegal aliens in our State's prisons. California, like every other State, has drug and crime problems that are addressed by the Byrne program—and we would all like to be able to approve more money for it. But our attempts to deal with these serious problems are being overwhelmed by the Federal Government's failure to deal adequately with illegal immigration, and to meet its full responsibility to the States with respect to criminal aliens. Reducing this funding is counterproductive and will only exacerbate a very serious problem.

I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I rise in strong opposition to the Mollohan amendment. Taxpayers in my home State of Florida, as well as many other States, for too long have had to bear the burden of really failed Federal immigration policies. That is what we are talking about.

It is estimated that Florida spends in the area of \$80.7 million, not \$13 million. There was a number for \$13 million. That is an old number. The Governor's office now tells us that number is \$80.7 million annually to incarcerate illegal immigrants.

As a matter of fact, costs are so high for this and other immigration related services that Governor Chiles had to file suit against the Federal Government for reimbursement, and I think everybody knows that Governor Chiles is in the same party as the President. He should not have had to do that. This

is a clear Federal obligation, and earlier this year in H.R. 667 we took positive action to help our States with the financial burden.

The Federal Government cannot shirk its responsibility in this, which is what the Mollohan amendment would allow. This amendment would take us back in the wrong direction, and that is why I am very strenuously in opposition to it and urge my colleagues to oppose it, as well, because when we look at the facts, it is going the wrong way.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I rise in strong opposition to the Mollohan amendment.

In the United States there are over 50,000 prisoners in State and Federal facilities who are not American citizens. The incarceration of criminal aliens costs taxpayers between \$15,000 and \$30,000 per inmate annually.

Last year, American citizens spent between \$800 million and \$1½ billion feeding, clothing, and housing illegal aliens.

It is a grave injustice to hold States like New Jersey hostile to such expenses for the Federal Government's failure.

Mr. Chairman, illegal immigration has taken a toll on this country. Illegal aliens who commit crimes exact personal costs to the people they hurt as well as economic costs to those States who have to burden those costs.

I urge an opposition to this amendment.

Mr. MOLLOHAN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 30 seconds remaining and the gentleman from Kentucky [Mr. ROGERS] has 1 minute remaining.

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

Mr. Chairman, there have been some comments made about meeting our obligation to fight the illegal alien problem, and I would say in this bill, with the chairman's leadership, we have provided resources to do just that. We have provided resources under the INS for illegal alien problems: 700 new Border Patrol agents, 400 new inspectors, 945 new detention personnel, and 750 new investigators, and that is very robustly funded to the tune of about a half-billion dollars in the crime trust fund. We have provided \$500 million in this bill for reimbursement to States for incarceration of illegal aliens. There is only \$30 million out of that to spread around the country.

Mr. ROGERS. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Chairman, this is a very important moment. For the first time the Federal Government has

stepped up to the plate to acknowledge its responsibility with the issue of illegal immigration.

There is a perception this is simply going to benefit California. I was joking with the gentleman from West Virginia about that a few minutes ago. The fact of the matter is California will proportionately get less than any other State involved in this based on the number of illegals we have in California, and the figures that have been thrown about here, especially by my friend from West Virginia, are way off base. The best example was Florida, where we have seen an increase from 13 to 80.7 million as the cost for the incarceration of illegals in that State.

This is a very serious Federal problem. Let us defeat the Mollohan amendment and move ahead with the committee position.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

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

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SCOTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT: Page 24, line 6, strike "\$2,000,000,000" and insert "\$2,300,000,000".

Page 24, line 23, strike "\$500,000,000" and all that follows through page 25, line 1, and insert "\$200,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There were no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

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

Mr. Chairman, this is a fairly straightforward amendment. It moves \$300 million from prison construction funds to the local law enforcement

block grant so that programs for prevention and cops can be funded to a larger extent. Mr. Chairman, this will have no effect on the money for incarcerating illegal aliens that we just heard the debate on. The prison grant program requires an increase in incarceration on a massive basis. We already have one of the highest incarceration rates in the world, over five times the international average.

Mr. Chairman, increasing incarceration wastes the scarce resources that could be better spent on prevention. In Virginia, for example, Mr. Chairman, we have a program that we have just embarked on that will cost the State of Virginia \$1 billion per congressional district over the next 10 years in increased prison expenses, and the estimates are that the reduction in crime will be less than 4 percent, statistically insignificant. Mr. Chairman, that is a national equivalent of spending \$435 billion without any reduction in crime.

Mr. Chairman, earlier this year we heard the city of Philadelphia needs about \$2½ billion to build prisons, and again that is just one city. So more money and prisons will be a drop in the bucket as far as the crime rate is concerned. That money could be better spent, Mr. Chairman, on drug courts which take low-level drug abusers, possession only, nonviolent, and refer them into rehabilitation rather than prisons at a cost of 5 percent of what the prisons cost and will result in 80 percent reduction in crimes.

□ 1330

We heard last night about community policing and how that works, Job Corps, education programs, recreation programs. We have heard midnight basketball savaged on this floor, yet we do not hear that the crime rate went down 60 percent in Landover, MD when the midnight basketball program went into effect.

Mr. Chairman, I have 3 cities in my district that are in the top 30 in murder rate, so I want to make sure that we use our scarce resources in a way that will actually reduce crime. It is clear we will get more return for our money by putting it into local law enforcement, like crime prevention and community policing, rather than just in general increasing incarceration.

In conclusion, Mr. Chairman, in the words of the poet Joseph Malins, in his poem "A Fence or an Ambulance," "It is better to put a strong fence around the top of a cliff than an ambulance down in the valley."

Mr. Chairman, let us build fences, rather than buying ambulances, and support this amendment.

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

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the Scott amendment. The

truth is that this amendment would eliminate what the Congress passed back in February in the crime bill. It would eliminate truth in sentencing grants to States and shift that money to local government law enforcement block grants.

Now, we already provide in the bill 5½ times more for local crime programs than was ever provided in history by the Congress, and particularly 1995. They are going to have plenty of money to work with.

What the gentleman would eliminate with this amendment, however, is a very critical part of the crime package that passed back in February as a part of the Contract With America, and that was to allow States to have grants if they lock up their violent criminals for a certain period of time.

Convicted felons serve only 38 percent of their sentences now on average. This revolving door of justice is the heart of the crime problem. Truth in sentencing grants are a vital and sensible response to this problem. Lack of prison space is a national problem. It is appropriate for the Congress to respond by setting aside funds specifically for the purpose of increasing prison capacity on the State level for violent offenders.

Local law enforcement block grants provide funding directly to local communities. States, not local communities, have the responsibility of building prisons. The Scott amendment would prevent States from receiving any funds for prison construction. The State prisons grant program ensures that States will have the resources to keep violent offenders locked up. Do not fear that from this bill. It will be a very critical part of the States' efforts and our effort on their behalf to fight violent criminals across the country.

Mr. Chairman, I urge a "no" vote on the Scott amendment. Stay with us on the crime package.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the chairman's attention to this very important matter.

Mr. Chairman, it has been only about a year since the citizens of the State of Georgia had a legal lottery, and it apparently is doing somewhat well. Unfortunately, in Georgia, as in many other States, however, we have had a lottery for many, many years, and it is the lottery of revolving justice. Every criminal in our State, as well as all across this country, when they go out to commit a crime, they are purchasing a lottery ticket. They are betting the State in which they commit the crime will not have the wherewithal and the will to keep them incarcerated for a major part of their sentence, and they are getting out, as the chairman

has already indicated, within, on average, after serving only 38 percent of their time, and in many instances it is far less than that time.

The bill that we passed very soundly and very strongly in this body just a few months ago tells our States that, at least insofar as American taxpayer dollars are concerned, we are not going to stand for that, and when we the taxpayers of this country, through us in this Congress, direct the taxpayer money back to the States to construct prisons, we want to see that those prisons are constructed and housed with inmates who are going to serve at least 85 percent of their time.

I wonder what motivation anybody on the other side could have for saying we do not want them to serve 85 percent of their time. As a matter of fact, I would prefer if they served 100 percent of their time. But it is a very sound provision that we in this body passed, with very strong support of the American people, to tie prison construction funds, which go to the States, these are not local community block grants, the responsibility for building prisons in this country is essentially with our States. These moneys go to the States, but we are telling the States, "Keep your prisoners in these prisons at least 85 percent of the time." This is very sound policy. It is at the core of why we are seeing such tremendous recidivist rates in our country.

Mr. Chairman, there is in fact a direct correlation over the years between a decrease in the amount of prison time that those convicted of crimes serve and the recidivist rate.

As the prison inmate rate goes up, as people serve more of their sentence, crime rates do in fact go down. That is the very sound reason and demonstrable public policy behind the provisions in the bill, and the efforts of the gentleman from Virginia [Mr. SCOTT] will in fact aid revolving-door justice in this country. We are telling the American people let's stop that revolving door, at least insofar as we are able through taxpayer dollars being used to construct prisons that will go to those States that have the will, the wherewithal, to say we are going to build those prisons, and, more importantly, we are going to ensure when we put somebody in one of those prisons, they are going to stay there for at least 85 percent of the time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I am not aware of any studies that show that increasing the time served reduces the recidivism rate. The testimony we have heard in fact is that there is no reduction in recidivism rate generated by increasing the time served.

This revolving door that we have is a revolving door because we are not putting our money into prevention. We are

trying to build our way out of the problem. If we are going to be honest, we ought to acknowledge that 38 percent figure. If you want to move it up to a 100-percent figure, you ought to add up and tell the American people what it is going to cost.

In Virginia, proposal X that recently has been enacted, but not fully funded, increases the time served from about 25 to 50 percent, and that cost will cost Virginia \$11 billion in the next 10 years. That is a national equivalent of spending \$400 billion trying to build our way out of this problem.

If we want to be honest, we will tell the people what result we are going to get. The studies have shown the result will be statistically insignificant. So this little \$300 million we are talking about will not make any difference if we put it into incarceration. It is an insane strategy to try to build our way out of the problem. We ought to put our money where it will make a difference, and that is in prevention. That is why I have introduced the amendment, and hope it is agreed to.

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

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF].

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I want to begin briefly on another subject, by complimenting Chairman ROGERS and other members of the subcommittee in both parties for the emphasis they have placed in supporting assistant U.S. attorneys and agents in the field for the Federal Government, because that is where the proverbial rubber meets the road in terms of law enforcement. More crime is investigated and prosecuted with more professionals assigned to do that.

Mr. Chairman, I rise in opposition to the Scott amendment for several reasons. The gentleman from Virginia I think stated that his district was in the top 30 in the Nation in burglaries. I strongly suggest that if more of those burglars were off the street there would be less burglaries in the gentleman's district.

The question was in prison population related to crime. Well, first, I would point out that we have all heard the statistics that the number of people incarcerated in the United States has been going up. We all know that. But more recently, there have been a number of news articles pointing out that the percentage of crime, the crime rate in many areas, including violent crime, has been going down. So there is a general correlation that I think is obvious, that as the prison population goes up crime goes down.

It is not that I think prisons are wonderful places, but if you take perpetrators off of the street, we have less

crime. In fact, the U.S. Bureau of Statistics, I am informed, stated that in a study, those offenders who serve more than 5 years in prison actually were repeaters less often than those who served less than 5 years in prison.

But the main point is when that criminal is out of prison, particularly repeat criminal, then that criminal is repeating crimes on the street, in the district of the gentleman from Virginia or any district.

Mr. Chairman, I would like to say that the cost of prisons is high. There is no doubt about that. I think it can be reduced in many ways. But the fact of the matter is, it will never be inexpensive in a due process country that respects human rights. But I submit the cost of crime, particularly repeat crime, is greater than the cost of prisons, that a repeat offender committing crimes, particularly burglaries, because the average burglar does not commit one burglary a week, he commits one or more burglaries every single day, 365 days a year. It does not take long to compute the fact that even with moderate gains from each burglary, the cost to society in crime in pure dollars, not even talking about the human heartache of people having their homes invaded or businesses taken over, but the cost to society in pure dollars of having repeat criminals on the street is worse than the cost to society of prisons.

This is not to say that there is not room for alternatives. Nothing in this truth in sentencing says that every single person convicted of any crime must go to prison. I do not believe that is appropriate in every case. But what truth in sentencing does recognize is that those States that are trying to make headway by establishing truth-in-sentencing laws, which have come to mean requiring those who are sent to prison to serve at least 85 percent of their sentences, and I agree with the gentleman from Georgia [Mr. BARR], I think individuals deserve 100 percent of their sentences, whatever the sentences might be, but truth in sentencing has come to mean serving 85 percent of sentences.

That is often double what is served in many States. I regret to say in my own State of New Mexico the good time law there is one of the most liberal in the Nation. There is up to 50 percent off of sentences to prison for all kinds of crimes, including murder. So when the people of New Mexico see in their newspapers that a particular criminal is sentenced to a certain number of years in prison, that will be the headlines. They then have to read in the fine print the fact that that is not the real figure. The real figure is half of what is in the headlines.

Now, truth in sentencing in the bill recognizes that keeping offenders, particularly repeat offenders, in prison longer will cost the States more money. That is an obvious fact, too.

Every day someone is in prison is a cost to the State. I think it is a cost to the State that is warranted in a number of cases, because it saves money on the cost of crime. But, nevertheless, it occurs.

Truth in sentencing does not force States to adopt truth-in-sentencing laws. Truth in sentencing recognizes that because of the increased cost of keeping offenders, particularly repeat offenders, off of the street, there is an increased cost to the States to do so. For that purpose, the bill provides an incentive to support States economically with their difficult decision to keep offenders off of the street.

So, Mr. Chairman, I want to say that the truth in sentencing is an important part of the bill to keep offenders, repeat offenders, off of the streets, and I urge rejection of the Scott amendment.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to reclaim 10 seconds of my time to clarify a word that was used.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1345

Mr. SCOTT. Mr. Chairman, the Third Congressional District of Virginia has three of the top murder rates. I meant to say murder. I just wanted to correct the RECORD.

Mr. SCHIFF. Mr. Chairman, I ask unanimous consent to proceed for 10 additional seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I accept the gentleman's correction that his district is in the top in murder rate, not burglary rate. But I think that my point, that keeping criminals off the street may help alleviate that problem, still stands.

Mr. ROTH. Mr. Chairman, I rise in opposition to this amendment.

By eliminating the truth-in-sentencing prison grants, the amendment would let violent criminals loose on the streets to continue to prey on innocent Americans.

The American people are tired of the liberals' soft-on-crime, hug-a-hug approach. The American people want murderers and rapists behind bars.

The senseless murder of a young girl named Cora Jones in rural Wisconsin tragically underscores what I've heard from thousands of people in northeast Wisconsin: It's time to get tough on criminals.

Cora was killed by a criminal released on parole. If that criminal were in prison where he belonged, Cora would be alive today.

People are scared about rising crime rates, and they are demanding action.

The statistics are frightening.

Every year, nearly 5 million Americans are victims of violent crime.

Another 19 million are victims of property crime.

A murder is committed every 21 minutes in the United States.

A rape, every 5 minutes.

A robbery, every 46 seconds.

Why such staggering figures?

Because we aren't keeping criminals in prison.

Sixty-nine percent of young adults released from prison are arrested again within 6 years, after committing an average of 13 new crimes.

Overall, 7 percent of criminals commit 70 percent of all violent crimes.

It's no wonder Americans are fed up.

We need a new approach to fighting crime.

If a thug is behind bars, he can't commit another murder, rape, or robbery.

But under this amendment, we will have no new prisons to hold violent criminals.

These prison grants will go only to States that enact truth-in-sentencing laws.

Truth-in-sentencing laws mean a 30-year sentence is just that: 30 years, no parole.

Criminals will think long and hard before committing an offense if they know they won't be back out on the street in a few months. It's wrong that law-abiding Americans—who work hard, pay their taxes, and raise their kids—have to live in fear.

Mr. Chairman, we cannot rest until every man, woman, and child in America can walk down any street in America and feel safe.

Vote against the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

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

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. STUPAK

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

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. STUPAK: Page 24, line 7, after "Grants" insert "of such amount \$600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. STUPAK. Mr. Chairman, my amendment, No. 41, is what I would consider the rural setaside amendment. What this amendment does is set aside approximately \$600 million for rural law enforcement programs. The money would come from the \$2 billion set aside for the local law enforcement block grant.

When this bill was being considered by both authorizers and appropriators, the President had requested over \$10