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-221, 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-221 was called to active duty, he unhesitatingly responded to the call. 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 continually grateful that his family has allowed me to hang in my office a picture of my dear friend, Captain Cole, not only because there were many others, but also as an example of an American having come back from World War II, remaining in the Reserves so this country could dedicate his life to teaching children. And unhesitatingly responding to the call of battle. I recently had the opportunity to meet all the sons who was a very young person at the time of his death. So that I could convey to them the very personal remarks I have of his father.

Mr. President, I am privileged to join here in these remarks. And I look forward to hearing your remarks today, but who deserve the great respect for those with whom I was privileged to serve who gave their life in the cause of freedom in that conflict, the marines who gave their life in the cause of freedom in that conflict in the cause of freedom. And who deserve the great respect for those with whom I was privileged to serve who gave their life in the cause of freedom in that conflict.

I was unhesitatingly responding to the call. 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 impulsive. I hope I was not. Mr. WARNER, Mr. President, I was unaware. I was totally absorbed in what I was saying. But thank the Senator.

Mr. WELLSH. 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—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.

Mr. KENNEDY. I suggest the absence of a quorum. 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. President, I withdraw the request.

Mr. KENNEDY. The absence of a quorum has been suggested. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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.

Mr. President, the Senator from North Carolina asks 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. Senator. 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 or 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, I think, from Senator from North Carolina.

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 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 request 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.

Mr. KENNEDY. 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 the order for the quorum call be rescinded.

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 consent 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 President 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 every outsider 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. 1852

(Purpose: To limit amounts appropriated under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1990)

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 number 1852.

As the appropriate place, insert the following:

SEC. 21. Notwithstanding any provisions of this Act, there is authorized to be appropriated the amounts appropriated under this Act in fiscal year 1990.

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 1994 through 2000 at an amount not exceeding the fiscal year 1995 funding for HIV/AIDS. The amount appropriated for fiscal year 1995 totals $3 billion 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:


As I said earlier, some of the proponents say, "This does not mean anything. It still has to go through the authorization and appropriating processes." 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 $4.5 trillion now. Congress should never write a blanket check for any purpose. The least we can do for the American taxpayers is to specify the amount of Federal funding, with no obligations, no vagueness, no whatsoever.

Taxpayers will be interested to know that the total estimated outlays under the current act are $3.98 billion. That is $3,980,000,000 over a 2-year period. So we are talking about chickenfeed. We are talking real money; real money that can run up the debt, the Federal debt. Most Federal employees do not have a $3.68 billion over a 5-year period. So we are not talking about chickenfeed. Would not be appropriate to ask for the yeas and nays on that amendment.

Mr. HELMS. Mr. President, 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. Without objection, it is so ordered.

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

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.

The amendment is as follows:

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

--OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS--

(a) IN GENERAL.—Notwithstanding any 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 210 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 20, 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.
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 under-standably 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 amend-ment 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 how two things can force Federal employees to attend a session where the subject is the kind of sex conducted by homosexuals.

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

So the question is obvious. Since when does a free and democratic society force its citizens to attend classes on male-male sodomy? The bottom line is that the Federal Government has no business requiring its employees to attend embarrassing and sometimes disgusting classes on HIV/AIDS.

Mr. President, I have several inser-tions for the Record that I want in-cluded.

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

April 7, 1994

Second is a letter from a North Caro-olina Federal employee who works for the USDA.

Third, the Foreign Agriculture Serv-ice's "Mandatory HIV/AIDS Training" memo dated January 5, 1995, and

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

There being no objection, the mate-rial 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 (Directives) 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 conducted or scheduled by World AIDS Day, December 1, 1994. In addition to providing HIV/AIDS prevention information, all Fed-eral 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 encour-ages people with any chronic illness, includ-ing those living with HIV/AIDS, to continue productive employment as long as their health permits. The President has committed his Adminis-tration 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 pro-ceed, more and more people living with HIV/ AIDS will be in the workforce. Since HIV cannot normally be transmitted in a work-place setting, people living with HIV/AIDS should be encouraged to continue working so long as their health allows them to be pro-ductive. The Federal Workplace HIV/AIDS Education Initiative (FWAIVI) will serve as a model for all businesses on how to provide employees the information they need to protect themselves with HIV and the type of personnel policies and procedures which encourage people with any chronic illnesses, includ-ing 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 component areas be included in any comprehen-sive HIV/AIDS workplace education pro-gram:

Policy/Procedures; Training of Super-visors and Managers; Employee Education: Family Education; and Community Service/Volunteerism.

The Office of National AIDS Policy (ONAP) has produced the 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 implementa-tion of a training program must take into account the particular needs of each depart-ment or agency. The guidelines that follow are minimum requirements and are not in-tended to provide the additional training that a particular department or agency de-termines is appropriate for its own employ-ees. These guidelines will assist departments and agencies in creating developmen-tally appropriate, technically accurate, training pro-grams whose success can be measured.

III. TARGET AUDIENCE

HIV/AIDS workplace training is manda-tory for every Federal employee. The initial training must be conducted or scheduled by World AIDS Day, December 1, 1994. The Direc-tive does not require that contractors re-ceive training. Departments or agencies may require that contractors receive training, particularly in those locations where they share the same workplace as Federal em-ployees. Contractors should not be trained with Federal staff.

Managers and supervisors should receive the additional training that includes dealing with issues of confidentiality, how to approach any necessary counseling and refe-ral, and how to help a chronically ill em-pLOYEE continue productive work.

IV. CLASS SIZE

Class size is critical to the successful im-plementation of the Federal Workplace HIV/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.

V. 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 as opportunity to digest the information presented. Additional time may be required for supervisor and manager training.

VI. RECORDS/EVALUATION INSTRUMENT

Of the most difficult tasks you will en-count is the documentation of how the Di-rec-ive is being implemented and whether it has an impact on the knowledge, attitudes, beliefs and behavior of the employees. To accom-plish this, accurate records of training sessions, including: the names of partici-pants, the date of the training session, and the total number of employees trained, are essential. All individuals receiving training should be given an "evaluation form" sent to their personnel files, and/or the attendance and results of the class recorded in their training records database. Keeping track of class attendance and participant feedback will expedite the formulation of the regular quarterly reports.

Ideally, your instructor should ask each participant to complete pre- and post-training knowledge assessments. Those assess-ments will indicate whether participants in-creased their understanding of HIV/AIDS in these training sessions, and the specific elements of the pathology of HIV/AIDS does not necessarily change in the behavior of participants.

To determine the effectiveness of the training session it is important to gauge the reality of instruction. An evaluation should be made at the end of each training session. These assessments will 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 ses-sion was worthwhile. Evaluation instru-ments used during your training should be referred to as "tests." If the evaluation instru-ments indicate that the training ses-sion was not well received, we can con-sider appropriate remedies including altering course contents or securing a different in-structor.

VII. CONTENT

The following topics are suggested for class content. The percentages attached to these topics are intended as a guide for the develop-ment of individual sessions. Discussion and questions at each department or agency will vary depending on the group addressed. Because discussion and questions are impor-tant, and there are always time constraints, an instructor must be flexible in practice.
6. 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 equally important to provide sufficient time for questions and answers in this part of the training and no question is too dumb.)

7. 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.)

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

9. Resources and Closing Questions and Answers.
employees 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 develop their own organizational policies and procedures that comply with the requirements of the Family and Medical Leave Act, the Americans With Disabilities Act of 1990, the Privacy and Security Rule, and the Office of Personnel Management (OPM) policy statement. Each department or agency has its own organizational structure and personnel policies that must address the specific needs of its employees.

Privacy and confidentiality

An employee’s health condition is personal and confidential. Employees should never release any personal information about an employee’s health condition.

XIII. GENERAL POLICIES FOR SUPERVISORS AND MANAGERS

Addressing co-workers concerns

Be sensitive and responsive to co-workers’ concerns and emphasize the need for education. Be clear that treatment, harassment, maltreatment, or harassment in the workplace will not be tolerated. Through training, staff can educate employees that some basic behaviors exist for maintaining a safe and harassment-free workplace.

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, assure quality standards, and expedite the educational process:

1. To achieve consistent, the training should be conducted at every level throughout the organization.

2. The training should be conducted in a manner that will result in an understanding of the organization's policies and procedures.

3. Establish a local area network (LAN) for staff to access the guidelines and training materials.

4. Develop a network of regional and state organizations to provide support and resources.

5. Use a variety of training methods to accommodate the needs of all employees.

6. Conduct regular training sessions to reinforce the importance of the guidelines and policies.

7. Keep the education and policy modules up to date and provide regular training updates.

XV. QUESTIONS AND ANSWERS

XVI. ADDITIONAL RECOMMENDATIONS

XVII. CONCLUSION

XVIII. APPENDICES
dressed by the end of the session. However, if too many questions are deferred, the instruc-
tor may lose credibility. A skilled, experi-
cenced instructor will strive to arrive at the
necessary balance.

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

Before conducting the pilot sessions, take
the time to meet with the employees who
will be attending the sessions. (Are they
analysis, lawyers, account-
ants, 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 train-
ing.

Work with your management 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 fu-
ture 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.

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 de-
partment or agency.

During the training, provide supple-
mental information regarding discussions of
HIV/AIDS with children and teens. The
themes for HIV/AIDS Day, December 1, 1994,
will be "AIDS and the Family." You may
want to contact unions or workshops empha-
sizing "AIDS and the Family" throughout
the year, or during the week of December 1, 1994.

Provide additional information to all
employees to enhance and reinforce under-
standing about the nature and transmission of
HIV/AIDS, as well as opportunities for
ment and personnel management directives, meetings, guest ex-

dents, films and video newsletters, union publications, fact sheets, pam-

tlets, etc.

XV QUARTERLY REPORTS

Each department and independent agency is required to send quarterly reports to the
Office of National AIDS Policy. These re-

ports are compiled and sent directly to the
President. Accurate record keeping will ex-

pand the report writing process. The
FWAIE Quarterly Report should include:

1. The number of staff trained during


the quarter, including number of classes and av-

erage 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 it represents.

4. Progress, developments and obstacles

in implementing the HIV/AIDS education pro-

gram (logical program, informational cam-

paigns, personal assistance).

5. Progress made in updating and revising
departmental non-discrimination policies.

6. Future plans and milestones in imple-

menting the HIV/AIDS Initiative within your
department or agency, along with the
number of employees who are scheduled for

training during the next quarter, and

(foresee barriers to successful imple-

mentation.)

7. List private-sector and non-profits

organizations that have visited with you about

their training programs.

8. Other activities you plan or have sched-

uled for re-emphasize AIDS Awareness, es-


Include any press articles about your imple-

mentation of the Federal Workplace AIDS

Education Initiative.

9. For the last report of the year, your fu-

ture 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.

XVI. RESOURCES

The Office of National AIDS Policy, the
Department of Energy, the Office of Person-
nel Management, and other Federal agencies
have collaborated with the Department of
Health and Human Services' employee as-

sistance program to develop training pack-

ages which comply with these guidelines.

Supervisor training materials are newly
completed and your agency FWAEI contact will
be notified when these training packages are
available.

Managers 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) 636-0212. 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 post-

ed in the room.

XVII. SUPPLEMENT READING

Periodicals

"A Case of AIDS" by Richard S. Yellow
and Michele S. Marram, Harvard Business
Review, November-December 1991, pages
14-25.

"AIDS Education in a Necessary High-risk
Activity," by Jonathan A. Segri,

"AIDS Policy & Law," a bimonthly
newsletter of Buraff Publications, 250 Connecti-
cut Avenue, N.W., Suite 480, Washington,
DC 20036, (202) 385-6625.

"Financial Realities of AIDS in the
Workplace," by Vaughn Allton, HRMagazine,

"Human Immunodeficiency Virus/Im-
munodeficiency Syndrome Training from a
Union Perspective," by Elaine Askari,
M.H. and John McBrig, B.A. American Journal of
Industrial Medicine, 17, 711-729 (1985).

"AIDS Reference Guide," published by At-

tlantic Information Services, 1501 17th Street
N.W., Suite 490, Washington, DC 20005,
(202) 775-3006.

"Removing the Mystery from AIDS Edu-

cation," by Anne E. Jordehim, Ed.D., R.N.,


"Why AIDS Policy Must Be a Special Pol-

icy," by Jon Scoggin, LL. Russell Mitchell,
and Karen Thurston, and Christina Del
Valle, Business Week, February 1, 1990, pages
30-34.

Other books

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

versity Publishing.

AIDS Handbook by Brenda S. Faison,
M.D., and edited by Laila Mounts, Ph.D.,
published in 1981 by Designaa Publishing,
P.O. Box 261, Durham, North Carolina
77025-3641.

AIDS in the Workplace, Legal Questions
and Practical Answers, by William F. Barta,
published in 1993 by Lexum Hong, 856
Third Avenue, New York, NY 10222.

Getting the Word Out, A Practical Guide
to AIDS Materials Development by Ana
Consoled Martiella, 1992 by Network Publica-

tions, P.O. Box 1880, Santa Cruz, CA 95061-

1390.

The Guide to Living with HIV Infection
by John G. Bartlett, M.D. and Ann K.
Finklehein, published in 1993 by The Johns
Hopkins University Press, 727 North Charles
Street, Baltimore, Maryland 21201-3415.

Managing AIDS in the Workplace, by Sam
P. Rentken, L.L.R., M.S.A. and Alan R.
Emery, Ph.D., published in 1993 by Jossey-
Bass, Inc.

Preventing AIDS, A Guide to Effective
Education for the Prevention of HIV Infec-
tion, American Medical Association, 4218
Fifteenth Street, NW, Suite 306, Wash-
ington, DC 20036, telephone (202) 628-
9500, FAX (202) 628-9499.

Training Educators in HIV Prevention, An
Inservice Manual by Janet L. Collins, Ph.D.
and Paul O. Britton, 1990 by Network Publi-

cations, P.O. Box 1889, Santa Cruz, CA 95061-

1390.

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 Fair-
view Hospital and Healthcare Services), 2450
Riverside Avenue South, Minneapolis, MN
55403.

100 Questions and Answers About AIDS
by Michael Thomas Fuld, published in 1993 by
New Discovery Books, Macmillan Publish-

ing Company, 863 Third Street, New York,
NY 10032.

Message #1

Subject: Management of HIV/AIDS Training.

Date: 01/31/95 02:27 p.m.

From: Stec at FAS07.

To: CFAS07.

On February 19, 1993, President
Clinton mandated Federal HIV/AIDS education
for all Federal employees. To comply with this
Presidential mandate, the Foreign Agri-

tural Service is presenting the attached

mandated mandatory HIV/AIDS training

sessions.

Please attend the sessions, or arrange
designed to switch session with a


coworker.

Supervisors are responsible for disseminat-

ing this information to their employees and

for certifying that all employees under their

superior have attended at least one session

of the mandatory training.

Please contact Charlotte Stec, 720-1596, if

you have any questions regarding this train-


ing.
Message #2
Subject: PL 480 status of PA report.
Author: Rivera, JA at FAS15.
Date: 07/26/95 09:13 p.m.
The monthly Public Law 480 - Status of PA report is now available on the "u:" drive. To access it, go to "j:" from the Windows File Manager; since this is a Lotus file, click on "init." This report shows Public Law 480, Title I agreements signed, registered, and registered. For information, please call Jose Rivera at 720-608.

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.

Time, Location, Last Name, Begins in Letters

February 7, Tuesday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, A-AE, BI-CI.
February 4, Wednesday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, CL-DI, DO-GA.
February 9, Thursday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, GB-HAN, HAN.
February 14, Tuesday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, GB-HAN, PO-RD, RU-SL.
February 17, Friday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, GB-HAN, PO-RD, RU-SL.
February 21, Monday 8:30-11:30 a.m. 12:30-2:30 p.m., Jefferson Auditorium, SM-TI, TO-HD.
February 25, Tuesday 8:30-11:30 a.m., Jefferson Auditorium, WRT-75.

For further information, please contact Charlotte Stec. HIV/AIDS Coordinator, 720-608 or 720-996.

From the Washington Times, Mar. 27, 1995

MANDATORY FEDERAL AIDS CLASSES CITED AS PROGRESS GAY AGENDA

TRAINING ADDRESS RELIGIONS 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 a "transgression of our traditional values.

The Department of Energy's AIDS program was ordered to attend or be disciplined for "taking time away from work" from participants who have used the information to educate others. The program is scheduled to end this week.

Some federal workers have objected to the training. A predominate employee said he walked out during his department's session. "I was shocked and upset when the instructor said that that is mandating federal employees to sit down and listen to that information," he said. "I don't think this is a good use of time."

For information, please call Jose Rivera at 720-608.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS's budget for agricultural research is particularly tight. Nevertheles, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend mandatory training sessions which are apparently required by the President for 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-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.

Mr. Woodall's 600-member organization is compiling information on the program. "I do not have any problem with gays relating to guys when talking about sex," he said. "The issue is, the U.S. government is mandating that agenda using taxpayer dollars.

Richard Sorian, White House spokesman on AIDS policy, disagreed with the characterization of the program. "The effort has been very successful of trying 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 materials. For example, he said, the section on "breaking down audience resistance" based on religion is an effort to have workers air these concerns so they can discuss them.

"They are not trying to change someone's religious beliefs at all," Mr. Sorian 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. Sorian said such words as "addict" are avoided for a good reason. "If you say drugs are acceptable to HIV, but they don't consider themselves an addict, 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 will then know how many workers were reached through sex or drug use expect what they get."

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

The training manuals portray people opposed to condom distribution in schools as "partisans." They tell trainers: "They are not trying to change someone's religious beliefs at all." Mr. Sorian said.

Some federal workers have objected to the training. The Clinton administration's AIDS education mandate is "treading on religious beliefs at all," Mr. Sorian said. "We have been suspecting for a long time that AIDS education is being used as a facade to promote the homosexual lifestyle," he said.

Some federal workers have objected to the training. A defense Department employee said he walked out during his department's session. "I was shocked and upset when the instructor said that that is mandating federal employees to sit down and listen to that information," he said. "I don't think this is a good use of time."

For information, please call Jose Rivera at 720-608.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS's budget for agricultural research is particularly tight. Nevertheless, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend mandatory training sessions which are apparently required by the President for 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-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.

Mr. Woodall's 600-member organization is compiling information on the program. "I do not have any problem with gays relating to guys when talking about sex," he said. "The issue is, the U.S. government is mandating that agenda using taxpayer dollars."

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

Mr. Sorian said such words as "addict" are avoided for a good reason. "If you say drugs are acceptable to HIV, but they don't consider themselves an addict, 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 will then know how many workers were reached through sex or drug use expect what they get."

To suggest that a person use his own drugs or injection equipment or try "disinfecting with bleach" to avoid getting the human immunodeficiency virus, which causes AIDS.
poses that the Ryan White CARE Reau-
activities relating to cancer.

funds appropriated for such fiscal year for
not exceed the total amounts discretionary
fiscal year for AIDS and HIV activities may

SEC. . LIMITATION ON APPROPRIATIONS.

The PRESIDING OFFICER. The
clerk will report.

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 that the order for the
former amendment so that I can offer
another amendment.

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

AMENDMENT NO. 187

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

Mr. HELMS. I now send an amend-
ment to the desk and ask that it be

The PRESIDING OFFICER. The
clerk will report.

The bill clerk proceed 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
previous amendment so that I can offer
another amendment.

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

AMENDMENT NO. 188

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

Mr. HELMS. I now send an amend-
ment to the desk and ask that it be

The PRESIDING OFFICER. The
clerk will report.

The bill clerk proceed 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
previous amendment so that I can offer
another amendment.

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

AMENDMENT NO. 189

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

Mrs. KASSEBAUM. Mr. President, 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 Kan-
sas.

The assistant legislative clerk read as
follows.

'The Senator from Kansas (Mrs. KASSE-
BAUM) proposes an amendment numbered
189.'

Mrs. KASSEBAUM. Mr. President, I
ask unanimous consent that my amendment
be dispersed with.

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

The amendment is as follows:

At the appropriate place, insert the follow-
ing new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN
ACTIVITIES.

"None of the funds authorized under this
section 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
section may be used to provide medical treat-
ment 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 pro-
 mote 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 in-
creased drug use. Specifically, some
are concerned that needle exchange
programs and prophylactic distribution
programs may lead to increased homo-
 sexuality 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
I yield the floor. Mr. President.
Mr. HELMS 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 next few days, 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 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.

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 languages 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.
... and insert the following:

"an amount equal to 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 49, line 1 and all that follows through line 14 on page 49.

On page 49, line 10, strike "(E)" and insert "(G)".

On page 49, line 19, strike "(H)" and insert "(I)".

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

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 formulas under part A, an assessment of the degree to which the formula reflects the relevant costs of providing services under such title XXVI within eligible areas;

4. in the case of the formulas under part B, an assessment of the degree to which the formula reflects the relevant 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 consult with the National Academy of Sciences on the contract entered into under subsection (a). Such studies 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 degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

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

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

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

(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 that any other information that would contribute to a thorough assessment of the appropriateness of the current formulas 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 transmission to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to the committees.

On page 53, line 21, strike "(F)" and insert "(I)".

Mrs. KASSEBAUM. Madam President, this amendment has been agreed to by both sides. It addresses a problem that would exist particularly in Florida regarding formulas. 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 PRESIDENT. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

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

THE PRESIDENT. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mr. HELMS. 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.

Mr. HELMS. Madam President, people are dying. People are dying and we have the chance today of enacting a bipartisan 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 a bipartisan 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—about about those people got H1.

Madam President, in 1981, two physicians, unknown to each other, on opposite sides of the United States, made similar observations that they would 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 realisation 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 1984 and by fiscal year 1989 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 by anger, and blame. Fortunately, over time, our compassion has grown for those infected with this insidious virus, as we understanding about the causes of and treatment 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 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 1989, a bill I was pleased to author with my colleagues 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 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, D.C. 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 us 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 25 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 441,328 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 care program which provides much needed home-maker, 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 backtrack 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 today. 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. I believe 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.

I wish to thank my esteemed colleagues, especially our floor managers today, Senators KAISERBAUM 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. KASSBAUM. Madam President, I wish to express appreciation to the Senator from Utah, Senator HATCH, as he mentioned, was the original co-sponsor 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 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 was needed.

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. KAISERBAUM. I would just say Senator HATCH, of course, we miss on the Labor and Human Resources Committee, where he was at one time chairman and ranking member, and I have big shoes to follow in that leadership. I, on behalf of 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 available 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 1988 (P.L. 100-381). 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 1988 (P.L. 100-381) 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. 30, 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). Eighty 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 case-load 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 1994. 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 special projects of national significance (SPNS) program provides a grant program that promotes advanced projects of national significance (SPNS), 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, perinatal women, and their families.

Appropriations for FY 1995 total $633 million as follows: $237 million for title I, $232 million for title II, $25 million for title III, and $35 million for title IV. On March 2, the full Senate Committee on Appropriations (a subcommittee reported receipt of $237 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 outreach and education 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, 44% of funds would go to title I; a method for distribution for later years would be developed by the Secretary.

Allocations 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 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 caseloads of at least 500 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% withdrawal from each title, rather than 10% from title II alone.
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 Wisconsin residents have been diagnosed with HIV infection and AIDS since 1985. As of March 1995, the Centers for Disease Control and Prevention has reported 46,024 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 provides the most effective form 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 citizens 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 these 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.

Mr. President, 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. 611, 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 is the right 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 1992.

It tracks five diseases—HIV-AIDS, diabetes, cancer, heart disease, and stroke. We are spending $26,763 per HIV-AIDS death, $6,411 per diabetes death, $2,070 per cancer death, $1,032 per heart death, and $721 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 8 times more research funding per death of an AIDS victim than was spent per death of those of heart disease. Hence, with regard to dollars spent per death, AIDS funding exceeded stroke funding by 8 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 $5 billion over the next 5 years. So, where is this $7.9 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 CARE Act would be implemented:

'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 $250 million for this section—just over half of the total amount allocated for the year.

So, the big cities get $38 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 vic-
tims, 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 OAAH pro-
gram. 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 450,000 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 65,000.

Concord has about 36,000.

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

That is not to say that New Hamp-
shire does no 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 inclin-
ances 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 Presi-
dent, I think we have now reached an 
agreement.

I ask unanimous consent that the fol-
lowing amendments be the only amend-
ments in order to S. 941, and that no 
second-degree amendments be in order 
to the amendments: the pending 
amendment is No. 1844. Then following, 
Helms amendment 1855; Helms amend-
ment 1857, regarding funding equity; 
Helms amendment 1856, regarding 
training; Kashebaum amendment 1869, 
regarding funding equity; a Kashebaum 
amendment regarding promotion, 1859; 
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 
ofered by Senator Kennedy.

Further, that at the hour of 9:15 o'clock 
on Thursday, Senator Reid be recog-
nized 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 rec-
ognized to offer his amendment regard-
ing the funds being funneled into large 
cities with big cities, to be equally 
divided in the usual form, and that 
following that 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 pas-
sage, all without any intervening ac-
tion 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 de-
termined by the two leaders.

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

Mrs. KASSEBAUM. I thank the 
Chair.

Madam President, there are no fur-
ther votes for this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The 
clerk will call the roll.

The assistant legislative clerk pro-
ceded to call the roll.

Mrs. KASSEBAUM addressed the 
Chair.

The PRESIDING OFFICER. The Sen-
ator 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 uni-
animous consent that there now be a 
period for the transcription of routine 
morning business with Senators per-
mitted to speak for up to 5 minutes 
each.

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

TRIBUTE TO THE LATE FRANCIS 
M. HIPP

Mr. THURMOND. Mr. President, over 
the past 49 years, South Carolina has 
 enjoyed tremendous economic growth, 
and has emerged as one of the Nation's 
leading centers for commerce and indus-
try. 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 found-
ed the Liberty Life Insurance Co., 
which Francis eventually took over and 
ran as its chairman. Under his di-
rection, the company grew and diversi-
ﬁed, even acquiring a chain of tele-
vision stations, including one in Co-
lumbia, SC. The Liberty Corp., as it is 
now known, is one of our State's larg-
est insurance companies, employing 
literally thousands of people and con-
tributing an irresistible beneﬁt to 
South Carolina and its economy.

Because of his stature as a business-
man, 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 impor-
tant 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, to the 
concerted efforts of Francis Hipp, and 
those who worked with him, our 
State stands both ﬁnancially stronger and better positioned to com-
pete in the 21st century global market-
place.

Mr. President, Francis Hipp led a full 
and productive life, and through his 
work, he left a tremendous mark on 
South Carolina. He was an able busi-
nessman, 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, Jill. In Janice 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 65,000 young people with 
whom I have visited during the nearly 
20 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, 1993. I wanted to make a master of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, July 25, stood at $4,740,261,000,000 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 Choctaw Nation was allowed to become a sovereign nation, the Choctaw 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. 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 informed 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 embrace the idea in honor of this occasion should contact Mr. Sean McGuinness at the Celtic-American Heritage Society, Post Office Box 536, Jackson, MS 39296-536.

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 those 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. 31). 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. 2903. 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 this disagreement; 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. Butler, 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. Royce, Mr. Bliley, Mr. Cole, Mr. Miller of California, Mr. Hamilton, Mr. Dingell, and Mr. Mifsuda.

For consideration of House amendment numbered 4: Mr. Cole, Mrs. Foxx, Mr. Pitts, and Mr. Madsen.

For consideration of House amendment numbered 5: Mr. Young of Alaska, Mr. Calvert, Mr. Miller of California.

MEASURES REFERRED TO COMMITTEE

MEASURES PLACED ON THE CALENDAR

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

H.R. 3. 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
INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent and referred to the appropriate committee or committees:

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. PISTE, Mr. MSOWR, and Mr. MACK):
S. 972. 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. RUSO, and Mr. INOYE):
S. 974. 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. 973. A bill to reauthorize and improve the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

By Mrs. HOEK:
S. 976. A bill to designate the Western Program Service Center of the Social Security Administration located at 1231 Nevin Avenue, Richmond, California, as the "Francis J. Hagen Building"; and for other purposes; to the Committee on Finance.

S. 977. A bill to authorize research, development, and demonstration of hydrogen as an energy source. By Mr. HARKIN (for himself and Mr. AKAKA, Mr. BINGAMAN, Mr. INOYE, Mr. STEPHEN, and Mr. SIMON):
S. 978. A bill to require the President to incorporate a resolution recognizing the contributions of the United States Army Air Forces 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. PISTE, Mr. MSOWR, and Mr. MACK):
S. 973. 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 COMMUNITY RESPONSIVELY (VOICE) 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 Effective Term Limits Voice Act, would authorize a national advisory referendum on term limits for Members of Congress. It is a companion bill to legislation being introduced 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.

Last May, the term limits movement suffered a major blow when 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 roll call 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 6 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, Mr. President, today, I am introducing with Senators RUSO and INOYE the Lupus Research Amendments of 1995. This bill would provide the funding so desperately needed by NIH to press forward without us by passing ballot initiatives to limit the terms of their own Federal representatives.

Lupus is a painful, potentially devastating chronic autoimmune disease that occurs mostly in young women of childbearing age. Lupus affects 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 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. Treatment 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 expand clinical research for the discovery and evaluation of new treatments; encourage the coordination of improved screening techniques; and improve information and education programs for patients and caregivers and the public. In addition, researching the cause of lupus may reveal other abnormalities of the immune system, which this knowledge could help experts better understand. It is to this end that I reintroduce this legislation, which authorizes funding of $35,000,000.
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:

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 affects 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 parts 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 among white women, and an estimated 1 in 200 African-American women between the ages of 15 and 45 develop 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.

Subject 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 245d et seq.) is amended by inserting after section 441 the following new section:

“SEC. 461A. (a) In General.—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 this 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 genotypic 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) 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.
(7) Authorization of Appropriations.—For the purpose of carrying out this Act, there are appropriated $5,000,000 for fiscal year 1996, 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. 1975. 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 1997

Mr. President, Mr. President, 2 years ago this November, Congress enacted Public Law 94-142, the Education for All Handicapped Children Act, now known as section 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 lifesaving legislation. 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 Urbana High School in Des Moines, IA, testified before the Subcommittee on Disability Policy. Danette explained that she has cerebrospinal fluid 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 parents of a student receiving IDEA are receiving me for a real future. Without IDEA I am convinced I would not be receiving the quality education that Urbana 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. Carlton 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, many students with disabilities are still facing complex and difficult situations. 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 bill reauthorizing the Individuals With Disabilities Education Act.

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

I commend Secretary Riley, Judy Heumann, Assistant Secretary for Special Education and Rehabilitation 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 balance that is so important in this law.

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

1. Aligning IDEA with State and local education reform efforts so students with disabilities will benefit from them.
2. Improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible.
3. Addressing individual needs in the least restrictive environment for students.
4. Providing families and teachers with the knowledge and training to effectively support students' learning.
5. Focusing on teaching and learning.
6. Strengthening early intervention to ensure that every child starts school ready to learn.

I look forward to working with Senator Press, the chair of the Senate committee on Disability Policy, Senator Kassebaum of the Labor Committee, and other colleagues to craft a consensus bill in the tradition of this Healthy process. 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 20, 1995
Hon. ALBERT GORE, JR., President of the Senate, Washington, DC.

Dear Mr. President: Enclosed for consideration of this committee is the "Individuals with Disabilities Education Act Amendment 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 a personal 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 groundbreaking 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 behind and dropping out of school. When appropriate interventions are not provided, these students often end up in trouble with the law and spend significant time in jail. Enforcement of special 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 swamps 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 accountability 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.

Our strategy for increasing expectations and access to the general curriculum is improving the individualized education program (IEP). Our proposal would reduce the IEP process to essential results and include requirements that make more sense. The new IEP would include meaningful annual goals 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 of 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. 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 the most severe disabilities cannot appropriately be included in general State and district-wide assessments.

The new IEP would require that each State conduct alternate assessments for these few students. Our long-range strategy is that each State would use assessment results and other data to set goals for students with disabilities. States and districts would conduct alternate assessments for these few students.

One critical change is that if 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 swamps 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 accountability 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 reduce the IEP process to essential results and include requirements that make more sense. The new IEP would include meaningful annual goals 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 of 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. 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 the most severe disabilities cannot appropriately be included in general State and district-wide assessments.

The new IEP would require that each State conduct alternate assessments for these few students. Our long-range strategy is that each State would use assessment results and other data to set goals for students with disabilities. States and districts would conduct alternate assessments for these few students.

One critical change is that if 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 swamps 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 accountability 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.
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 also focus on reducing the number of placements and reevaluations on instructional rather than educational factors. Authoritative notices are necessary to achieve the IDEA objectives for them.

Our fourth principle is that families and teachers must have the knowledge and training necessary to support student learning. We must provide families and teachers—those who are closest to students—with the knowledge and training to effectively support students’ learning. There are 14 categorical programs in the IDEA. In our view, over the years and decades there has been much good work done in each of these programs, but it has not been as good as it could be. We believe that these programs need significant reform. Having developed separately over many years, the 14 programs are fragmented and too narrow to serve the complex, comprehensive, and coordinated approach for which the IDEA was designed. Our proposal would 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 be structured on developing meaningful and timely information on improving programs, working with disciplines, 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, are adequately addressed, there would be a minimum “guarantee” for disabilities to be adequately addressed. There would be a minimum “guarantee” for disabilities to be adequately addressed. There would be a minimum “guarantee” for disabilities to be adequately addressed.

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 and district-wide systems for coordinating education, health, mental health, and social services.

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 education, health, and social needs of their infants and toddlers. While States and communities have made significant 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 are identified for services, and supporting the prevention of developmental delay in 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, services that are needed for 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 parents in their children’s education. I look forward to working with you as we all strive to improve the IDEA to help improve results for children with disabilities.
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 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, subjected 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 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. Now we 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 reform, giving students with disabilities the same opportunity to be off 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 categorization 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 co-sponsor 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 Senate 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.
earned him a second Commissioner's Citation in 1982. 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, 1986, leaving a reputation for his willingness to listen closely to everyone, inquiring 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 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:

SEC. 2. REFERENCES.
For purposes of this Act, references 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."
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:

SEC. 1. SHORT TITLE. This Act may be cited as the "Hydrogen Future Act of 1995".

S. 1077

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

SECTION I. SHORT TITLE.

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

Congress finds that—

(1) fossil fuels, the main energy sources 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 involvement 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 use of clean 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. 2. 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. 3. PURPOSES.

The purposes of this Act are—

(a) 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

(b) 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.

In this Act:

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 2015 from renewable hydrogen?

I would vote for all of the above. But even if Congressman Walkus, Senator Akaka, Senator Kyl, 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 program, and it has grown very rapidly over the last few years. But the DOE biomass program is focused on either methanol production or direct electrolysis 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 produced in a biomass mill 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 5 percent of erodable 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 I 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 $10 to $15 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 relatively 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 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 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 sector investment in development of new and better energy sources and enabling technologies.

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

(3) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from use of clean energy carriers of the future;

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

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

In this Act:
SEC. 2. RESEARCH.-

(a) 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.)—

(1) RESEARCH.-The Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or duplicate public sector hydrogen activities.

(b) CONSULTATION.-Before financial assistance is provided, 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. 12401 et seq.)—

(1) to encourage the development of fuel cells as an approach to hydrogen research and development; and

(2) to ensure that the United States is participating in international efforts to develop hydrogen-relevant information and technology.

SEC. 3. DEVELOPMENT AND DEMONSTRATION.-

(a) IN GENERAL.-Pursuant to this section, the Secretary shall conduct a hydrogen research and development program as necessary, including recommendations for additional legislation.

(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. 12401 et seq.)—

(1) to coordinate all hydrogen research and development activities in the Department of Energy; and

(2) in carrying out such planning, to ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 4. TECHNOLOGY TRANSFER.-

(a) IN GENERAL.—Pursuant to this section, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department’s hydrogen research and development program.

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

SEC. 5. REPORTS TO CONGRESS.—

(a) IN GENERAL.—The Secretary shall—

(1) report on the status and progress of the Department’s research, development, and demonstration activities under this section to the Congress at least once every 2 years

(2) submit to the Congress a detailed report on the status and progress of the Department’s research, development, and demonstration activities under this section.

(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. 12401 et seq.)—

(1) to encourage the development of fuel cells as an approach to hydrogen research and development; and

(2) to ensure that the United States is participating in international efforts to develop hydrogen-relevant information and technology.

SEC. 6. TECHNOLOGY TRANSFER.—

(a) IN GENERAL.—Pursuant to this section, the Secretary shall—

(1) report on the status and progress of the Department’s research, development, and demonstration activities under this section to the Congress at least once every 2 years

(2) submit to the Congress a detailed report on the status and progress of the Department’s research, development, and demonstration activities under this section.

(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. 12401 et seq.)—

(1) to encourage the development of fuel cells as an approach to hydrogen research and development; and

(2) to ensure that the United States is participating in international efforts to develop hydrogen-relevant information and technology.

SEC. 7. COORDINATION AND CONSULTATION.—

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.

(b) CONSULTATION.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.

(c) TECHNOLOGY TRANSFER.—The Secretary shall—

(1) report on the status and progress of the Department’s research, development, and demonstration activities under this section to the Congress at least once every 2 years

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 of Energy.

(b) CONSULTATION.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.

(c) TECHNOLOGY TRANSFER.—The Secretary shall—

(1) report on the status and progress of the Department’s research, development, and demonstration activities under this section to the Congress at least once every 2 years

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.—

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 1997; and

(2) $30,000,000 for fiscal year 1998.

(b) LIMITATION ON AUTHORITY TO OBLLIGATE FUNDS.—

(1) LIMITATION.—In each of fiscal years 1996, 1997, and 1998, the total amount that may be obligated for hydrogen energy research, development and demonstration activities shall not exceed $40,000,000.

(c) TECHNOLOGY TRANSFER.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.

(d) CONSULTATION.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.

(e) TECHNOLOGY TRANSFER.—The Secretary shall—

(1) report on the status and progress of the Department’s research, development, and demonstration activities under this section to the Congress at least once every 2 years

(f) CONSULTATION.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department of Energy.
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 1.5 percent each year through the year 2030.

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 threatens 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 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 fossil fuels and 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 distribution 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 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. 341

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 341, a bill to amend the 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. 514

At the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 514, 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. 515

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 515, a bill to amend the 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.
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.

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 contributions 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. 198

Mr. NUNN (for himself, Mr. GRAMM, and Mr. ROBB) submitted an amendment to the bill (S. 21) to terminate the United Nations arms embargo applicable to the Government of Bosnia and Herzegovina, as follows:

Amendments Nos. 1849-1850

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 1995 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 whom 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 any successor entity to that foreign person; and

(D) any foreign person that is an affiliate of that foreign person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination; and

(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 any successor entity to that foreign person; and

(D) any foreign person that is an affiliate of that foreign 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.

SEC. 3. ENFORCEMENT OF SANCTIONS.

(A) In general.—The President shall impose and enforce the sanctions described in—

(1) DESCRIPTION OF SANCTIONS.—The sanctions imposed by this section shall—

(i) spare parts which are essential to United States products or production;

(ii) any type of item, other than those described in subsection (a), (b), (c), or (d) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337);

(iii) to information and technology essential to United States products or production; or

(iv) any other item the President determines is 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) any other item the President determines is essential to the national security under defense co-production agreements.

(D) any other item the President determines is essential to the national security under defense co-production agreements.

(E) any other item the President determines is essential to the national security under defense co-production agreements.

(F) any other item the President determines is essential to the national security under defense co-production agreements.

(G) any other item the President determines is essential to the national security under defense co-production agreements.

(H) any other item the President determines is essential to the national security under defense co-production agreements.

(I) any other item the President determines is essential to the national security under defense co-production agreements.

(J) any other item the President determines is essential to the national security under defense co-production agreements.

(K) any other item the President determines is essential to the national security under defense co-production agreements.

(L) any other item the President determines is essential to the national security under defense co-production agreements.

(M) any other item the President determines is essential to the national security under defense co-production agreements.

(N) any other item the President determines is essential to the national security under defense co-production agreements.

(O) any other item the President determines is essential to the national security under defense co-production agreements.

(P) any other item the President determines is essential to the national security under defense co-production agreements.

(Q) any other item the President determines is essential to the national security under defense co-production agreements.

(R) any other item the President determines is essential to the national security under defense co-production agreements.

(S) any other item the President determines is essential to the national security under defense co-production agreements.

(T) any other item the President determines is essential to the national security under defense co-production agreements.

(U) any other item the President determines is essential to the national security under defense co-production agreements.

(V) any other item the President determines is essential to the national security under defense co-production agreements.

(W) any other item the President determines is essential to the national security under defense co-production agreements.

(X) any other item the President determines is essential to the national security under defense co-production agreements.

(Y) any other item the President determines is essential to the national security under defense co-production agreements.

(Z) any other item the President determines is essential to the national security under defense co-production agreements.

(aa) any other item the President determines is essential to the national security under defense co-production agreements.

(bb) any other item the President determines is essential to the national security under defense co-production agreements.

(cc) any other item the President determines is essential to the national security under defense co-production agreements.

(dd) any other item the President determines is essential to the national security under defense co-production agreements.

(2) Any country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(3) Any country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(E) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(F) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(G) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(H) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(I) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(J) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(K) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(L) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(M) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(N) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(O) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(P) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(Q) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(R) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(S) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(T) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(U) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(V) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(W) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(X) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(Y) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(Z) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(aa) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(bb) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(cc) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(dd) any other country or entity the President determines is otherwise contributing to the proliferation of weapons of mass destruction.

(3)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(4)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(E)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(F)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(G)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(H)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(I)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(J)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(K)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(L)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(M)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(N)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(O)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(P)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(Q)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(R)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(S)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(T)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(U)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(V)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(W)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(X)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(Y)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(Z)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(aa)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(bb)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(cc)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。

(dd)任何其他国家或实体，国际社会认定其为恐怖主义行为的支持者。
July 26, 1995

CONGRESSIONAL RECORD—SENATE 20505

(B) a corporation, partnership, or other non-governmental entity which is not a United States national;

(4) IRAQ.—The term "Iraq" includes any agency or instrumentality of Iraq;

(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 tritium-tellurium (TNT);

(6) DEFINITIONS.—For purposes of this subsection, the term "required 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 owns permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of any State, any 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) a foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

AMENDMENT No. 1850

At the appropriate place, insert the following:

SECTION I. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1995." SEC. 2. CONGRESSIONAL FINDINGS.

(a) In General.—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, the Government of Iran suppressed 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.

(2) As cited by the Department of State, 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 toward improved compliance with human rights in accordance with the current international instruments."

(3) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blown, severe beatings, and positional inducing pain.

(4) As cited by the Department of State, the Government of Iran is a sponsor of radioterrorism, threats that have used terrorism as a tool. These include such groups as Hezbollah, HAMAS, the Islamic Jihad, and the Islamic Republic Front for the Liberation of Palestine-General Command (PFLP-GC).

(5) As cited by the Department of State, the Government of Iran has provided anti-U.S. missiles to Hezbollah in Lebanon from 1984-1986. Iran has sold ballistic missiles to Iraq.

(6) As cited by Amnesty International, the Government of Iran has used the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Islamic Democratic Party of Iran.

(7) As cited by the Department of State, the Government of Iran has harassed former Prime Minister Bahjat Sirri, and the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Islamic Democratic Party of Iran.

(8) As cited by the Department of State, the Government of Iran has continued to support the Turtle Island Front for the Liberation of Palestine-General Command (PFLP-GC).

(b) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(c) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(d) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(e) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(f) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(g) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

(h) As cited by the Department of State, the Government of Iran has refused to cooperate with international human rights standards.

AMENDMENT No. 1850

At the appropriate place, insert the following:

SECTION II. JURISDICTION.

SEC. 3. JURISDICTION; PENALTIES; COMMITTEE REPORTS.

(a) Jurisdiction.—In addition to the transactions described in sub- section (b), the trade embargo imposed by this Act prohibits any transaction described in sub- section (a) when engaged in by a United States national.

(b) Penalties.—The importation into the United States of any good or service which is in whole or in part, grown, produced, manufactured, ex- tracted, or processed in Iran.

(c) 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 di- rector of each international financial institu- tion described in paragraph (2) to oppose and vote against the extension of credit or any other financial assistance by that institution for any project that is not consistent with this Act.

(2) The international financial institutions referred to in paragraph (1) are the Interna- tional Bank for Reconstruction and Develop- ment, the International Development As- sociation, the Asian Development Bank, and the International Monetary Fund.

(3) The Congress finds that the United States has not been able to exert sufficient influence in these international financial institu- tions necessary to prevent the provision of financial assistance for any project that is not consistent with this Act.

(4) The Secretary of the Treasury shall instruct the United States executive di- rector of each international financial institu- tion referred to in paragraph (1) to oppose and vote against the provision of any assistance by that institution for any project that is not consistent with this Act.


The provisions of subsections 3 and 4 shall not apply in the case of a provision of law which is not consistent with this Act.

AMENDMENT No. 1850

At the appropriate place, insert the follow- ing:


(a) In General.—Except as provided in subsection (b), 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 ex- change of Iran.

(2) The transfer of credit or payments be- tween, through, or to any banking institu- tion, 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 involv- ing, any property in which Iran or any na- tional thereof has any interest; by any per- son, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to, or for export to any other country for re-export to Iran, by any person subject to the jurisdic- tion of the United States of any item or technology controlled under the Export Ad- ministration Act of 1979, the Arms Export Con- trol 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, ex- tracted, or processed in Iran.

(c) 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 di- rector of each international financial institu- tion described in paragraph (2) to oppose and vote against the extension of credit or any other financial assistance by that institution for any project that is not consistent with this Act.

(2) The international financial institutions referred to in paragraph (1) are the Interna- tional Bank for Reconstruction and Develop- ment, the International Development As- sociation, the Asian Development Bank, and the International Monetary Fund.

(3) The Congress finds that the United States has not been able to exert sufficient influence in these international financial institu- tions necessary to prevent the provision of financial assistance for any project that is not consistent with this Act.

(4) The Secretary of the Treasury shall instruct the United States executive di- rector of each international financial institu- tion referred to in paragraph (1) to oppose and vote against the provision of any assistance by that institution for any project that is not consistent with this Act.


The provisions of subsections 3 and 4 shall not apply in the case of a provision of law which is not consistent with this Act.
(2) has ceased its efforts to acquire a nuclear explosive device; and
(3) has ceased support for acts of international terrorism.

sec. 4. Approval of Amendment.

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—

(i) the nature and other military capabilities of Iran; and
(ii) the support, if any, provided by Iran for acts of international terrorism.

sec. 5. 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 that would be considered an act of terrorism 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 Committees 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 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 own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity;

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B); and

(D) any other person who is a citizen of, or a national or resident of, a country that is hostile to the United States, or who is a citizen of a country in which the United States carries on a war or is at war with a country, or which has a government that is hostile to the United States.

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1996

COHEN AMENDMENT NO. 161

Mr. COHEN proposed an amendment to amendment No. 183 proposed by Mr. DOLE to the bill (S. 641) to terminate the United Nations arms embargo against the United States 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 1996

KASSEBAUM (AND KENNEDY) AMENDMENT NO. 1853

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. 7. Definitions.

(a) Requirements—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 subsection (a) may not be eligible to receive assistance under this part if such State fails to provide the certification required under subparagraph (A) not later than 3 years after the date of enactment of this Act, and not later than 3 years after the date of enactment of this Act, the State shall be ineligible to receive assistance under this part.

(c) Effective Date—Subsection (a) shall take effect on the date of the enactment of this Act.

The amendment proposed by Mr. HELMS.

HELMS AMENDMENTS NOS. 1853-1857

Mr. HELMS proposed five amendments to the bill S. 641, supra; as follows:

Amendment No. 1853

As the amendment proposed by Mr. HELMS.

Amendment No. 1854

As the amendment proposed by Mr. HELMS.

Amendment No. 1855

As the amendment proposed by Mr. HELMS.

Amendment No. 1856

As the amendment proposed by Mr. HELMS.

Amendment No. 1857

As the amendment proposed by Mr. HELMS.
or indirectly, homosexuality includes, but is not limited to, affirmative 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. 1850**

At the appropriate place, insert the following:

**SEC. 2678. PROHIBITION ON PROMOTION OF HOMOSEXUAL ACTIVITY.**

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the budgetary disallowance of the report required under subsection (c) of the conference committee report of the House and Senate on the Budget Reconciliation Act of 1995, as amended.

At the appropriate place, insert the following new section:

**SEC. 2679. AUTHORITY FOR COMMITTEES TO DISCUSS CERTAIN MATTERS.** The Committee on Energy and Natural Resources shall hold a public hearing on the report required under subsection (c) of the conference committee report of the House and Senate on the Budget Reconciliation Act of 1995, as amended, to discuss certain pending military nominations.

**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.
Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m. to hold a hearing on new directions in Medicare.

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

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. for the purpose of conducting a hearing on the carriage of Equal Rights Amendment. The PRESIDING OFFICER. Without objection, it is so ordered.

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.

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.

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

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Commerce, Science, and Transportation be authorized 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.

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 SS-215, to conduct a hearing on new directions in Medicare.

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

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be authorized 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.
friends, and from sharing in the opportuni-
ties and challenges of new possibilities.

We created systems of separate living, sep-
ara
tate transportation, separate communi-
cation, separate recreation, and separate edu-
cation—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 mem-
bers of society.

Beginning with President Kennedy's New Frontier in the United States, a peaceful rev-
olution toward independent living and com-
unity-based supports was launched and con-
teined to this day. Gradually, we moved away
from the paternalism and protection-
ism that characterized public attitudes and
government policies toward people with
mental retardation. Old approaches such as
institutionalization came to be seen as out-
dated policies that fail to adequately recog-
nize the true value of human potential. Peo-
ple 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 individuals with mental retarda-
tion moved out of the back wards of institu-
tions and into group homes and supported
living. They moved from sheltered work-
shops 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 in-
clusion in regular schools. They moved from
tax dependency to tax payers. Through par-
ticipation in education, employment, and
many other aspects of community life, peo-
ple with mental retardation began to be
thought of for what they are—real people
with mental retardation taken into the main
stream of American life.

Empowerment is one of those words in com-
mon use today that mean different things
to different people. When we talk of empow-
ernent for our fellow citizens with disabil-
ities, including mental retardation, we mean
movement toward independence, produc-
tivity, and self-determination. Independence
means a level of control and choice over
one's own life. It means the active partici-
pation in the workforce and genuine con-
tribution to a family or community. Integra-
tion means developing real relationships
with other people, utilizing the same com-
nunity resources available to everyone else,
and living in homes located in the com-
munity.

That sense of empowerment has been the driving
force in the world community since the pas-
sage of the U.N. Declaration on the Rights
of the Retarded Person in 1971. That high pur-
pose was re-stated in the Standing Rules on
the Equalization of Opportunities for Per-
sons with Disabilities adopted by the United
Nations in 1982. It is time—now to—issue a
new call to ac-
tion, 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 essen-
tial catalyst for action in other lands. We are
the largest group of nations, non-gov-
ernmental organizations and public and pri-
ivate leaders throughout the world to come
together to discuss the ways and means of
involving families, schools, employers, com-
unities, and whole nations with the ener-
gy and talents of people with mental retar-
dation.

This Symposium is a forum to enable
government officials, policy makers, and advoca-
tes to compare recent successes, to discuss
the role of government and every other insti-
tution of society in the empowerment of peo-
ple with mental retardation, and to develop
strategies for moving forward.

By committing ourselves to action, by shar-
ing state-of-the-art knowledge about which
classes are effective and which programs
models can be implemented across national
borders or even worldwide, we can bring re-
newed spirit and deeper understanding to the
drive for real inclusion of our fellow citizens.

It is my hope that this Symposium will
work to make empowerment not just a slogan
but a reality in the daily lives of people
with mental retardation everywhere. Plan-
inns take vision, and action takes cour-
age—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 polic-
ies enacted. 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
are all levels, organizations of all kinds, and
individuals of all abilities must be actively
gaged in bringing about the changes nec-
ecessary to empower people with mental retar-
dation. As an African proverb holds, "It
takes a village to raise a child." A village
that 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
government's role, not because it is the
most important, but because it is the most
familiar to me. As President Kennedy said
of great National Independence Day,
20 years ago: "The greatest works of our nation's
founders lay not in the documents and declara-
tions, but in creative, determined action. Others
may confine themselves to debate,
discussion and that ultimate luxury, free ad-
vice. 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 ensuring people with mental retarda-
tion the right to participate in all aspects of
life, free from injustice and invasions of
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 retar-
dation to become free of perpetual institu-
cions, 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 immoral fear, ignorance,
or a misguided sense of paternalism.

The United States and many other coun-
tries have passed specific laws in recent de-
years to advance that goal. Our country
passed a landmark Civil Rights Act in 1964,
to extend the rights of African-Americans
and other minorities to participate equally
in all aspects of American life. This law, and
the rights it granted, were not easily en-
acted. 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 fur-
ther law to prohibit discrimination against
people with disabilities in any activity that
requires 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 unpro-
tected from unjust treatment in the work-
place, in public accommodations, in trans-
portation, and in many state and local ac-
tivities and services.

In 1990, all of that changed with the enact-
ment of the Americans With Disabilities Act,
which was truly an emancipation proclama-
tion for our 40 million citizens with disabili-
ties. Through its broad protections on dis-
crimination, that law is already making it
possible for people with disabilities, includ-
ing mental retardation, to lead more fulfill-
ning and productive lives. It is our first na-
tionwide law protecting the fundamental
rights of all people with disabilities in all as-
pects of life.

It was intended to clearly and un-
equivocally eliminate the major barriers
to their full participation in society, and it
has become a catalyst for action in other lands.

According to the World Health Report on
Mental Health, 20% of the world's popula-
tion suffers from a mental illness. It is estimated
that 300 million people are mentally ill,
and 100 million have a mental retardation.

In addition to the need for basic civil
cracks, access to education is a hallmark of
a free society. This is one of the most basic
services that government can provide to
advocate the integration and independence
of people with disabilities. In 1979, we in Con-
gran passed legislation called the Education
for All Handicapped Children Act, now
known as the Individuals with Disabilities
Education Act, to guarantee a free, appro-
 priate 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 an-
other 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 in public schools. Eleven
out of every hundred have no access at all
to their community schools, and attend special
schools instead. Neverthe-
less, education is the key—without
understanding, there is no hope. And
understanding is the key—without
education, there is no solution.

In the United States, the rights it granted,
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 fur-
ther law to prohibit discrimination against
people with disabilities in any activity that
requires 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 unpro-
tected from unjust treatment in the work-
place, in public accommodations, in trans-
portation, and in many state and local ac-
tivities and services.

In 1990, all of that changed with the enact-
ment of the Americans With Disabilities Act,
which was truly an emancipation proclama-
tion for our 40 million citizens with disabili-
ties. Through its broad protections on dis-
crimination, that law is already making it
possible for people with disabilities, includ-
ing mental retardation, to lead more fulfill-
ning and productive lives. It is our first na-
tionwide law protecting the fundamental
rights of all people with disabilities in all as-
pects of life.

In the United States, this law made it
increasingly possible for children with and
without disabilities to interact with one an-
other 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 in public schools. Eleven
out of every hundred have no access at all
to their community schools, and attend special
schools instead. Neverthe-
less, education is the key—without
understanding, there is no hope. And
understanding is the key—without
education, there is no solution.
special needs. Over the past decade, Alvaro Marchini, 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 UNICEF 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. A 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 together with 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 dying needlessly from diseases that cause mental retardation. How long will the world community pay the price?

We know that environmental toxins—from indoor air pollution from lead, lack of sanitation—are all creating birth defects and learning disabilities. How long will the world community pay the price?

We know that genetic defects can cause 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 discover the 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 most of the world, and “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-advocates in 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 providing role models and realizing their own interests. Who better can articulate what it feels like to be sensibly 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?

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 turn 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 most of the world, and “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-advocates in 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 providing role models and realizing their own interests. Who better can articulate what it feels like to be sensibly 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?

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 most of the world, and “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-advocates in 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 providing role models and realizing their own interests. Who better can articulate what it feels like to be sensibly 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?

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 most of the world, and “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-advocates in 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 providing role models and realizing their own interests. Who better can articulate what it feels like to be sensibly 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?
The celebration of George's life was poignant. A story from the International Congress in New Delhi. July 26, 1995
on you, but we can all rest easier knowing George is with our grandfather now. To-
gether, with our many other beloved rel-
atives, they are watching over us.

And to all of you who have come to express your support and sympathy, our family ap-
greciates 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 Presi-
dent, 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
data, the time for the two leaders be
reserved for their use later in the day,
and the Senate then immediately re-
sume 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 informa-
tion of all Senators, the Senate will re-
sume consideration of the Ryan White
bill tomorrow at 9:15. Under the con-
sent agreement, if both amendments
regarding FDA are offered and all de-
bate time is consumed, Senators can
anticipate a series of consecutive roll-
call votes beginning at approximately
11 a.m., Thursday.

Members should also be aware if the
FDA issue is resolved earlier, then a se-
ries 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 fur-
ther business to come before the Sen-
ate, 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,
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, D.C., July 26, 1995.
I hereby designate the Honorable George P. Radanovich to act as Speaker pro tempore on this day.

NEW GURGUCH,
Speaker of the House of Representatives.

PLEDGE OF ALLEGIANCE
The Speaker pro tempore. The Chair has examined the Journal of the last day's proceedings and announces that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

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 11 o'clock and 2 minutes a.m., the House stood in recess subject to the call of the Chair.

1009
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 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 House Chamber:

- The gentleman from Texas, [Mr. Doggett].
- The gentleman from California, [Mr. Pomroy].
- The gentleman from Pennsylvania, [Mr. Murtha].
- The gentleman from New Mexico, [Mr. Richardson].
- The gentleman from New York, [Mr. Ackerman].
- The gentleman from California, [Mr. Bonsall]; 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. Nunn].
- The Senator from Georgia [Mr. Nunn].
- The Senator from Ohio [Mr. Glenn].
- 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., 1 PM is 1:00 p.m.

Master set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

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 26. Furthermore, I have always felt an affinity with this august body for your unswerving 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, the war was not over, since we soon faced with the harshest mixture 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 which have led us to this point today.

Over the last 2 years, we have poured all our efforts into bold changes and reforms to make Korea 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 had 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 62nd 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 battlefront and express deep gratitude to all those brave soldiers who took part in the Korea 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 front line 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. 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.

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.

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, 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 as a 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 to the future, the United States forces in Korea, the United States-North Korea relations, the Asian-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 Korean-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 so that the United States-United North Korea agreed framework signed in Geneva is faithfully implemented.

Mr. Speaker, Mr. President, in peace on the Korean Peninsula, the United States and North Korea can only take root through dialogue and cooperation between the South and the North, the two parties directly concerned. Without dialogue, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialogue.

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. Purposely 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, must make sure that the ideals of free trade and liberalization take root throughout the region. After World War II, the open market 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 $8 billion, and it will soon reach the $10 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 sennaehwa, 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 liberalizing 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 for humanity for peace and prosperity. Like our friendship, it is boundless.

Thank you very much.

(Applause, the Members rising.)

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 Chargé 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.
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 to pay more. Everybody in this place can, because they earn $130,000 a year. Their budget will provide seniors to pay more. Their proposed cuts will deprive seniors of choice of physician unless they can afford to pay more. Their proposed cuts will deprive seniors of choice of physician unless they can afford to pay more. Their proposed cuts will deprive seniors of choice of physician unless they can afford to pay more. Their proposed cuts will deprive seniors of choice of physician unless they can afford to pay more.

To curb costs, why not rein in rising insurance company premium costs, along with hospital costs and prescription drug costs? Why pick on our grandparents first? Let us not let America backslide 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, Arizona, 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. 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 "Bush Conservative Republican Ignorant Education" Plan.
And the No. 1 nickname for the liberal plan on Medicare: The Invisible Plan.

"AFIRMATIVE 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 affirmative 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 to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to 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.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to inquiry in the hearing now under way in this Congress.
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 lock 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 18th Congressional District in the Bronx, here are the top 10 reasons why Republicans want to cut Medicare:
No. 1, a Republican memo says older Americans are pack oriented and want to follow a leader;
No. 2, Republicans think if 40 million people over 30; Medicare, Republicans say don’t trust their judgment;
No. 3, Republicans think if 40 million Americans don’t have health care, why should seniors?
No. 4, Republicans think if 40 million Americans don’t have health care, why should seniors?
No. 5, according to Diet Army, Medicare is a program that he would have cut if the free world;
No. 6, Republicans want to cut Medicare in the middle class;
No. 7, Republicans think if 40 million Americans don’t have health care, why should seniors?
No. 8, Republicans think if 40 million Americans don’t have health care, why should seniors?
No. 9, $270 billion in cuts is a nice round number;
No. 10, Republicans think if 40 million Americans don’t have health care, why should seniors?

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 quote some facts. In 1986 Medicare spent $34 billion. In 1990 that sum had increased to $107 billion. In 1986 it will spend approximately $34 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.

Medicare Trustee Ronald Boskin has proven that Medicare will go broke in 7 years. It comes out of your pocket every year. Every month it is taken.

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 aisle.

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 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 tongs? 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 senators 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...
Mr. BOUDREAU. 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 spout rhetoric.

Many of you have a parent or grandparent who is 80 years of age and expecting Medicare benefits when they turn 85. They have worked hard all their lives, paid their taxes, and saved for their retirement. When they reach 85, 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 get the medical attention they need. We said, "You pay into this trust fund first place."

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 medical 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 to cut $270 billion in Medicare cuts to pay for tax cuts for the wealthy, 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 half of Americans, those cuts will make Medicare too expensive for many seniors who will have no plan B to turn for help except to their adult children.

Now else will seniors pay a deductible, like the cuts that has doubled, or pay a monthly premium that has doubled, or pay a new copayment for hospital care? Now 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.

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today during the 5-minute rule.

The Committees 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.

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 all Members may have a copy of amendments 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.

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 on the State of the Union for the further consideration of the bill, H.R. 2076.

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 reads the title of the bill.

The Chairman of the Committee of the Whole (Mr. GUNDERSON). When the Committee of the Whole rose on Tuesday, July 25, 1995, the amendment offered by the gentleman from Maryland (Mr. HOYIN) has been disposed of and title I was open for amendments 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 26, 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 customs 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 fled for divorce and had received temporary custody of their son.

April 94: A Boulder police officer was shot and killed while responding to a domestic dispute. The male suspect shot and killed himself at the scene.

July 1995: An Aurora man threatened with divorce shot his wife, crippling her, and killed her sister.

January 1998: A man shot and killed his wife outside a divorce courtroom in Littleton. He also wounded the man he thought was her lover.

January 1995: 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 am 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, I rise today in strong support of this 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
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, 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 memories in the crime trust fund we have approximately $4 billion that is allocated. Mr. Chaffin, 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 $18 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 $25 billion.

Out of that $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 COJP Program. Then that leaves about $1.3 billion. Out of that $1.3 billion, Mr. Chairman, approximately $715 million, about half a billion dollars, is apportioned for the Byrne Grant Program.

Now, all of my colleagues know something 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 23,000 different uses 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 there 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 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 which apportions it by States. 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 illegal immigration. It is about fairness, it really. It is about fairness, it is about equality.

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 already $6 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 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.
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 criminals against whom the Federal Government failed to 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 $600 million per year. The Mollohan amendment makes this determination again. That means New York cannot spend on schools, $43 million. 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 that 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 on these premises of your talk.

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 $1 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 colleagues 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 3,000 square miles, we have undercover drug teams, which is a combination of Federal, State, and local officers, the same team, the TUP team, the Hunt teams, the special 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 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 want 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 $250 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 $50 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.
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 fund.

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 nois or California or Florida or Texas, is that simple.

The cost of the failure of Federal policy. It is a responsibility to our own State funding. Mr. Speaker, I yield the gentleman from West Virginia. Mr. MOLLOY. 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. MOLLOY. 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. MOLLOY. 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 $4 million. California got $3 million. Florida got $1 million. Under my amendment, Florida gets $3.5 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 Molloy 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. MOLLOY), 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.

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 we 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 immigration 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 obligations 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 to 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 $500 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
July 26, 1995

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 the new Federal Government was that of protecting the national borders from foreign invaders. Concerning the fact that four million or more aliens are in our country illegally, it is axiomatic to the States 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.

In the name of reaffirming the States' 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 cannot 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 incarcerating those persons.

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 responsibility of 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 our No. 1 obligation needs to have redressed of those problems, and I say this to my colleagues, "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. ROGERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. BEILHORN).

Mr. BEILHORN. 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 aliens by $30 million.

Last year, in an amendment that I offered with several of my colleagues, Congress created the State Criminal Alien Assistance Program (SCAAP) in recognition of the serious threat that illegal aliens pose to the nation's borders and local communities. The amendment provided funds to reimburse States for at least $500 million of the cost of incarcerating illegal aliens convicted of felonies.

This year also, because of the commendable efforts of Chairman ROGERS and the subcommittee, funding for the SCAAP Program has been increased to $500 million. This is still $150 million below what is needed, but it would provide significant relief to the affected States and localities.

Criminal aliens are people who have entered our country in violation of Federal laws, that make their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, but not just those who live in regions with large numbers of illegal immigrants. The House of Representatives recognized with the passage of unfunded mandates 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 $132 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 enormous population of illegal aliens in our State. California, as the House of Representatives unanimously observed, is an unfunded mandate State, for too long have had to bear the burden of failed Federal immigration policies. That is what we are talking about.

It is estimated that Florida spends in the area of $927 million, not $13 million. There was a number for $13 million. That is an old number. The Governor's office tells us the number is $9.7 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
July 26, 1995

CONGRESSIONAL RECORD—HOUSE 20525

is a clear Federal obligation, and ear-
er this year in H.R. 667 we took posi-
tive action to help our States with the
financial burden.

The Federal Government cannot
shirk its responsibility in this, which is
what the Molloy amendment would
allow. We have seen the number of illegals
increase from 13.2 million in 1980 to
40.7 million in 1990. The incarceration of
criminal aliens costs taxpayers between
$15,000 and $20,000 per inmate annually.

Last year, American citizens spent
between $800 million and $1 billion feeding,
clothing, and housing illegal aliens.

It is a grave injustice to hold States
like New Jersey hostile to such ex-
penses for the Federal Government's
failure. The Molloy amendment is a
straightforward amendment. It moves
the time be equally divided.

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

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, there have been some
communications made about meeting our ob-
ligation to fight the alien ill profes-
sionals I have who are not American citizens.
The incarceration of criminal aliens
wastes the scarce resources that our States
would have to bear the costs.

I urge an opposition to this amend-
ment.

Mr. MOLLOY. Mr. Chairman, how
much time remains?

The CHAIRMAN. The gentleman
from Virginia (Mr. MOLLOY) has
1 minute remaining.

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

Mr. Chairman, there have been some
comments made about meeting our ob-
ligation to fight the alien problem.

Mr. ROGERS. Mr. Chairman, I rise in
strong opposition to the Molloy amendment.

The CHAIRMAN. The gentleman
from Kentucky (Mr. ROGERS) has
2 minutes.

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

Mr. Chairman, there have been some
comments made about meeting our ob-
ligation to fight the alien problem.

Mr. ROGERS. Mr. Chairman, I rise in
strong opposition to the Molloy amendment.

The CHAIRMAN. The gentleman
from Kentucky (Mr. ROGERS) has
2 minutes.

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

Mr. Chairman, there have been some
comments made about meeting our ob-
ligation to fight the alien problem.

Mr. ROGERS. Mr. Chairman, I rise in
strong opposition to the Molloy amendment.

The CHAIRMAN. The gentleman
from Kentucky (Mr. ROGERS) has
2 minutes.

Mr. ROGERS. Mr. Chairman, I rise in
strong opposition to the Molloy amendment.

The CHAIRMAN. The gentleman
from Kentucky (Mr. ROGERS) has
2 minutes.

Mr. ROGERS. Mr. Chairman, I yield
myself 30 seconds.
Mr. Chairman, it has been only about a year since the citizens of the State of Georgia had a lottery ticket, 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 money 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, I rise in opposition 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 it very soundly and very strongly in this body just a year ago, when Americans were off the street there in his district.

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 newspaper articles pointing out that the percentage of crime, the crime rate in many cases, 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 repeat offenders less often than those who served less than 5 years in prison.

But the main point is that crime 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 inexpen-sive 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 pris-ons, that a repeat offender committing crimes, particularly burglaries, be-cause the average burglar does not commit one or more burglaries every sin-gle 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 no 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 ap-propriate in every case. But what truth in sentencing does recognize is that those States that are trying to make headway by making truth-in-sen-tencing laws, which have come to mean requiring those who are sent to prison to serve at least 65 percent of their sen-tence, and I agree with the gentleman from Georgia Mr. (Rash), I think indi-viduals deserve 100 percent of their sen-tence to serve at least 65 percent of sentences might be, but truth in sentencing has come to mean serving 65 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 at headline. They then have to read in the fine print the fact that that is not the real figure. The real number is half of what is in the headlines.

Now, truth in sentencing in the bill recognizes that keeping offenders, par-ticularly 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 the street, there is an increased cost to the States to do so. For that purpose, the bill provides an incentive to support States economi-cally 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, re-peat offenders, off of the streets, and I urge rejection of the Scott amendment. Mr. SCOTT. Mr. Chairman, I ask unanimous consent to reclaim 10 sec-onds 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.

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 concern.

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. ROETH. Mr. Chairman, I rise in oppo-sition to this amendment.

By eliminating the truth-in-sentencing prison grants, the amendment would let violent crim-inals loose on the streets to continue to prey on innocent Americans. The American people are tired of the liberal soft-on-crime, hug-a-thug approach. The American people want murderers and rapists behind bars. The senseless murder of a young girl named Cora Jones in rural Wisconsin tragic-ally underscores what I've heard from thou-sands 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 belongs, Cora would be alive today.

People are scared about rising crime rates, and they are demanding action. The statistics are frightening.

Sixty-nine percent of young adults on parole are arrested again within 6 years of being released on parole. 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.

That is often double what is served in many States that are trying to make headway by making truth-in-sentencing laws. Truth-in-sentencing laws mean a 30-year sentence is just that: 30 years, no parole. Criminals will serve long and hard before committing an offense if they know they won't be locked up 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 gentle-man from Virginia (Mr. SCOTT).

The question was taken; and the Chairman announced that the ayes ap-peared to have it.

Mr. ROGERS. Mr. Chairman, I de-mand 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?

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

The CHAIRMAN. The Clerk will des-ignate the amendment.

Amendment offered by Mr. Stupak: Page 24, line 3, after "less than 50,000" insert "and not more than 50,000,000 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 re-serve a point of order on the gentle-man'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 amount. What this amendment does is set aside $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