

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: National Service

Series/Staff Member: Rick Allen

Subseries:

OA/ID Number: 1292

FolderID:

Folder Title:

National Service - Volume 1 - Congressional Record, February 27, 1990, Senate [binder]

Stack:

S

Row:

66

Section:

2

Shelf:

6

Position:

3

Clinton Presidential Records Digital Records Marker

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

Cong. Rec. 2/27/90 S.

Divider Title: _____

THE B-2 BOMBER PROGRAM

The Air Force plans to procure a total of 133 B-2 aircraft: 6 development aircraft and 127 production aircraft. Through fiscal year 1990, the Congress has authorized production of the 6 development aircraft, and 10 production aircraft, and a total of \$26.8 billion has been appropriated for the program. The President's fiscal year 1991 budget requests \$5.1 billion for an additional five production aircraft, long-lead items for future aircraft, and continuing the development and testing programs.

One development aircraft has been delivered. Deliveries of the second and third aircraft are scheduled during the next year or so. Currently, the first aircraft is undergoing some planned modifications after completing some early air worthiness flight testing. Flight testing of this aircraft is scheduled to resume in April.

PROGRAM COST

In 1981 the Air Force estimated that the cost to procure 133 B-2s would be \$32.7 billion in 1981 dollars. In 1986 the Department of Defense announced the estimated cost would be \$36.6 billion in 1981 dollars, which was equivalent to \$58.2 billion in escalated dollars over the life of the B-2's procurement. A June 1989 program cost estimate, which is the most recent official total program estimates available, puts the cost for the 133 B-2's at \$70.2 billion. This estimate represents a net increase of \$12 billion over the 1986 estimate: \$18.2 billion in cost increases offset by \$6.2 billion in estimated savings from projected productivity improvements and multiyear procurement. We have been told that a revised cost estimate is being considered by the Office of the Secretary of Defense, which includes additional costs from such changes as increased inflation rates, and the cost of the recent strike at The Boeing Company. We estimate that the changes will add another several billion dollars to the B-2's estimated cost.

The principal causes for the cost increases to date have been an incomplete aircraft design at the start of manufacturing, underestimated material costs for composite aircraft, and production schedule extensions.

In early 1981, the Air Force modified its requirements to include a low-altitude capability for the B-2. This change forced Northrop to redesign its original B-2 airframe, adding additional control surfaces and improved structures to accommodate the stresses of low-altitude high-speed flight. Northrop's redesign of the airframe also delayed its efforts to complete other aspects of the B-2 design. To meet its first flight deadline, the Air Force directed Northrop to begin manufacturing of the aircraft in 1986, even though the design was not completed. The incomplete B-2 design led to cost growth from significant increases in manufacturing labor hours, parts shortages, tooling problems, and the unintended and uneconomical transfer of manufacturing activities to the final B-2 assembly site.

The Air Force's earlier cost estimates were based on a cost estimating model drawn from experience in building aluminum airplanes. Even though efforts were made to adjust the estimate to reflect building with composites, the model produced an estimate that was significantly lower than the costs actually incurred. Manufacturing delays and other factors also caused significant scheduled delays, which in turn increased development and production costs. The June 1989 cost estimate reflected a 3-year delay in the final aircraft deliveries compared to the 1986 estimate.

B-2 PROGRAM FLIGHT TESTING AND PRODUCTION SCHEDULE

The Air Force planned a 3,600-hour flight test program to demonstrate B-2 performance capabilities over approximately 4 years, which began with the first flight of the aircraft on July 17, 1989. To date, 70 percent of the flight hours in this test program have been completed. Under the current schedule, the Air Force plans to complete development and initial operational testing in 1993. It now appears that the completion of testing could slip into 1994, as a result of delays in delivering the development aircraft.

The first 1 1/2 years of flight testing will be primarily to demonstrate basic flying qualities, and to provide preliminary data on the low observable features of the aircraft. The aircraft will not be flown approximately 6 months of this time, so additional planned modifications can be made. The pace of testing will increase as the remaining five development aircraft become available during 1990 and 1991. If current schedules are met, it will be at least 3 years before critical performance testing, including integrated offensive and defensive avionics, is completed. It has been during this critical performance testing that significant performance problems have been discovered in other advanced weapon systems programs.

OBSERVATIONS

The B-2 program's cost and schedule remain uncertain. In addition, the current acquisition strategy requires funding of \$7.5 to \$8.0 billion for fiscal year 1992 through 1995. There has been much debate on whether the Department of Defense can realistically expect to receive these funding levels. Revisions to the program to accommodate more moderate annual funding levels will also result in cost increases, unless the proposed production quantity is reduced.

The B-2 is a radically new aircraft design, and there is much uncertainty about whether its critical performance characteristics will be proven. Even in programs in which the aircraft design is more traditional, such as the B-1 bomber, significant problems persist, which require continuing investment of unanticipated resources. Under the current acquisition plan, 31 aircraft will be on order and over \$48 billion will have been appropriated before anyone knows whether the B-2 will do its job.

We believe that it would be prudent to reduce the pace of funding and production for the B-2, to limit up-front investment until the critical performance elements of the aircraft are adequately evaluated.

Northrop Corporation officials have recently argued to us that an interruption in production funding would result in significant additional costs to maintain production capability for the future. Given the current production aircraft on order and the delivery schedule, which contemplates delivery dates for these aircraft several years hence, it is unclear when or how these costs would occur. Moreover, some level of increased cost may very well be warranted until such time as sufficient information on the B-2's performance capabilities is available to support moving into full-scale production.

Given the continuing difficulties and uncertainties in the development of the aircraft, the changing world circumstances, and the questions raised about the feasibility of funding levels as high as the current program requires, the Secretary of Defense in our opinion should provide the Congress with an analysis of practical and realistic alternatives for the future acquisition of this program. This analysis would form a more

useful basis for budget action than the current program provides.

This concludes my prepared statement, Mr. Chairman. I will be happy to answer any questions you may have, to the extent possible in this open forum. In addition to the information provided in the unclassified report we issued today, we will be providing further details on certain performance and testing issues in a classified form. If your questions address issues that we believe to be classified, we will be pleased to provide answers at a later date in that form.

Mr. CRANSTON. Support for the B-2 program is eroding. I am pleased to announce that already 11 Senators have joined Senator LEAHY and myself as cosponsors of the B-2 termination bill. I am confident that even more Senators will join us in this effort to halt further procurement funding for the B-2 program.

Mr. President, I ask unanimous consent that the following Senators be added to S. 2009 as cosponsors. The Senator from Iowa [Mr. HARKIN], the Senator from Oregon [Mr. HATFIELD], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Ohio [Mr. METZENBAUM], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH].

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Hearing none, morning business is closed.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1430) to enhance national and community service, and for other purposes.

The Senate resumed consideration of the bill.

Mr. ARMSTRONG. Mr. President, in conferring with the manager, on behalf of the Democrats on this bill, I understand that the Republican manager will be on the floor shortly. When he arrives, it is my intention, when both managers are present, to offer an amendment to the volunteer service bill. Pending the arrival of the Senator from Utah who manages for the Republicans, my thought was to take a moment to explain the nature and purpose of the amendment.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. ARMSTRONG. Yes, of course.

Mr. KENNEDY. I see the Senator from Utah here at the present time. Without losing his right to be recognized, will the Senator from Colorado

UNCLASSIFIED

S 1430

permit us to at least offer the committee substitute?

Mr. ARMSTRONG. Yes, of course, I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I appreciate the willingness of the Senator from Colorado to yield. We will do so just prior to the offering of the amendment, and then ask consent that it conform with the changes that have been made at the request of the administration. They had asked us to make some technical changes, which we have done, and we will now start to debate the bill.

I think we are familiar with the issues that will be brought forward, and the Senator from Utah and I are quite prepared to debate those. Then we will accommodate the Senator from Colorado. We are grateful for him bringing his amendment before the Senate at this time. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ARMSTRONG. Mr. President, it is not entirely clear to me, the extent to which, if any, this amendment will need to be redrafted to conform to the new version of the bill that has just been laid before us. What I think I will suggest is, if staff would look at that issue, I will go ahead and discuss the amendment while we work out the issue of where it belongs in the bill, simply a question of being sure that the denomination of it is correct.

Mr. President, Americans are generous people. We all know that, but on November 22 of last year, a Gallup poll was released which documented what I thought was a very significant and interesting thing. The poll found 7 to 10 adults contributed money to a charitable organization during the preceding 12 months and 6 out of 10 gave money to their church that was earmarked in some specific way for charitable activities. Altogether, during the 12 months preceding the publication of this poll, 85 percent of Americans gave money to an organized charity, 42 percent of adults did unpaid volunteer work of some sort during the preceding 12 months, and the average volunteer contributed 6 hours of time in the 30 days preceding the publication of the poll.

The author of the poll wrote the following:

Religious spirit apparently motivates much of America's charity, since church and synagogue members are the most involved in charitable activity. Almost half the church members did unpaid volunteer work in the past year, compared with only a third on non-members. Nine in ten members gave money to a charity, compared with only seven in ten non-members. Eight in ten members gave food, clothing or other property to a charitable organization, compared with two-thirds of non-members.

In 1988, Mr. President, Americans gave more than \$100 dollars to charitable organizations. About 46 percent

of the donations went to religious groups and 54 percent to organizations in the following categories: public/society benefit; arts, culture and humanities; health; education; human services; and "all other uses." But of the billions of dollars that went to religious organizations, almost half was spent on a wide variety of human service, health, arts, educational, and societal improvement activities.

The following quotation, which is taken from a comprehensive survey of American philanthropy sums up well:

Religion today not only retains its historical influence on philanthropic giving—to secular as well as religious-affiliated organizations—it also functions as the Nation's major provider of a host of human services to neighborhoods and communities.

The discovery came to light in a nationwide survey of religious activities and finances conducted by Gallup under the sponsorship of Independent Sector.

Mr. President, some of the findings of that survey I think would be of interest to my colleagues: Between 64 and 93 percent of the congregations provide or support such services as housing, day care, free or low-cost meals, medical care, health instruction, counseling, and programmatic assistance to the disabled, and aid to international service organizations.

Between 29 and 45 percent of the congregations support, in addition to the above, programs for civil rights and social justice, community development, arts instruction and performances, elementary and high school education, and neighborhood and environmental improvements.

Beyond financial and in-kind giving, things like food, clothing, community support, so on, about one-third of the congregations provide up to 24 volunteers per month, another third offers up to 54 volunteers a month, and most of the remaining one-third provides 6 or more volunteers each month. The millions of hours thus donated by non-clergy congregation members amount to several billion dollars.

Mr. President, the reason I draw this to the attention of my colleagues as we consider S. 1430 I think is fairly obvious. We want to be sure that in the adoption of this legislation, about which there is substantial controversy, that if it is to be enacted, that we do not do so in a way that discourages religious organizations from performing their charitable work which has long been the hallmark of churches and church organizations in this country.

My amendment simply attempts to protect religious organizations, first by ensuring that they are not discriminated against under the act and, second, by helping those religious organizations that do choose to participate in the programs to maintain their religious identity and moral climate.

Mr. President, as my colleagues would suspect, I have not brought this amendment up because of any abstract reason or for consideration of some theoretical concerns, because in fact the problems to which this

amendment is addressed have risen on a number of occasions in existing programs. Surely, if we are going to go forward with a broader-based Government-sponsored volunteer program, we ought to start to applying the Hippocratic oath to voluntarism. First, we should do no harm. That is really what my amendment seeks to do.

Mr. President, S. 1430 prohibits any funds authorized for the school-based community service program, the Youth Service Corps and the national service demonstration program from being used "by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization. The bill forbids a church to conduct a conservation corps program or human services corps program "unless such project does not involve any religious functions." S. 1430 is clear, therefore in its prohibition of religious activities, but it is not so clear, Mr. President, about whether or not religious entities can participate in the programs authorized by this bill.

My amendment adds the phrase, "churches and other religious entities" at the appropriate places in the bill to make it clear that churches and other religious entities can receive funds under the act, subject to the prohibitions on religious activities. In one place in the bill the amendment adds the phrase "private sectarian and non-sectarian schools" to make it clear that private schools can also qualify for participation.

The first part of my amendment also changes the bill so that the prohibition on religious activity is consistent throughout the bill, that is, that no money under this act may be used by program participants and program staff for giving religious instruction, conducting worship services, or engaging in any form of proselytization.

My amendment is based upon the truth that churches and other religious organizations must be included in any of our attempts to address social problems, particularly if our attempts seek to draw on the strength and capacities of the private sector.

Mr. President, I think many of my colleagues will remember the Adolescent Family Life Act specifically authorized an integrated approach involving "family members, religious and charitable organizations, voluntary associations, and other groups in the private sector, as well as services provided by publicly sponsored initiatives."

This approach was given constitutional sanction in the case of *Bowen versus Kendrick* when the Supreme Court held that the religion-specific provisions of that act were not unconstitutional.

Mr. President, in the full version of my statement, I will include a portion of the majority opinion written by Justice Rehnquist.

The second part of my amendment, Mr. President, seeks to allow religious organizations to maintain at least in part their religious integrity even while they use Federal funds to help the Government achieve its secular goals. This portion of the amendment really is suggested by a problem which the Salvation Army encountered in dealing with the Department of Housing and Urban Development. Formerly, HUD regulations prohibited federally funded homeless programs from "displaying religious symbols or decorations" and a shelter in New Britain, CT, was told to return a grant of \$9,635 because it refused to take down a painting of Jesus.

The Washington Times reported as follows:

The painting showing Jesus in a long robe with outstretched arms hangs prominently to the right of the television set in the lounge of the Franklin Square men's shelter. A Federal regulator spotted it immediately during an inspection tour of the facility.

HUD's policy on shelters was changed last fall, and it now appears that the New Britain, CT, shelter can keep its picture of Jesus on its wall. However, this experience and others which have come to my attention, convince me that it would be wise for us to clarify Federal policy so that a similar episode will not arise in the future.

The amendment goes beyond pictures to allow voluntary prayers and hymns. It also allows a religious or religious-affiliated organization to "affirm or promote" moral tenets even if those tenets are based on religious precepts.

Subsection (b) of the amendment will allow religious organizations that choose to participate in programs authorized by S. 1430 to keep their religious identity and maintain a moral climate.

The third portion of my amendment, subsection (c) will allow a church to one, require that participants under S. 1430 adhere to its religious tenets; two, require that participants under S. 1430 adhere to rules forbidding the use of drugs and alcohol; and three, in choosing between two or more prospective participants, hire that applicant who is already involved on a regular basis in other church activities.

Mr. President, I think are familiar to my colleagues. They are taken directly from section 122(b) of S. 5, the Senate's version of the ABC child care bill which we passed on June 23, 1989. The first two provisions were contained in an amendment offered by Senator COATS and accepted by the measure's sponsors. I understand that the third provision was the product of negotiations between Senator DODD and a number of religious groups, including the U.S. Catholic Conference.

The Senate did not have a rollcall on the measures, but I believe there is a little doubt this comprises the sense of the Senate and its intent.

Mr. President, that in brief is the purpose of my amendment. If I may consult a moment with staff as to whether or not we now have this in its correct form, I will be prepared to send it to the desk.

Mr. President, I am advised that as of this moment the substitute, which is evidently pending before us, is not available to us in text form, and, therefore, I inquire of the managers of this measure—I would be glad to offer the amendment and simply provide it be inserted at the correct point in the bill when the text becomes available or proceed in whatever manner they suggest.

Mr. HATCH. Mr. President, we appreciate the Senator's offer. The fact is we are trying to make technical changes. We just about have them done. We will file a substitute. But why do not we plan on doing that as soon as we can get that substitute?

Mr. ARMSTRONG. Mr. President, I take it it is the manager's suggestion we defer for the time being. I am happy to do that.

Mr. KENNEDY. Mr. President, if the Senator will yield at the present time.

The PRESIDING OFFICER. Did the Senator yield?

Mr. ARMSTRONG. Yes.

Mr. KENNEDY. Mr. President, the Chair has polled the committee and I have been authorized by the committee to offer the committee modification of the committee substitute as a complete substitute, which I now send to the desk.

The PRESIDING OFFICER. It is the understanding of the Chair that the Senator has been authorized by the committee to make this modification. Therefore, the Senator has the right to do so. The amendment is so modified.

The committee amendment in the nature of a substitute, as modified, is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2 Findings.
- Sec. 3. Purposes.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

- Sec. 101. Definitions.
- Sec. 102. Authority to make State grants.

Subtitle B—School and Community Based Service

- Sec. 110. Short title.
- Sec. 111. General authority.
- Sec. 112. Locality application.
- Sec. 113. State application.
- Sec. 114. Local application.
- Sec. 115. Limitations on use.
- Sec. 116. Use of funds.

Subtitle C—American Conservation and Youth Corps

- Sec. 120. Short title.
- Sec. 121. General authority.
- Sec. 122. Allocation of funds.
- Sec. 123. State application.
- Sec. 124. Focus of programs.
- Sec. 125. Related programs.
- Sec. 126. Public lands or Indian lands.
- Sec. 127. Training and education services.
- Sec. 128. Amount of award.
- Sec. 129. Preference for certain projects.
- Sec. 130. Age and citizenship criteria for enrollment.
- Sec. 131. Post-service benefits.
- Sec. 132. Living allowance.
- Sec. 133. Joint programs.
- Sec. 134. Federal and State employee status.

SUBTITLE D—NATIONAL AND COMMUNITY SERVICE

- Sec. 140. Short title.
- Sec. 141. General authority.
- Sec. 142. Grants.
- Sec. 143. Types of national service.
- Sec. 144. Terms of service.
- Sec. 145. Eligibility.
- Sec. 146. Vouchers.
- Sec. 147. Living allowance.
- Sec. 148. Training.
- Sec. 149. Public-private partnership.
- Sec. 150. In-service education benefits.

Subtitle E—Innovative Service Programs

- Sec. 160. General authority.
- Sec. 161. Grants.

Subtitle F—Administrative Provisions

- Sec. 170. Limitation on number of grants.
- Sec. 171. Reports.
- Sec. 172. Supplementation.
- Sec. 173. Prohibition on use of funds.
- Sec. 174. Nondiscrimination.
- Sec. 175. Notice, hearing, and grievance procedures.
- Sec. 176. Nonduplication and nondisplacement.
- Sec. 177. State advisory board.
- Sec. 178. Evaluation.
- Sec. 179. Engagement of participants.
- Sec. 180. National Service Demonstration Program amendments.
- Sec. 181. Partnerships with schools.
- Sec. 182. Conforming amendments.
- Sec. 183. Service as tutors.

Subtitle G—Commission on National and Community Service

- Sec. 190. Commission on National and Community Service.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

- Sec. 201. References.
- Subtitle A—Higher Education
 - Sec. 210. Innovative projects for community service.
- Subtitle B—State Student Incentive Grant and Work Study Programs
 - Sec. 220. Additional reservation for campus-based community work learning study jobs.
 - Sec. 221. Work study programs.
 - Sec. 222. Public Health Amendment.
- Subtitle C—Publication
 - Sec. 230. Information for students.
 - Sec. 231. Exit counseling for borrowers.
 - Sec. 232. Department information on deferments and cancellations.
 - Sec. 233. Data on deferments and cancellations.
- Subtitle D—Direct Loans to Students in Institutions of Higher Education
 - Sec. 240. Loan cancellation authorized.
 - Sec. 241. Effective date.
- Subtitle E—Loan Forgiveness
 - Sec. 250. Loan forgiveness.

Sec. 251. Effective date.

III—POINTS OF LIGHT INITIATIVE FOUNDATION

Sec. 301. Short title.

Sec. 302. Findings and purposes.

Sec. 303. Establishment.

Sec. 304. Board of directors.

Sec. 305. Employees.

Sec. 306. Powers and functions.

Sec. 307. Principal and branch offices.

Sec. 308. Nonprofit nature of the Foundation.

Sec. 309. Exemption from tax.

Sec. 310. Oversight.

Sec. 311. Annual budget.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

SEC. 2. FINDINGS.

Congress finds that—

(1) service to the community and the Nation is a responsibility of all citizens of the United States, regardless of the economic level or age of such citizens;

(2) citizens of the United States who become engaged in service at a young age will better understand the responsibilities of citizenship and continue to serve the community into adulthood;

(3) serving others builds self-esteem and teaches teamwork, decision making, and problem-solving;

(4) the 70,000,000 youth of the United States who are between the ages of 5 and 25 offer a powerful and largely untapped resource for community service;

(5) conservation corps and human service corps provide important benefits to participants and to the community;

(6) the Volunteers in Service to America Program (hereinafter in this Act referred to as "VISTA"), as established by title I of the Domestic Volunteer Act of 1973 (42 U.S.C. 4951 et seq.), is one of the most cost effective means of fighting poverty in the United States;

(7) the cost of higher education, loan indebtedness, and the high price of housing deter many young adults from volunteering for service programs that involve a substantial time commitment;

(8) older Americans, through the Older American Volunteer Programs (as established by title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.)), provide 500,000,000 hours of service each year and are a vital force in addressing national problems;

(9) the VISTA and Older American Volunteer Programs have recently been expanded and are an important part of the national and community service effort of the United States;

(10) many Americans cannot participate in a full-time service program, but should have the option of part-time service; and

(11) a range of full-time and part-time national and community service opportunities should be made available to all citizens, particularly youth and older Americans.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) renew the ethic of civic responsibility in the United States;

(2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;

(3) begin to call young people to serve in national service programs;

(4) enable young Americans to make a sustained commitment to national service by removing barriers to such service that have been created by high education costs, loan indebtedness, and the cost of housing;

(5) build on the existing organizational framework of Federal, State, and local pro-

grams and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve participants in activities that would not otherwise be performed by employed workers; and

(7) generate 100,000,000 additional service hours each year to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

As used in this title:

(1) **ADULT VOLUNTEER.**—The term "adult volunteer" means—

(A) an individual who is beyond the age of compulsory schooling, including an older American and a parent;

(B) an employee of a private business;

(C) an employee of a public or nonprofit agency; or

(D) any other individual working without financial remuneration in an education institution to assist students or out of school youth.

(2) **COMMISSION.**—The term "Commission" means the Commission on National and Community Service established under section 190.

(3) **COMMUNITY-BASED AGENCY.**—The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs.

(4) **CREW SUPERVISOR.**—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(5) **EDUCATION INSTITUTION.**—The term "education institution" means a local educational agency, elementary or secondary school, library or a community-based agency that provides educational services.

(6) **ELEMENTARY SCHOOL.**—The term "elementary school" has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

(7) **INDIAN LANDS.**—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(8) **INDIAN TRIBE.**—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(9) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(10) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(11) **LOCAL GOVERNMENT AGENCY.**—The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(12) **OUT-OF-SCHOOL YOUTH.**—The term "out-of-school youth" means an individual who—

(A) has not attained the age of 27;

(B) has not completed college or the equivalent thereof; and

(C) is not enrolled in an elementary or secondary school or institution of higher education.

(13) **PARTICIPANT.**—The term "participant" means an individual enrolled in a program that receives assistance under this title.

(14) **PARTNERSHIP PROGRAM.**—The term "partnership program" means a program through which adult volunteers, public or private agencies, institutions of higher education, community organizations, or businesses assist an education institution.

(15) **PLACEMENT.**—The term "placement" means the matching of a participant with a specific project.

(16) **PROGRAM.**—The term "program" means an activity carried out with assistance provided under this title.

(17) **PROGRAM AGENCY.**—The term "program agency" means—

(A) a Federal or State agency designated to manage a youth service corps program;

(B) the governing body of an Indian tribe that administers a youth service corps program; or

(C) a local applicant administering a youth service corps program.

(18) **PROJECT.**—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(19) **PUBLIC LANDS.**—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(20) **SECONDARY SCHOOL.**—The term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

(21) **SERVICE OPPORTUNITY.**—The term "service opportunity" means a program or project that enables students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, linguistic, and environmental community needs, especially those relating to poverty.

(22) **SPECIAL SENIOR SERVICE MEMBER.**—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(23) **SPONSORING ORGANIZATION.**—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected to provide a placement for a participant.

(24) **STATE.**—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau.

(25) **STATE EDUCATIONAL AGENCY.**—The term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

(26) **STUDENT.**—The term "student" means an individual who is enrolled in an elementary or secondary school or institution of

higher education on a full- or part-time basis.

(27) **SUMMER PROGRAM.**—The term "summer program" means a youth service corps program authorized under this title that is limited to the months of June, July, and August.

(28) **YOUTH SERVICE CORPS PROGRAM.**—The term "youth service corps program" means a program, such as a conservation corps or human services corps program, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and that gives participants a mix of work experience, basic and life skills, education, training, and support services.

(29) **YOUTH COMMUNITY SERVICE PROGRAM.**—The term "youth community service program" means a program in which students or out-of-school youths are offered service opportunities in the community or an educational institution.

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

The Commission may, in accordance with the provisions of this title, make grants to States, or to local applicants, to enable such States or applicants to carry out national or community service programs under subtitle B, C, D or E.

Subtitle B—School and Community Based Service

SEC. 110. SHORT TITLE.

This subtitle may be cited as the "Service America, the Service to America Act of 1990".

SEC. 111. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants for the creation or expansion of service opportunities for students and out-of-school youth and to increase the number of community members, particularly senior citizens, who are volunteering in schools.

SEC. 112. LOCALITY APPLICATION.

If a State does not apply for assistance under this subtitle or if a State does not have an application approved under section 113, the Commission may make grants directly to local applicants. The Commission shall apply the criteria described in section 114 in evaluating such local applications.

SEC. 113. STATE APPLICATION.

To be eligible to receive a grant under this subtitle a State, acting through the State educational agency, shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission shall reasonably require, including a description of the manner in which—

(1) local applications will be ranked by the State according to the criteria described in section 114, and in a manner that ensures the equitable treatment of local applications submitted by both educational and non-educational institutions;

(2) service programs within the State will be coordinated;

(3) cooperative efforts among education institutions, local government agencies, community-based agencies, businesses, and State agencies to provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together, will be encouraged;

(4) economically and educationally disadvantaged youths, including individuals with handicapping conditions, youth with limited basic skills or learning disabilities, and youth who are in foster care, are assured of service opportunities;

(5) service programs that receive assistance under this subtitle will be evaluated;

(6) programs that receive assistance under this subtitle will serve urban and rural areas

and any tribal areas that exist within such State;

(7) technical assistance and training will be provided to service programs within the State;

(8) non-Federal and other types of Federal assistance will be used to expand service opportunities for students and out-of-school youth; and

(9) information and outreach services will be disseminated and utilized to ensure the involvement of a broad range of organizations, particularly community-based organizations.

SEC. 114. LOCAL APPLICATIONS.

(a) **APPLICATION REQUIRED.**—

(1) **PARTNERSHIP.**—

(A) **IN GENERAL.**—Any education institution, local government agency, community-based agency, or consortia thereof that desires to receive a grant—

(i) from a State that has received assistance under this subtitle; or

(ii) in the case of a State that does not apply for assistance under this subtitle or have an application approved under section 113, directly from the Commission;

shall form a partnership consisting of one or more education institutions and one or more local government or community-based agencies.

(B) **EXCEPTION.**—The provisions of subparagraph (A) shall not apply if the applicant is—

(i) an education institution that intends to provide service opportunities solely within such education institution; or

(ii) an education institution that has formed a partnership with one or more private businesses to conduct a partnership program.

(2) **CONTENT OF APPLICATION.**—To be eligible to receive a grant under this subtitle, a partnership under paragraph (1) shall prepare and submit, to the State educational agency (or the Commission if paragraph (1)(A)(ii) applies), an application at such time, in such manner, and containing such information as the State educational agency (or the Commission) shall reasonably require. Each such application shall—

(A) contain a written agreement, between the institution with which participants are affiliated and one or more representatives of the community or education institution where service opportunities will be provided, stating that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(B) establish and specify the membership and role of an advisory committee that shall consist of representatives of community agencies, service recipients, youth serving agencies, youth, parents, teachers, administrators, school board members, labor, and business, one-half of which shall be selected by the community partner and one-half of which shall be selected by the education institution;

(C) describe the goals of the program which shall include goals that are quantifiable, measurable, and demonstrate any benefits that flow from the program to the participants and the community;

(D) describe the service opportunities to be provided under the program;

(E) describe the manner in which the participants in the program will be recruited, including any special efforts that will be utilized to recruit out-of-school youth with the assistance of community-based agencies;

(F) describe the manner in which participants in the program were or will be involved in the design and operation of the program;

(G) state the name, if available, qualifications, and responsibilities of the coordinator of the program assisted under this subtitle;

(H) describe the preservice and inservice training to be provided to supervisors and participants in the program;

(I) describe the manner in which exemplary service will be recognized;

(J) describe any potential resources that will permit continuation of the program, if needed, after the assistance received under this subtitle has ended;

(K) disclose whether the program plans include addressing basic skill needs and reducing illiteracy; and

(L) contain assurances that, prior to the placement of a participant, the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

(3) **YOUTH COMMUNITY SERVICE PROGRAM.**—If an applicant under this section intends to operate a youth community service program, such applicant, in addition to providing the information described in paragraph (2), shall include in the application required under such paragraph—

(A) a description of an age-appropriate learning component for participants in the program that shall include a chance for participants to reflect on service experiences and expected learning outcomes;

(B) a description of whether or not the participants will receive academic credit for participation in the program;

(C) a description of the target levels of students and out-of-school youth who will participate in the program and the target levels for the hours of service that such participants will provide individually and as a group;

(D) a description of the proportion of expected participants in the program who are educationally or economically disadvantaged, including participants with handicapping conditions;

(E) a description of the ages or grade levels of expected participants in the program;

(F) other relevant demographic information concerning such expected participants; and

(G) assurances that participants in the program will be provided with information concerning VISTA, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), chapter 30 of title 38, United States Code, chapter 106 of title 10, United States Code, full-time Youth Service Corps and National Service programs receiving assistance under this title, and other service options and their benefits (such as student loan deferment and forgiveness) as appropriate.

(4) **PARTNERSHIP PROGRAM.**—If an applicant under this section intends to operate a partnership program, in addition to the information required to be included in the application under paragraph (2), such applicant shall describe the students who are to be assisted through such program, including the ages and grade levels of such students.

(b) **APPROVAL.**—

(1) **YOUTH COMMUNITY SERVICE PROGRAMS.**—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate youth community service programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) an age-appropriate learning component to enable participants to reflect on service experiences;

(B) preservice and inservice training for both supervisors and participants involving representatives of the community where service opportunities will be provided; and

(C) evidence that participants in the program will make a sustained commitment to the service project.

(2) **ADULT VOLUNTEER AND PARTNERSHIP PROGRAMS.**—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate adult volunteer and partnership programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) preservice and inservice training for both supervisors and adult volunteers in the program; and

(B) opportunities for adult volunteers in the program to work with at-risk children or their teachers.

(c) **PRIORITY.**—

(1) **IN GENERAL.**—In providing assistance under this subtitle, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description—

(A) of programs that involve participants in the design and operation of the program;

(B) of programs that are in the greatest need of assistance, such as programs targeting low-income areas;

(C) of programs that involve individuals of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds serving together; and

(D) in the case of applicants that are educational institutions, of programs that are integrated into the academic program.

(2) **ADULT VOLUNTEER AND PARTNERSHIP PROGRAM.**—In the case of an adult volunteer and partnership program, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description of programs—

(A) that involve older Americans or parents as adult volunteers;

(B) that involve a partnership between an educational institution and a private business in the community;

(C) that include a focus on drug and alcohol abuse prevention, school drop-out prevention, or nutrition; or

(D) that will improve basic skills and reduce illiteracy.

SEC. 115. LIMITATIONS ON USE.

(a) **REQUIREMENT FOR LOCAL APPLICANTS.**—Assistance provided under this subtitle shall not be used by a local applicant to pay in excess of—

(1) 80 percent of the costs of programs that receive assistance under this subtitle for the first year in which the applicant receives assistance under this subtitle; and

(2) 70 percent of the costs of programs that receive assistance under this subtitle for the second year in which the applicant receives assistance under this subtitle.

(b) **PAYMENT BY LOCAL APPLICANT.**—

(1) **NON-FEDERAL SOURCES.**—That portion of the costs of programs that receive assistance under this subtitle that are to be paid by a local applicant from sources other than Federal funds may be paid in cash or in kind (fairly evaluated).

(2) **PRIVATE PROFITMAKING ORGANIZATIONS.**—If that portion of the costs of programs that receive assistance under this subtitle to be paid by a local applicant from sources other than Federal funds are paid by private profitmaking organizations, subsection (a) shall be applied by substituting—

(A) "85 percent" for "80 percent"; and

(B) "75 percent" for "70 percent".

SEC. 116. USE OF FUNDS.

(a) **STATES.**—

(1) **ADMINISTRATION.**—A State shall use not to exceed 20 percent of the amounts

provided under this subtitle in each fiscal year for costs associated with administration, including training, technical assistance, curriculum development, and coordination activities.

(2) **ADULT VOLUNTEER AND PARTNERSHIP PROGRAMS.**—A State shall use not to exceed 10 percent of the amounts provided under this subtitle in each fiscal year to carry out adult volunteer and partnership programs.

(b) **LOCAL APPLICANTS.**—Local applicants may use assistance provided under this subtitle for supervision of participants, program administration, training, reasonable transportation costs, insurance, and other reasonable expenses.

(c) **STIPENDS.**—Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant except to reimburse such participant for costs associated with transportation, meals, and other reasonable out-of-pocket expenses incident to participation in a program assisted under this subtitle.

Subtitle C—American Conservation and Youth Corps

SEC. 120. SHORT TITLE.

This subtitle may be cited as the "American Conservation and Youth Service Corps Act of 1990".

SEC. 121. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants, to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time or summer youth service corps programs.

SEC. 122. ALLOCATION OF FUNDS.

(a) **COMPETITIVE GRANT.**—The Commission shall award grants under this subtitle on a competitive basis to States or Indian tribes that have submitted applications under section 123.

(b) **DIRECT GRANTS.**—

(1) **IN GENERAL.**—In the case of a State that does not apply for a grant under this subtitle or have an application approved under section 123, the Commission may award grants directly to public or private nonprofit agencies within such State.

(2) **EVALUATION.**—The Commission shall apply the criteria described in section 123 in determining whether to award a grant to such local applicants.

(c) **LIMITATION.**—

(1) **CAPITAL EQUIPMENT.**—Not to exceed 10 percent of the amount of assistance made available to a program agency under this subtitle shall be used for the purchase of major capital equipment.

(2) **ADMINISTRATIVE EXPENSES.**—Not to exceed 15 percent of the amount of assistance made available to a program agency under this subtitle shall be used for administrative expenses.

SEC. 123. STATE APPLICATION.

(a) **SUBMISSION.**—To be eligible to receive a grant under this subtitle, a State or Indian tribe (or a local applicant if section 122(b) applies) shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including the information required under subsection (b).

(b) **GENERAL CONTENT.**—An application submitted under subsection (a) shall describe—

(1) any youth service corps program proposed to be conducted directly by such applicant with assistance provided under this subtitle; and

(2) any grant program proposed to be conducted by such State with assistance provided under this subtitle for the benefit of entities within such State.

(c) **SPECIFIC CONTENT.**—To receive a grant under this subtitle to directly conduct a youth service corps program, each applicant shall include in the application submitted under subsection (a)—

(1) a comprehensive description of the objectives and performance goals for the program to be conducted, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for the certification of the training skills acquired by participants and the awarding of academic credit to participants for competencies developed through training programs or work experience obtained under this subtitle;

(3) an age appropriate learning component for participants that includes procedures that permit participants to reflect on service experiences;

(4) an estimate of the number of participants and crew leaders necessary for the proposed program, the length of time that the services of such participants and crew leaders will be required, the support services that will be required for such participants and crew leaders, and a plan for recruiting such participants, including educationally and economically disadvantaged youth, youth with limited basic skills or learning disabilities, youth with handicapping conditions, and youth who are in foster care;

(5) a list of requirements to be imposed on the sponsoring organizations of participants in the program, including a requirement that a sponsoring organization that invests in a program that receives assistance under this subtitle, by making a cash contribution or by providing free training to participants, shall be given preference over a sponsoring organization that does not make such an investment;

(6) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a youth corps, such as crew structure and a youth development component;

(7) a description of a plan to ensure the on-site presence of knowledgeable and competent supervisory personnel at program facilities;

(8) a description of the facilities, quarters and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment that will be provided by such applicant;

(9) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(10) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(11) an assurance that, prior to the placement of a participant under this subtitle, the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program; and

(12) such other information as the Commission shall require.

(d) **GRANT PROGRAM.**—To be eligible to receive a grant under this subtitle, a State shall establish and implement a program to make grants to applicants within the State pursuant to subsection (b)(2) and, in the application submitted under subsection (a),

such State shall describe the manner in which—

- (1) local applicants will be evaluated;
- (2) service programs within the State will be coordinated;
- (3) economically and educationally disadvantaged youth, including youth with handicapping conditions, youth with limited basic skills or learning disabilities, and youth in foster care, will be recruited;
- (4) programs that receive assistance under this subtitle will be evaluated;
- (5) the State will encourage cooperation among programs that receive assistance under this subtitle and the appropriate State Job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);
- (6) such State will certify the training skills acquired by each participant and the credit provided to each participant for competencies developed through training programs or work experience obtained under programs that receive assistance under this subtitle; and

(7) prior to the placement of a participant under this subtitle, the State will ensure that program agencies consult with each local labor organization representing employees in the area who are engaged in the same or similar work as the work that is proposed to be carried out by such program.

SEC. 124. FOCUS OF PROGRAMS.

(a) **IN GENERAL.**—Programs that receive assistance under this subtitle may carry out activities that—

- (1) in the case of conservation corps programs, focus on—
 - (A) conservation, rehabilitation, and the improvement of wildlife habitat, rangelands, parks, and recreational areas;
 - (B) urban revitalization, historical and cultural site preservation, rural revitalization, and reforestation of both urban and rural areas;
 - (C) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;
 - (D) road and trail maintenance and improvement;
 - (E) erosion, flood, drought, and storm damage assistance and controls;
 - (F) stream, lake, waterfront harbor, and port improvement;
 - (G) wetlands protection and pollution control;
 - (H) insect, disease, rodent, and fire prevention and control;
 - (I) the improvement of abandoned railroad beds and rights-of-way;
 - (J) energy conservation projects, renewable resource enhancement, and recovery of biomass;
 - (K) reclamation and improvement of strip-mined land;
 - (L) forestry, nursery, and cultural operations; and
 - (M) making public facilities accessible to individuals with disabilities.

(2) in the case of human services corps programs, include participant service in—

- (A) State, local, and regional governmental agencies;
- (B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, programs serving individuals with handicapped conditions, and schools;
- (C) law enforcement agencies, and penal and probation systems;
- (D) private nonprofit organizations that primarily focus on social service;
- (E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and

basic repairs to low-income housing, energy conservation (including solar energy techniques), removal of architectural barriers to access by handicapped individuals to public facilities, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Commission determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed; or

(3) encompass the focuses and services described in both paragraphs (1) and (2).

(b) **INELIGIBLE SERVICE CATEGORIES.**—To be eligible to receive assistance under this subtitle, the activities conducted through programs referred to in subsection (a) shall not be conducted by any—

- (1) business organized for profit;
- (2) labor union;
- (3) partisan political organization;
- (4) organization engaged in religious activities, unless such activities do not involve any religious functions; or
- (5) domestic or personal service company or organization.

(c) **LIMITATION ON SERVICE.**—No participant shall perform services in any project for more than a 1-year period.

SEC. 125. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this subtitle, is encouraged to use services available under this subtitle.

SEC. 126. PUBLIC LANDS OR INDIAN LANDS.

(a) **LIMITATION.**—To be eligible to receive assistance through a grant provided under this subtitle, a program shall carry out activities on public lands or Indian lands, or result in a public benefit.

(b) **REVIEW OF APPLICATIONS.**—In reviewing applications submitted under section 123 that propose programs or projects to be carried out on public lands or Indian lands, the Commission shall consult with the Secretary of the Interior.

(c) **CONSISTENCY.**—A program carried out with assistance provided under this subtitle for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

- (1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and
- (2) all management, operational, and other plans and documents that govern the administration of such lands.

(d) **RESERVATION.**—The Commission shall reserve not to exceed 5 percent of the amounts appropriated in each fiscal year under section 401(a)(2) to make grants under this subtitle for Federal disaster relief programs.

SEC. 127. TRAINING AND EDUCATION SERVICES.

(a) **ASSESSMENT OF SKILLS.**—Each program agency shall assess the educational level of participants at the time of their entrance into the program, using any available records or simplified assessment means or methodology and shall, where appropriate, refer such participants for testing for specific learning disabilities.

(b) **ENHANCEMENT OF SKILLS.**—Each program agency shall, through the programs and activities administered under this subtitle, enhance the educational skills of participants.

(c) **PROVISION OF PRE-SERVICE AND IN-SERVICE TRAINING AND EDUCATION.**—

(1) **REQUIREMENT.**—Each program agency shall use not less than 10 percent of the assistance made available to such agency under this subtitle in each fiscal year to provide pre-service and in-service training and educational materials and services for participants in such a program. Program participants shall be provided with information concerning the benefits to the community that result from the activities undertaken by such participants.

(2) **AGREEMENTS FOR ACADEMIC STUDY.**—A program agency may enter into arrangements with academic institutions or education providers, including—

- (A) local education agencies;
 - (B) community colleges;
 - (C) 4-year colleges;
 - (D) area vocational-technical schools; and
 - (E) community based organizations;
- to evaluate the basic skills of participants and to make academic study available to participants to enable such participants to upgrade literacy skills, to obtain high school diplomas or the equivalent of such diplomas, to obtain college degrees, or to enhance employable skills.

(3) **COUNSELING.**—Career and educational guidance and counseling shall be provided to a participant during a period of in-service training as described in this subsection.

(4) **PRIORITY FOR PARTICIPANTS WITHOUT HIGH SCHOOL DIPLOMAS.**—A program agency shall give priority to participants who have not obtained a high school diploma or the equivalent of such diploma, in providing services under this subsection.

(d) **POST-SERVICE EDUCATION AND TRAINING ASSISTANCE.**—

(1) **USE OF FUNDS.**—A program that receives assistance under this subtitle shall use not less than 10 percent of such assistance to comply with the requirements of section 131 for post-service education and training assistance.

(2) **ACTIVITIES.**—The activities conducted under this section may include activities available to an eligible participant under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and assistance for other activities considered appropriate for such participant by the appropriate program agency and the Commission.

(e) **STANDARDS AND PROCEDURES.**—

(1) **CONSISTENCY WITH STATE AND LOCAL REQUIREMENTS.**—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) **ACADEMIC STANDARDS.**—The standards and procedures described in paragraph (1) shall provide that an individual serving in a program that receives assistance under this subtitle—

- (A) who is not a high school graduate, participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and
- (B) may arrange to receive academic credit in recognition of the education and skills obtained from service satisfactorily completed.

SEC. 128. AMOUNT OF AWARD.

In determining the amount of a grant to be awarded to an applicant under this subtitle, the Commission shall consider—

- (1) the number of the unemployed youth population of the area to be served; and

(2) the type of project or service proposed to be carried out with the amounts appropriated under section 401(a)(2).

SEC. 129. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications submitted under section 123, the Commission shall give preference to programs that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

SEC. 130. AGE AND CITIZENSHIP CRITERIA FOR ENROLLMENT.

Enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are—

(1) not less than 16 years nor more than 25 years of age, except that summer programs may include individuals not less than 15 years nor more than 21 years of age at the time of the enrollment of such individuals; and

(2) citizens or nationals of the United States (including those citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau) or lawful permanent resident aliens of the United States.

SEC. 131. POST-SERVICE BENEFITS.

The program agency shall provide post-service education and training benefits (such as scholarships and grants) for each participant in an amount that is not in excess of \$100 per week, or in excess of \$5,000 per year, whichever is less.

SEC. 132. LIVING ALLOWANCE.

(a) FULL-TIME SERVICE.—

(1) **IN GENERAL.**—From assistance provided under this subtitle, each participant in a full-time youth service corps program that receives assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 873(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) **NON-FEDERAL SOURCES.**—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) **REDUCTION IN EXISTING PROGRAM BENEFITS.**—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) **HEALTH INSURANCE.**—In addition to the living allowance provided under subsection (a), program agencies are encouraged to provide health insurance to each participant in a full-time youth service corps program who does not otherwise have access to health insurance.

(d) FACILITIES, SERVICES, AND SUPPLIES.—

(1) **IN GENERAL.**—The program agency may deduct, from amounts provided under subsections (a) and (c) to a participant, a reasonable portion of the costs of the rates for any room and board that is provided for such participant at a residential facility.

(2) **EVALUATION.**—The program agency shall establish the amount of the deductions and rates under paragraph (1) after evaluating the costs of providing such room and board to the participant.

(3) **DUTIES OF PROGRAM AGENCY.**—A program agency may provide facilities, quar-

ters, and board and shall provide limited and emergency medical care, transportation from administrative facilities to work sites, and other appropriate services, supplies, and equipment to each participant.

(e) GUIDANCE AND PLACEMENT.—

(1) **IN GENERAL.**—Each program agency shall provide such job and educational guidance and placement information and assistance for each participant as may be necessary, including referrals of such participants to organizations where such participants may receive basic skills training or be tested and receive services for specific learning disabilities.

(2) **COORDINATION WITH OTHER ENTITIES.**—Assistance under paragraph (1) shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 133. JOINT PROGRAMS.

(a) **DEVELOPMENT.**—The Commission may develop, in cooperation with the heads of other Federal agencies, regulations designed to permit, where appropriate, joint programs in which activities supported with assistance made available under this subtitle are coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including the Job Training Partnership Act (29 U.S.C. 1501 et seq.)).

(b) **STANDARDS.**—Regulations promulgated under subsection (a) shall establish standards for the approval of joint programs that meet both the purposes of this title and the purposes of such statutes under which assistance is made available to support such projects.

SEC. 134. FEDERAL AND STATE EMPLOYEE STATUS.

(a) **IN GENERAL.**—Participants and crew leaders shall be responsible to, or be the responsibility of, the program agency administering the program on which such participants, crew leaders, and volunteers work.

(b) NON-FEDERAL EMPLOYEES.—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a participant or crew leader in a program that receives assistance under this subtitle shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment.

(2) **WORK-RELATED INJURY.**—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, a participant or crew leader serving in a program that receives assistance under this subtitle shall be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty", as used in such subchapter, shall not include an act of a participant or crew leader while absent from the assigned post of duty of such participant or crew leader, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date that the employment of the injured participant or crew leader is terminated.

(3) **TORT CLAIMS PROCEDURE.**—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, a participant or crew leaders assigned to a youth service corps program shall be considered an employee of the United States within the meaning of the term "employee

of the government" as defined in section 2671 of such title.

(4) **ALLOWANCE FOR QUARTERS.**—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, a participant or crew leader shall be considered an employee of the United States within the meaning of the term "employee" as defined in paragraph (3) of subsection (a) of such section.

Subtitle D—National and Community Service

SEC. 144. SHORT TITLE.

This subtitle may be cited as the "National and Community Service Act".

SEC. 141. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of full- and part-time national and community service programs.

SEC. 142. GRANTS.

(a) **TERM OF GRANT.**—The term of a grant awarded under section 141 shall not extend beyond September 30, 1991.

(b) **CRITERIA FOR RECEIVING APPLICATIONS.**—In determining whether to award a grant to a State under section 141, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for a large-scale national service program;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the expediency with which the State proposes to make the program operational.

(c) **DIVERSITY.**—The Commission shall ensure that programs receiving assistance under this subtitle are geographically diverse and include programs in both urban and rural States.

(d) **ALTERNATIVE VOUCHER OPTION LIMITED.**—The Commission shall ensure that not to exceed 25 percent of States receiving a grant under section 141 are authorized to exercise the alternative voucher authorized under section 146(e)(3).

(e) **COMPOSITION OF PROGRAMS.**—The Commission shall ensure that not less than 25 percent of the programs that receive assistance under this subtitle include full-time, part-time and special senior service participants.

(f) **STATE APPLICATION FOR GRANT.**—To receive a grant under section 141, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the State administrative plan for the implementation of a program with assistance provided under this subtitle, including such functions, if any, that will be carried out by public and private nonprofit organizations pursuant to a grant or contract;

(2) a description of the manner in which an ethnically and economically diverse group of participants, including economically and educationally disadvantaged individuals, college-bound youth, individuals with handicapping conditions, youth in foster care, and employed individuals, shall be recruited and selected for participation in a program receiving assistance under this subtitle;

(3) a description of the procedures for training supervisors and participants and for supervising and organizing participants in such program;

(4) a description of the procedures to ensure that the program provides partici-

pants with an opportunity to reflect on their service experience;

(5) a description of the geographical areas within such State in which the program would be operated to provide the optimum match between the need for services and the anticipated supply of participants;

(6) a description of the plan for placing such participants in teams or making individual placements in such program;

(7) assurances that, prior to such placement, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(8) assurances that, prior to such placement, such State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such program;

(9) a description of the anticipated number of full- and part-time participants and special senior service members in such program;

(10) a plan for the recruitment and selection of sponsoring organizations that will receive participants under programs that receive assistance under this subtitle;

(11) a description of the procedures for matching such participants with such sponsoring organizations;

(12) a description of the procedures to be used to assure that sponsoring organizations that are not matched with participants shall be provided with information concerning the VISTA program and the programs established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.);

(13) the State budget for the program;

(14) a description of whether the State desires to exercise the voucher alternative option authorized under section 146(e)(3);

(15) a plan for evaluating the program and assurances that such State will fully cooperate with any evaluation undertaken by the Commission pursuant to section 178; and

(16) any other information as the Commission may reasonably require.

(g) NUMBER OF STATES.—

(1) IN GENERAL.—The Commission shall ensure that not more than five States are authorized to operate full-time programs and not more than five States are authorized to operate part-time programs in fiscal year 1991 under this subtitle.

(2) SINGLE PROGRAM.—For purposes of this paragraph (1), a State operating a single national service program with both full- and part-time options shall be counted as a State operating a full-time program and a State operating a part-time program.

(3) COOPERATIVE ARRANGEMENT.—For purposes of this paragraph (1), a State operating a national service program involving a cooperative arrangement with a multi-State organization or with sites in more than one State shall be counted as a single State.

SEC. 143. TYPES OF NATIONAL SERVICE.

(a) IN GENERAL.—A participant in a program that receives assistance under this subtitle shall perform national service to meet unmet educational, human, environmental, and public safety needs, especially those needs relating to poverty.

(b) TYPES OF NATIONAL SERVICE.—National service performed under subsection (a) may include—

(1) educational service, such as service in literacy programs, the Head Start program (as established under the Head Start Act (42 U.S.C. 9831)) and other early childhood education programs, tutorial assistance, and service in schools, libraries, and adult education centers;

(2) human service, such as—

(A) service in hospitals, hospices, clinics, community health centers, public health organizations, facilities serving individuals with acquired immune deficiency syndrome, homes for elderly individuals, programs serving individuals with handicapping conditions, and child-care programs; and

(B) service in programs to assist elderly, disabled, poor, and homeless individuals, including programs to build, restore, and maintain housing for poor or homeless individuals and self-help programs;

(3) environmental service, such as service in programs to conserve, recycle, maintain, and restore natural resources in urban and rural environments, to provide recreational opportunities, and to encourage community betterment or beautification;

(4) public safety service, including placement with police and fire departments, courts, the border patrol, and prisons; and

(5) in the case of special senior service members, service to assist a State in administering a program, including mentoring, supervision, and other functions.

SEC. 144. TERMS OF SERVICE.

(a) LENGTH OF SERVICE.—

(1) PART-TIME.—An individual performing part-time national service under this subtitle shall agree to perform community service for not less than 2 years.

(2) FULL-TIME.—An individual performing full-time national service under this subtitle shall agree to perform community service for not less than 1 year nor more than 2 years, at the discretion of such individual.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service under this subtitle shall serve for a period of time as determined by the Commission.

(b) PARTIAL COMPLETION OF SERVICE.—If the State releases a participant from completing a term of service in a program receiving assistance under this subtitle for compelling personal circumstances as demonstrated by such participant, the Commission may provide such participant with that portion of the financial assistance described in section 146 that corresponds to the quantity of the service obligation completed by such individual.

(c) TERMS OF SERVICE.—

(1) PART-TIME.—A participant performing part-time national service under this subtitle shall serve for—

(A) 2 weekends each month and 2 weeks during the year; or

(B) an average of 9 hours per week each year of service.

(2) FULL-TIME.—A participant performing full-time national service under this subtitle shall serve for not less than 40 hours per week each year of service.

(3) SPECIAL SENIOR SERVICE.—A special senior service participant performing national service under this subtitle shall serve either part- or full-time as permitted by the Commission.

SEC. 145. ELIGIBILITY.

(a) PART-TIME.—

(1) REQUIREMENTS.—An individual may serve in a part-time national service program under this subtitle if such individual—

(A) is 17 years of age or older; and

(B) is a citizen of the United States or lawfully admitted for permanent residence.

(2) PRIORITY.—In selecting applicants for a part-time program, States shall give priority to applicants who are currently employed.

(b) FULL-TIME.—An individual may serve in a full-time national service program under this subtitle if such individual—

(1) is 17 years of age or older;

(2) has received a high school diploma or the equivalent of such diploma, or agrees to achieve a high school diploma or the equivalent of such diploma while participating in the program; and

(3) is a citizen of the United States or lawfully admitted for permanent residence.

(c) SPECIAL SENIOR SERVICE.—An individual may serve as a special senior service member under this subtitle if such individual—

(1) is 60 years of age or older; and

(2) meets the eligibility criteria for special senior service membership established by the Commission.

SEC. 146. VOUCHERS.

(a) PART-TIME.—

(1) IN GENERAL.—Subject to subsection (d), the Commission shall annually provide to each part-time participant a non-transferrable voucher that is equal in value to \$2,000 for each year of service that such participant provides to the program.

(2) WAIVER.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(b) FULL-TIME.—

(1) IN GENERAL.—Subject to subsection (d), the Commission shall annually provide to each full-time participant a non-transferrable voucher that is equal in value to \$5,000 for each year of service that such participant provides to the program.

(2) WAIVER.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(c) SPECIAL SENIOR SERVICE PARTICIPANT.—A special senior service participant shall be ineligible to receive a voucher under this section.

(d) INDEXING.—The Commission shall increase the value of vouchers provided under this section in each fiscal year based on the increase in the costs associated with attending a 4-year institution of higher education during that fiscal year. The Commission shall determine such increases in costs based on information made available by the Bureau of Labor Statistics and the National Center for Education Statistics.

(e) USE OF VOUCHER.—

(1) PART-TIME.—A voucher provided under subsection (a) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(2) **FULL-TIME.**—A voucher provided under subsection (b) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition, room and board, books and fees, and other costs associated with attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(3) **ALTERNATIVE VOUCHER OPTION.**—A State administering a full-time national service program under this subtitle may apply to the Commission for authorization to offer an alternative voucher option limiting the use of vouchers for education, housing, or costs associated with the purchase of a small business concern, including downpayment or closing costs.

(4) **DEFINITION.**—As used in this subsection, the term "small business concern" shall have the same meaning given such term in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)).

SEC. 147. LIVING ALLOWANCE.

(a) FULL-TIME SERVICE.—

(1) **IN GENERAL.**—From assistance provided under this subtitle, each participant in a full-time national service program receiving assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) **NON-FEDERAL SOURCES.**—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) **REDUCTION IN EXISTING PROGRAM BENEFITS.**—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) **HEALTH INSURANCE.**—In addition to the living allowance provided under subsection (a), grantees are encouraged to provide health insurance to each participant in a full-time national service program who does not otherwise have access to health insurance.

(d) SPECIAL SENIOR SERVICE PARTICIPANT.—

(1) **FULL-TIME.**—Each full-time special senior service participant shall receive a living allowance equal to the living allowance provided to full-time participants under subsection (a), and such other assistance as the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

(2) **PART-TIME.**—Each part-time special senior service participant shall receive a living allowance equal to a share of such allowance offered to a full-time special senior service participant under paragraph (1), that has been prorated according to the number of hours such part-time participant serves in the program, and such other assistance that the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

SEC. 148. TRAINING.

(a) PROGRAM TRAINING.—

(1) **IN GENERAL.**—Each participant shall receive 3 weeks of training provided by the Commission in cooperation with the State.

(2) **CONTENTS OF TRAINING SESSION.**—Each training session described in paragraph (1) shall—

(A) orient each participant in the nature, philosophy, and purpose of the program;

(B) build an ethic community service; and

(C) train each participant to effectively perform the assigned program task of such participant by providing—

(i) general training in citizenship and civic and community service; and

(ii) if feasible, specialized training for the type of national service that each participant will perform.

(b) **ADDITIONAL TRAINING.**—Each State may provide additional training for participants as such State determines necessary.

(c) **AGENCY OR ORGANIZATION TRAINING.**—Each participant shall receive training from the sponsoring organization in skills relevant to the work to be conducted.

SEC. 149. PUBLIC-PRIVATE PARTNERSHIP.

The Commission shall consider and develop opportunities for cooperation between public and private entities in the funding and implementation of a program receiving assistance under this subtitle, including cost-sharing arrangements with sponsoring organizations.

SEC. 150. IN-SERVICE EDUCATION BENEFITS.

Each State that receives assistance under this subtitle shall provide to each participant enrolled in a full-time program in-service educational services and materials to enable such participant to obtain a high school diploma or the equivalent of such diploma.

Subtitle E—Innovative Service Programs

SEC. 160. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of innovative national and community service programs.

SEC. 161. GRANTS.

(a) **CRITERIA FOR RECEIVING APPLICATIONS.**—In determining whether to award a grant to a State under section 160, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for other States;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the degree to which the program responds to State and community human, educational, environmental and public safety needs in an innovative manner.

(c) **STATE APPLICATION FOR GRANT.**—To receive a grant under this subtitle, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the proposed program to be established with assistance provided under the grant;

(2) a description of the human, educational, environmental or public safety service that participants will perform and the State or community need that will be addressed under such proposed program;

(3) a description of the target population of participants and how they will be recruited;

(4) a description of the procedure for training supervisors and participants and for supervising and organizing participants in such proposed program;

(5) a description of the procedures to ensure that the proposed program provides participants with an opportunity to reflect on their service experiences;

(6) a description of any stipend or benefit that participants will receive, if any;

(7) an estimate of the anticipated number of participants and the anticipated number of hours of service such participants will perform;

(8) a description of the State budget for the program;

(9) assurances that, prior to the placement of a participant in a project, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such project; and

(10) assurances that, prior to the placement of a participant in a project, the State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such project.

Subtitle F—Administrative Provisions

SEC. 170. LIMITATION ON NUMBER OF GRANTS.

(a) **IN GENERAL.**—The Commission shall not award more than one grant during each fiscal year to each State under section 102.

(b) **NUMBER OF APPLICATIONS.**—In submitting applications for a grant under section 102, a State shall consolidate all of the applications of such State for the conduct of programs under subtitles B through E, into a single application that meets the requirements of such subtitles.

(c) **MULTIPLE USE.**—A grant awarded under section 102 to a State may be used by the State in accordance with the applications consolidated, submitted, and approved under subtitles (B) through (E).

SEC. 171. REPORTS.

(a) STATE REPORTS.—

(1) **IN GENERAL.**—Each State receiving assistance under this title shall prepare and submit, to the Commission, an annual report concerning the status of the national and community service programs that receive assistance under such title in such State.

(2) **LOCAL GRANTEEES.**—Each State may require local grantees that receive assistance under this title to supply such information to the State as is necessary to enable the State to complete the report required under paragraph (1), including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and the existence of any problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(3) REPORT DEMONSTRATING COMPLIANCE.—

(A) **IN GENERAL.**—Each State receiving assistance under this title shall include information in the report required under paragraph (1) that demonstrates the compliance of the State with the provisions of section 176 and 113(9).

(B) **LOCAL GRANTEEES.**—Each State may require local grantees to supply such information to the State as is necessary to enable the State to comply with the requirement of paragraph (1).

(4) **AVAILABILITY OF REPORT.**—Reports submitted under paragraph (1) shall be made available to the public on request.

(b) REPORT TO CONGRESS.—

(1) **IN GENERAL.**—Not later than 120 days after the end of each fiscal year, the Commission shall prepare and submit, to the appropriate authorizing and appropriation Committees of Congress, a report concern-

ing the programs that receive assistance under this title.

(2) **CONTENT.**—Reports submitted under paragraph (1) shall contain a summary of the information contained in the State reports submitted under subsection (a), and shall reflect the findings and actions taken as a result of any evaluation conducted by the Commission.

SEC. 172. SUPPLEMENTATION.

(a) **IN GENERAL.**—Assistance provided under this title shall be used to supplement the level of State and local public funds expended for services of the type assisted under this title in the previous fiscal year.

(b) **AGGREGATE EXPENDITURE.**—Subsection (a) shall be satisfied, with respect to a particular program, if the aggregate expenditure for such program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure for such program in the previous fiscal year, excluding the amount of Federal assistance provided and any other amounts used to pay the remainder of the costs of programs assisted under this title.

SEC. 173. PROHIBITION ON USE OF FUNDS.

(a) **IN GENERAL.**—Assistance provided under this title shall not be used by program participants and program staff to—

(1) provide religious instruction, conduct worship services, or engage in any form of proselytization;

(2) assist, promote, or deter union organizing; and

(3) finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(b) **CONTRACTS OR COLLECTIVE BARGAINING AGREEMENTS.**—A program that receives assist under this title shall not impair existing contracts for services or collective bargaining agreements.

SEC. 174. NONDISCRIMINATION.

(a) **IN GENERAL.**—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued under such Acts.

(b) **NONDISCRIMINATION.**—Any individual with responsibility for the administration of a program that receives assistance under this title shall not discriminate in the selection of participants to such program on the basis of race, religion, color, national origin, sex, age, handicap, or political affiliation.

(c) **RULES AND REGULATIONS.**—The Commission shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

SEC. 175. NOTICE HEARING, AND GRIEVANCE PROCEDURES.

(a) **IN GENERAL.**—

(1) **SUSPENSION OF PAYMENTS.**—The Commission may in accordance with the provisions of this title, suspend or terminate payments under a contract or grant providing assistance under this title whenever the Commission determines there is a material failure to comply with this title or the applicable terms and conditions of any such grant or contract issued pursuant to this title.

(2) **PROCEDURES TO ENSURE ASSISTANCE.**—The Commission shall prescribe procedures to ensure that—

(A) assistance provided under this title shall not be suspended for failure to comply with the applicable terms and conditions of this title except, in emergency situations, a suspension may be granted for 30 days; and

(B) assistance provided under this title shall not be terminated for failure to comply with applicable terms and conditions of this title unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) **HEARINGS.**—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient of assistance under this title.

(c) **TRANSCRIPT OR RECORDING.**—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) **STATE LEGISLATION.**—Nothing in this title shall be construed to preclude the enactment of State legislation providing for the implementation, consistent with this title, of the programs administered under this title.

(e) GRIEVANCE PROCEDURE.

(1) **IN GENERAL.**—State and local applicants that receive assistance under this title shall establish and maintain a procedure to adjudicate grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

(2) **DEADLINE FOR GRIEVANCES.**—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence.

(3) DEADLINE FOR HEARING AND DECISION.

(A) **HEARING.**—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days of filing such grievance.

(B) **DECISION.**—A decision on any grievance shall be made not later than 60 days after the filing of such grievance.

(4) ARBITRATION.

(A) **IN GENERAL.**—On the occurrence of an adverse grievance decision, or 60 days after the filing of such grievance if no decision has been reached, the party filing the grievance shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(B) **DEADLINE FOR PROCEEDING.**—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration.

(C) **DEADLINE FOR DECISION.**—A decision concerning such grievance shall be made not later than 30 days after the date of such arbitration proceeding.

(D) **COST.**—The cost of such arbitration proceeding shall be divided evenly between the parties to the arbitration.

(5) **PROPOSED PLACEMENT.**—If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this title, such placement shall not be made unless it is consistent with the resolution of the grievance pursuant to this subsection.

(6) **REMEDIES.**—Remedies for a grievance filed under this subsection include—

(A) suspension of payments for assistance under this title;

(B) termination of such payments; and

(C) prohibition of such placement described in paragraph (5).

SEC. 176. NONDUPLICATION AND NONDISPLACEMENT.

(a) **NONDUPLICATION.**—

(1) **IN GENERAL.**—Assistance provided under this title shall be used only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of such program.

(2) **PRIVATE NONPROFIT ENTITY.**—Assistance made available under this title shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection (b) are met.

(b) NONDISPLACEMENT.

(1) **IN GENERAL.**—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving assistance under this title.

(2) **SERVICE OPPORTUNITIES.**—A service opportunity shall not be created under this title that will infringe in any manner on the promotional opportunity of an employed individual.

(3) LIMITATION ON SERVICES.

(A) **DUPLICATION OF SERVICES.**—A participant in a program receiving assistance under this title shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(B) **SUPPLANTATION OF HIRING.**—A participant in any program receiving assistance under this title shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers.

(C) **DUTIES FORMERLY PERFORMED BY ANOTHER EMPLOYEE.**—A participant in any program receiving assistance under this title shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is being locked out.

SEC. 177. STATE ADVISORY BOARD.

(a) **FORMATION OF BOARD.**—Each State that applies for assistance under this title is encouraged to establish a State Advisory Board for National and Community Service.

(b) MEMBERS.

(1) **IN GENERAL.**—The chief executive officer of a State referred to in subsection (a) shall appoint members to such Advisory Board from among—

(A) representatives of State agencies administering community service, youth service, education, social service, and job training programs; and

(B) representatives of labor, business, agencies working with youth, community-based organizations such as community action agencies, students, teachers, Older American Volunteer Programs as established under title II of the Domestic Volunteer Act of 1973 (42 U.S.C. 5001 et seq.), full-time youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, educational partnership programs, and other organizations working with volunteers.

(2) **BALANCE OF MEMBERSHIP.**—To the extent practicable, the chief executive officer of a State referred to in subsection (a) shall ensure that the membership of the

Advisory Board is balanced according to race, ethnicity, and gender.

(c) **DUTIES OF BOARD.**—A State Advisory Board for National and Community Service established under subsection (a) shall assist the State agency administering a program receiving assistance under this title in—

(1) coordinating programs that receive assistance under this title and related programs within the State;

(2) disseminating information concerning service programs that receive assistance under this title;

(3) recruiting participants for programs that receive assistance under this title; and

(4) developing programs, training methods, curriculum materials, and other materials and activities related to programs that receive assistance under this title.

SEC. 178. EVALUATION.

(a) **IN GENERAL.**—The Commission shall provide, through grants or contracts, for the continuing evaluation of programs that receive assistance under this title, including evaluations that measure the impact of such programs, to determine—

(1) the effectiveness of such programs in achieving stated goals and the costs associated with such;

(2) for purposes of the reports required by subsection (h), the impact of such programs, in each State in which a program is conducted, on the ability of—

(A) the VISTA and older American volunteer programs (established under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 et seq.);

(B) each regular component of the armed forces (as defined in section 101(4) of title 10, United States Code);

(C) each of the reserve components of the armed forces (as described in section 216(a) of title 5, United States Code); and

(D) the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) to recruit individuals residing in such State to serve in such program; and

(3) the structure and mechanisms for delivery of services for such programs.

(b) **COMPARISONS.**—The Commission shall provide for inclusion in the evaluations required under subsection (a), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) **CONDUCTING EVALUATIONS.**—Evaluations of programs under subsection (a) shall be conducted by individuals who are not directly involved in the administration of such program.

(d) **PROGRAM OBJECTIVES.**—The Commission shall ensure that programs that receive assistance under subtitle D are evaluated to determine their effectiveness in—

(1) recruiting and enrolling diverse participants in such programs, consistent with the requirements of section 145, based on economic background, race, ethnicity, age, marital status, education levels, and handicap;

(2) promoting the educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America Program and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies without overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), and the VISTA and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(e) **COMPARISON OF PROGRAM MODELS.**—The Commission shall evaluate and compare the effectiveness of different program models in meeting the program objectives described in subsection (d) including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative voucher options, and programs utilizing individual placements and teams.

(f) OBTAINING INFORMATION.—

(1) **IN GENERAL.**—In conducting the evaluations required under subsection (d), the Commission may require each program participant and State or local applicant to provide such information as may be necessary to carry out the requirements of this section.

(2) **CONFIDENTIALITY.**—The Commission shall keep information acquired under this section confidential.

(g) **DEADLINE.**—The Commission shall complete the evaluations required under subsection (d) not later than 2 years after the date of enactment of this Act.

(h) REPORTS.—

(1) **INITIAL REPORT.**—Not later than 24 months after the date on which the first program is initiated under this title, the Commission shall prepare and submit, to the appropriate Committees of Congress, a report containing the results of the evaluations conducted under subsection (a)(2) with respect to the first 18 months after such initiation date.

SEC. 179. ENGAGEMENT OF PARTICIPANTS.

A State shall not engage a participant to serve in any program that receives assistance under this title unless and until amounts have been appropriated under section 401 for the provision of vouchers and for the payment of other necessary expenses and costs associated with such participant.

SEC. 180. NATIONAL SERVICE DEMONSTRATION PROGRAM AMENDMENTS.

(a) **TREATMENT OF EDUCATION AND HOUSING VOUCHER.**—For purposes of determining eligibility for programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) (hereafter in this section referred to as the "Act"), vouchers received under this Act shall be considered as esti-

mated financial assistance as defined in section 428(a)(2)(C)(i) of title IV of the Act (20 U.S.C. 1078(a)(2)(C)(i)), except that in no case shall such a voucher be considered as—

(1) annual adjusted family income as defined in section 411F(1) of subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a-6); or

(2) total income as defined in section 480(a) of part F of title IV of such Act (20 U.S.C. 1087vv(a)).

(b) **TREATMENT OF STIPEND FOR LIVING EXPENSES.**—In no case shall stipends received under this Act be considered in the determination of expected family contribution or independent student status under—

(1) subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a et seq.); or

(2) part F of title IV of such Act (20 U.S.C. 1087kk et seq.).

(c) **CONTINGENT EXTENSION.**—Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.

SEC. 181. PARTNERSHIPS WITH SCHOOLS.

(a) **DEFINITIONS.**—As used in this section:

(1) **PARTNERSHIP PROGRAM.**—The term "partnership program" means a cooperative effort between an agency or department of the Federal government and an educational institution to enhance the education of students.

(2) **SCHOOL VOLUNTEER.**—The term "school volunteer" means an individual, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(b) **DESIGN OF PROGRAMS.**—The head of each Federal agency and department shall design an implement a comprehensive strategy to involve employees of such agencies and departments in partnership programs with elementary schools and secondary schools. Such strategy shall include—

(1) a review of existing programs to identify and expand the opportunities for such employees to be school volunteers;

(2) the designation of a senior official in each such agency and department who will be responsible for establishing school volunteer and partnership programs in each such agency and department and for developing school volunteer and partnership programs; and

(3) the encouragement of employees of such agencies and departments to participate in school volunteer and partnership programs.

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, and on a regular basis thereafter, the head of each Federal agency and department shall prepare and submit, to the appropriate Committees of Congress, a report concerning the implementation of this section.

SEC. 182. SERVICE AS TUTORS.

Notwithstanding any other provision of this Act, a service opportunity through which a part-time participant serves as a classroom tutor under the supervision of a certified professional shall be considered an acceptable placement if the requirements of section 176(b)(1) and (2) and section 173 are met.

SEC. 183. CONFORMING AMENDMENTS.

The Higher Education Act of 1965 is amended—

(1) in section 411F(9) (20 U.S.C. 1070a-6(9)), by adding at the end thereof the following new subparagraph:

"(F) Annual adjusted family income does not include any stipend received by a participant a programs established under the National and Community Service Act of 1990.";

(2) in section 411F(12)(B)(vi) (20 U.S.C. 1070a-6(12)(B)(vi)), by striking "(including

all sources of resources other than parents" and inserting "(including all sources of resources other than parents and stipends received as a result of participation in a program established under the National and Community Service Act of 1990)";

(3) in section 480(f) (20 U.S.C. 1087v(f)), by—

(A) striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(3) any stipend received by a participant in a program established under the National and Community Service Act of 1990"; and

(4) in section 480(d)(2)(F) (20 U.S.C. 1087v(d)(2)(F)), by inserting after "other than parents" "and stipends received as a result of participation in a program established under the National and Community Service Act of 1990".

Subtitle G—Commission on National and Community Service

SEC. 190. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) ESTABLISHMENT.—There is established a Commission on National and Community Service that shall administer the programs established under this title.

(b) BOARD OF DIRECTORS.—

(1) COMPOSITION.—The Commission shall be administered by a Board of Directors (hereinafter referred to in this section as the "Board") that shall be composed of 21 members, to be appointed by the President with the advice and consent of the Senate, who shall be individuals who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints. The membership of the Board shall be balanced according to the race, ethnicity and gender of its members.

(2) POLITICAL PARTIES.—Not more than 11 members of the Board shall belong to the same political party.

(3) TERMS.—Each member of the Board shall serve for a term of 2 years, except that, subject to the provisions of paragraph (4), eleven of the initial members of the Board shall serve for a term of 1 year, as designated by the President.

(4) VACANCIES.—

(A) IN GENERAL.—As vacancies occur on the Board, new members shall be appointed by the President with the advice and consent of the Senate and serve for the remainder of the term for which the predecessor of such member was appointed.

(5) CHAIRPERSON.—The Board shall elect a chairperson and vice-chairperson from among its membership.

(6) MEETINGS.—The Board shall meet not less than three times each year. The Board shall hold additional meetings if seven members of the Board request such meetings in writing. A majority of the Board shall constitute a quorum.

(7) EXPENSES.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) DUTIES.—The Board shall—

(1) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;

(2) design and administer the programs or initiatives established under this title;

(3) shall consult with appropriate Federal agencies in administering programs that receive assistance under title I;

(4) may delegate authority to administer the programs established under this title to any other agency or entity of the Federal government, on the agreement of such agency or entity, as the Board determines appropriate;

(5) shall provide, directly or through contract with public or private nonprofit organizations with extensive experience in service programs, training and technical assistance to States, school and community-based service programs, full-time youth service corps, and national service demonstration programs;

(6) shall arrange for the evaluation of programs established under this title, in accordance with section 178;

(7) coordinate with the Secretary of Defense in evaluating the effect of the national service demonstration program on the recruitment efforts of the active and reserve components of the Armed Forces; and

(8) carry out any other activities determined appropriate by the Secretary.

(d) EXECUTIVE DIRECTOR OF THE BOARD.—

(1) IN GENERAL.—The Board shall appoint an individual to serve as Executive Director of the Board (hereinafter referred to in this section as the "Director").

(2) DUTIES.—The Director shall advise the Board concerning developments in volunteer or national service that the Director determines merits the attention of the Board, identify promising service initiatives, and coordinate the work of the Board with the work of other Federal agencies involved in service activities and in the design of a competitive grant to provide assistance as authorized under this title.

(e) TECHNICAL EMPLOYEES.—The Director may, at the discretion of the Board, appoint not more than 10 technical employees to administer the Committee. Such employees shall be appointed for terms that shall not exceed 2 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) CLEARINGHOUSES.—

(1) IN GENERAL.—The Board shall provide assistance to not less than three national or regional service clearinghouses.

(2) PUBLIC AND PRIVATE NONPROFIT AGENCIES.—Public and private nonprofit agencies that have extensive experience in community service, adult volunteer and partnership programs, youth service, and other volunteer programs shall be eligible to receive funds under paragraph (1).

(3) FUNCTION OF CLEARINGHOUSES.—National and regional clearinghouses that receive assistance under paragraph (1) shall—

(A) assist State and local community service programs with needs assessments and planning;

(B) conduct research and evaluations concerning community service;

(C) provide leadership development and training to State and local community service program administrators, supervisors, and participants;

(D) administer award and recognition programs for outstanding community service programs and participants; and

(E) facilitate communication amongst community service programs and participants.

(4) GRANTS.—

(A) IN GENERAL.—The Board may make grants to national model service programs.

(B) ELIGIBILITY.—States, education institutions, local government agencies, commu-

nity-based agencies, nonprofit organizations, or consortia composed thereof shall be eligible to receive grants under subparagraph (A).

(C) DISSEMINATION OF INFORMATION.—The Board shall widely disseminate information concerning national model service programs that receive assistance under subparagraph (A).

(5) INNOVATIVE CURRICULUM MATERIALS.—The Board may make grants for the development of innovative curriculum materials for use in youth community service and adult volunteer partnership programs.

(g) PRESIDENTIAL AWARDS FOR SERVICES.—

(1) PRESIDENTIAL AWARDS.—

(A) IN GENERAL.—The President, acting through the Commission, is authorized to make Presidential Awards for service to individuals demonstrating outstanding community service and to outstanding service programs.

(B) NUMBER OF AWARDS.—The President is authorized to make one individual and one program award in each Congressional district, and one Statewide program award in each State.

(C) CONSULTATION.—The President shall consult with the Governor of each State, and with the Board, in the selection of individuals and programs for Presidential Awards.

(D) PARTICIPANTS IN PROGRAMS.—An individual receiving an award under this subsection need not be a participant in a program assisted under this title.

(2) INFORMATION.—The President shall ensure that information concerning individuals and programs receiving awards under this subsection is widely disseminated.

(h) DETAIL OF EMPLOYEES.—Any Federal government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. Such detail of a Federal employee shall not result in the interruption or loss of civil service status or privilege of such employee.

(i) LIMITATION.—In each fiscal year the Commission shall limit the value of any benefits conferred under this Act, to an amount that is not in excess of the appropriations for such fiscal year to carry out this Act, and if the fulfillment of the requirements of this Act requires amounts in excess of the limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

SEC. 201. REFERENCES.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965.

Subtitle A—Higher Education

SEC. 210. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

(a) PURPOSE.—Section 1061 of the Act (20 U.S.C. 1135e) is amended by striking out "projects in exchange" and all that follows through the end thereof, and inserting in lieu thereof "activities before, during, or after the completion of such student's higher education."

(b) USE OF GRANTS.—Section 1062 of the Act (20 U.S.C. 1135e-1) is amended to read as follows:

"SEC. 1062. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

"(a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to, and enter into contracts with, institutions of

higher education (including combinations of such institutions), and other public agencies and nonprofit organizations working in partnership with institutions of higher education, for purposes including—

"(1) encouraging students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

"(2) encouraging students to assist in the teaching of individuals with limited basic skills or an inability to read and write;

"(3) creating opportunities for students to engage in community service activities in exchange for financial assistance that reduces the debt acquired by students in the course of completing postsecondary education;

"(4) encouraging student-initiated and student-designated community service projects; and

"(5) encouraging the integration of community service into academic curricula.

"(b) ADMINISTRATIVE PROVISIONS.—

"(1) **APPLICATION.**—No grant may be made, and no contract may be entered into, under this section unless an application is made to the Director of the Fund for Improvement of Postsecondary Education (hereinafter referred to as the 'Director') at such time, in such manner, and contained or accompanied by such information as the Director may reasonably require. Such applications shall include plans that describe the manner in which appropriate training is to be provided to participants and supervisors.

"(2) **ADVISE.**—Consistent with the provisions of section 1003(c), the National Board of the Fund for the Improvement of Postsecondary Education shall advise the Director on programs, priorities, and the selection of projects developed under the authority of this section.

"(3) TECHNICAL EMPLOYEES.—

"(A) **IN GENERAL.**—The Secretary may appoint, for terms of not to exceed 2 years, without regard to the provisions of title 5, United States Code governing appointments in the competitive service, technical employees to administer this part who may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) **LIMITATION.**—The Secretary may appoint not more than 1 technical employee for each \$2,000,000 appropriated under section 1063.

"(4) **APPLICATION OF OTHER SECTION.**—The provisions of section 1004(b) shall apply to grants made under this section.

"(5) **CONSTRUCTION.**—Nothing in this part shall be construed as requiring an institution of higher education to offer academic credit as a requirement of receiving assistance under this part."

Subtitle B—State Student Incentive Grant and Work Study Programs

SEC. 220. ADDITIONAL RESERVATION FOR CAMPUS-BASED COMMUNITY WORK LEARNING STUDY JOBS.

Section 415B(a) of such Act (20 U.S.C. 1070c-1(a)) is amended by inserting the following new paragraph at the end thereof:

"(3)(A) If the amount appropriated to carry out this subpart exceeds \$75,000,000, the Secretary shall, notwithstanding the provisions of section 415(C)(b)(3)(A), allot 50 percent of such excess to the States for the purpose described in section 415(C)(b)(3)(B).

"(B) The Secretary shall make the allotment required under subparagraph (A) based on the number of students participating in campus-based community work learning study jobs assisted under this subpart in each State as compared to the total number of students participating in such jobs in all States.

SEC. 221. WORK STUDY PROGRAMS.

(a) **WORK STUDY PROGRAMS.**—Section 443(b)(5) of such Act (42 U.S.C. 2753(b)(5)) is amended by striking "and 70 percent for academic year 1990-1991" and inserting "70 percent for academic years 1990-1991 and 1991-1992, and 60 percent for academic year 1992-1993".

(b) **COMMUNITY SERVICE LEARNING PROGRAMS.**—Section 443(b)(5)(B) of such Act is amended by striking "90" and inserting "100".

SEC. 222. PUBLIC HEALTH AMENDMENT.

Section 361(a) of the Public Health Service Act (42 U.S.C. 264(a)) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding any other provision of Federal law, the".

Subtitle C—Publication

SEC. 220. INFORMATION FOR STUDENTS.

(a) **INSTITUTIONAL AND FINANCIAL.**—Section 485(a)(1) of such Act (20 U.S.C. 1092(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness; and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.)."

(b) **PARTICIPATION AGREEMENTS.**—Section 487(a)(7) of such Act (20 U.S.C. 1094(a)(7)) is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

SEC. 231. EXIT COUNSELING FOR BORROWERS.

Section 485(b) of such Act (20 U.S.C. 1092(b)) is amended—

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

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness."

SEC. 232. DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS.

Section 485(d) of such Act (20 U.S.C. 1092(d)) is amended by inserting before the last sentence the following new sentence: "The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for

service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization."

SEC. 233. DATA ON DEFERMENTS AND CANCELLATIONS.

Section 485B(a) of such Act (20 U.S.C. 1092b(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially canceled or in deferment for service under the Peace Corps Act (22 U.S.C. 2501 et seq.), for service under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), and for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness."

Subtitle D—Direct Loans to Students in Institutions of Higher Education

SEC. 240. LOAN CANCELLATION AUTHORIZED.

(a) **CANCELLATION FOR CERTAIN SERVICE.**—Section 465(a)(2) of such Act (20 U.S.C. 1087ee(a)(2)) is amended—

(1) by striking out "or" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization of demonstrated effectiveness which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986."

(b) **CANCELLATION PERCENTAGE.**—Section 465(a)(3)(A) of such Act (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service."

SEC. 241. EFFECTIVE DATE.

The amendments made by section 240 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this subtitle to individuals who are new borrowers on that date.

Subtitle E—Loan Forgiveness

SEC. 250. LOAN FORGIVENESS.

(a) **IN GENERAL.**—Part B of title IV of such Act is amended by inserting after section 432 (20 U.S.C. 1082) the following new section:

***SEC. 432A. TREATMENT OF STUDENTS VOLUNTEERS.**

"(a) **IN GENERAL.**—Notwithstanding any other provision of law except subsection (c), a loan insurable under section 427, or the student loan insurance program of a State, institution, or organization under section 428, shall provide that, in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax exempt organization of demonstrative effectiveness, for the payment by the United States of the percent of the amount of loans specified in subsection (b).

"(b) **PARTIAL CANCELLATION AUTHORITY.**—

"(1) **AGREEMENT.**—The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower shall agree to serve as a volunteer under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness.

"(2) **ASSURANCES.**—The agreement entered into under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part, except those described in sections 428A, 428B and 428C, pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) **PAYMENT.**—The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) **WAIVER OR SUSPENSION.**—The Secretary shall waive or suspend any obligation of service or payment of any loan, or any part thereof, to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5) **AMOUNT OF PAYMENT.**—

"(A) **IN GENERAL.**—The percentage of a loan that shall be paid by the United States under paragraph (2)(A) shall be 15 percent for the first or second year of service and 20 percent for the third or fourth year of service as described in paragraph (1).

"(B) **INTEREST.**—If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) **CONSTRUCTION.**—Nothing in this subsection shall be construed to authorize the refunding of any repayment on the loan.

"(c) **LIMITATION.**—In each fiscal year, the Secretary shall limit the value of any benefits conferred under this section to an amount that is not in excess of the appropriation for such fiscal year to carry out this section, and if the fulfillment of the requirements of this section requires amounts in excess of this limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection."

(c) **TECHNICAL AMENDMENTS.**—

(1) **STUDENT VOLUNTEER.**—

(A) **NOTE.**—Section 427(a)(2)(B)(ii) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H)".

(B) **PAYMENT BY FEDERAL GOVERNMENT.**—Section 427(a)(2) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by—

(i) striking out "and" at the end of subparagraph (G);

(ii) redesignating subparagraph (H) as subparagraph (I); and

(iii) inserting after subparagraph (G) the following new subparagraph:

"(H) complies with section 432A."

(2) **FEDERAL PAYMENT TO REDUCE INTEREST.**—

(A) **INSURANCE PROGRAM REQUIREMENT.**—Section 428(b)(1)(D) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(B) **PAYMENT BY FEDERAL GOVERNMENT.**—Section 428(b)(1) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by—

(i) striking out "and" at the end of subparagraph (T);

(ii) striking out the period at the end of subparagraph (U) and by inserting in lieu thereof a semicolon and "and"; and

(iii) adding at the end thereof the following new subparagraph:

"(V) complies with section 432A."

SEC. 251. EFFECTIVE DATE.

The amendments made by section 250 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this Act to individuals who are new borrowers on that date.

TITLE III—POINTS OF LIGHT INITIATIVE FOUNDATION**SEC. 301. SHORT TITLE.**

This title may be cited as the "Points of Light Initiative Foundation Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds that—

(1) community service and service to others is an integral part of American tradition;

(2) existing volunteers and volunteer programs should be praised for their efforts in helping and serving others;

(3) the definition of a successful life includes service to others;

(4) individuals should be encouraged to volunteer their time and energies in community service efforts;

(5) if asked to volunteer or participate in community service, most Americans will do so;

(6) institutions should be encouraged to volunteer their resources and energies and should encourage volunteer and community service among their members, employees, affiliates; and

(7) volunteer and community service programs are intended to complement and not replace governmental responsibilities.

(b) **PURPOSE.**—It is the purpose of this title—

(1) to encourage every American and every American institution to help solve our most critical social problems by volunteering their time, energies and services through community service projects and initiatives;

(2) to identify successful and promising community service projects and initiatives, and to disseminate information concerning such projects and initiatives to other communities in order to promote their adoption nationwide; and

(3) to discover and encourage new leaders and develop individuals and institutions that serve as strong examples of a commit-

ment to serving others and to convince all Americans that a successful life includes serving others.

SEC. 303. ESTABLISHMENT.

There is established a nonprofit corporation to be known as the "Points of Light Initiative Foundation" (hereinafter referred to in this title as the "Foundation"). The Foundation shall be subject to the provisions of this Act and, to the extent consistent with this section, to the provisions of the District of Columbia Nonprofit Corporation Act (D.C. Code 501 et seq.).

SEC. 304. BOARD OF DIRECTORS.

(a) **COMPOSITION.**—

(1) **IN GENERAL.**—The management of the Foundation shall be vested in a Board of Directors (hereinafter referred to in this title as the "Board") that shall be composed of not less than 19 and not more than 25 members.

(2) **APPOINTMENT.**—

(A) **BY PRESIDENT.**—The members of the Board shall be appointed by the President. Such members shall be appointed so as to ensure a broad bipartisan representation, including women and minorities, of groups and individuals associated with volunteer and community service.

(B) **CRITERIA.**—In appointing members under this paragraph, the President shall consider individuals who—

(i) have made significant contributions to existing volunteer and community service programs;

(ii) are capable of bringing significant resources, expertise, and experience to the Foundation; or

(iii) have a significant interest in promoting community service and volunteerism.

(C) **UNITED STATES OFFICERS.**—Notwithstanding any other provision of law, the President may appoint officers of the United States to serve on the Board.

(3) **CHAIRPERSON.**—The President shall designate one member of the Board to serve as Chairperson.

(4) **HONORARY CHAIRPERSON.**—The President shall serve as the Honorary Chairperson of the Foundation.

(5) **TERM.**—Except as otherwise provided in this paragraph, each member of the Board shall serve a 2 year term. The terms of such members shall be staggered by 1 year intervals to provide for continuity in the management of the Foundation.

(b) **COMPENSATION AND EXPENSES.**—

(1) **NO COMPENSATION.**—Members of the Board shall serve without compensation.

(2) **EXPENSES.**—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) **BOARD AUTHORITY; RULES AND REGULATIONS; QUORUM.**—

(1) **AUTHORITY.**—The Board shall manage the exercise of all the powers and duties of the Foundation.

(2) **RULES AND REGULATIONS.**—The Board may prescribe, amend, and repeal bylaws, rules, and regulations that govern the manner in which the business of the Foundation may be conducted and in which the powers granted to the Foundation by law may be exercised.

(3) **QUORUM.**—A majority of members of the Board shall constitute a quorum.

(d) **EXECUTIVE COMMITTEE.**—The Board may appoint an Executive Committee or any other such committees or establish such affiliated groups to carry out the functions and duties of the Foundation.

SEC. 305. EMPLOYEES.

(a) **APPOINTMENT.**—The Board shall appoint a President or an Executive Director, and may appoint such other officers and employees as may be necessary to administer the Foundation, for such terms and at such rates of compensation as are fixed by the Board. Such officers and employees shall be exempt from the civil service regulations and requirements.

(b) **OTHER PERSONNEL AND SERVICES.**—The Board may request the assistance of personnel and the use of services from other public and private corporations and agencies. Such personnel shall serve at the pleasure of the Board and without compensation from the Foundation.

SEC. 306. POWERS AND FUNCTIONS.

The Foundation, in addition to the other powers and functions provided for in this title—

(1) shall have perpetual succession, except that such Foundation may be dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal;

(3) may make and perform contracts and other agreements with any individual, corporation, or other entity and with any government agency;

(4) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as the Board finds to be necessary to achieve the purposes of the Foundation;

(5) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise;

(6) may establish and operate such programs, adopt such policies, and pursue such activities as may be determined appropriate by the Board to further the purposes of the Foundation; and

(7) shall have such other powers as may be necessary and appropriate to carrying out its powers and duties under this Act.

SEC. 307. PRINCIPAL AND BRANCH OFFICES.

The Foundation shall establish a principal office in the District of Columbia and may establish such branch offices or other offices in any place within the United States or elsewhere where the Foundation may carry out its operations.

SEC. 308. NONPROFIT NATURE OF THE FOUNDATION.

(a) **IN GENERAL.**—The Foundation shall be a nonprofit corporation and shall have no capital stock.

(b) **REVENUE AND EARNINGS.**—No part of the revenue, earnings, or other income or property of the Foundation shall inure to the benefit of the members of the Board, the officers, or the employees of the Foundation, and such revenue, earnings or other income, or property shall be used for carrying out the purposes of this title.

(c) **CONFLICT OF INTEREST.**—No member of the Board, officer or employee of the Foundation shall in any manner, directly or indirectly, participate in the deliberation or the determination of any question affecting the personal interests of such members, officer or employee or the interests of any corporation, partnership or organization in which such members, officer or employee is directly or indirectly interested.

(d) **CONTRIBUTIONS.**—The Foundation shall not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 309. EXEMPTION FROM TAX.

The Foundation, including its income, shall be exempt from taxation imposed by the United States or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

SEC. 310. OVERSIGHT.

The Board shall use amounts appropriated under section 401(a)(7) to—

(1) prepare and submit, to the appropriate Committees of Congress and the President, an annual report concerning the activities of the Foundation and the expenditure of funds by such;

(2) procure audits of its activities by the Comptroller General; and

(3) participate in the Office of Management and Budget budget review process.

SEC. 311. ANNUAL BUDGET.

The Foundation shall establish an annual budget for use in allocating amounts available to the Foundation under section 401(a)(7). The Foundation may, in each fiscal year, supplement the appropriation for such fiscal year under such section (a) with private resources.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this Act, \$50,000,000 for fiscal year 1990 and \$75,000,000 for fiscal year 1991, of which the Secretary shall make available—

(1) to carry out subtitle B of title I, \$10,000,000 for fiscal year 1990 and \$15,000,000 for fiscal year 1991;

(2) to carry out subtitle C of title I, \$14,000,000 for fiscal year 1990 and \$21,000,000 for fiscal year 1991;

(3) to carry out subtitle D of title I, \$14,000,000 for fiscal year 1990 and \$21,000,000 for fiscal year 1991;

(4) to carry out subtitle E of title I, \$400,000 for fiscal year 1990 and \$600,000 for fiscal year 1991;

(5) to carry out subtitle G of title I, \$800,000 for fiscal year 1990 and \$1,200,000 for fiscal year 1991;

(6) to establish clearinghouses under section 190(f), \$800,000 for fiscal year 1990 and \$1,200,000 for fiscal year 1991; and

(7) to carry out title III, \$10,000,000 for fiscal year 1990 and \$15,000,000 for fiscal year 1991.

(b) **POINTS OF LIGHT FOUNDATION.**—If any amounts made available under subsection (a)(7) are not used by the Points of Light Foundation, such amounts shall be made available to carry out subtitles B, C, and D of title I on a pro rata basis.

(c) **UNUSED APPROPRIATIONS.**—If an amount authorized to be appropriated in any fiscal year is not appropriated, or is appropriated but not expended in such fiscal year, such amount shall remain available to be appropriated, or expended, in the following fiscal year.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Colorado be permitted and that the technical change to conform his amendment with the substitute be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado still has the floor.

AMENDMENT NO. 1262

(Purpose: To allow religious organizations that receive Federal financial assistance under this Act to keep their religious identity and maintain a moral climate in their programs and activities)

Mr. ARMSTRONG. Mr. President, with that understanding, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG] (for himself), Mr. BOSCHWITZ, Mr. COATS, Mr. GORTON, Mr. GRAMM, Mr. LOTT, Mr. MACK, and Mr. MCCONNELL, proposes an amendment numbered 1262 to the committee modified amendment.

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

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

The amendment is as follows:

On page 8, line 2, after the word "needs" insert the following: ", including, but not limited to, churches and other religious entities";

On page 8, line 9, after the words "secondary school" insert the following: ", including, but not limited to, private sectarian and nonsectarian schools";

On page 10, line 6, after the words "public or private agencies" insert the following: ", including, but not limited to, churches and other religious entities";

On page 36, line 3, strike "any religious function" and insert in lieu thereof, "the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization";

On page 69, line 7, strike the semicolon and insert in lieu thereof the following: ", but nothing in this Act shall be construed to prevent any church or other religious entity from—

"(A) displaying religious symbols or decorations;

"(B) allowing persons to pray voluntarily, whether silently or vocally;

"(C) allowing persons to sing religious hymns; or

"(D) affirming or promoting any moral tenet that may be based on religious precepts;";

On page 70, line 6, after the word "affiliation" insert the following: ", except that a church or other religious entity may require that participants adhere to the religious tenets and teachings of such organization and further, such organization may require that participants adhere to rules forbidding the use of drugs or alcohol";

On page 70, line 7, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following new subsection:

"(c) **QUALIFIED APPLICANTS.**—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity."

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I will now, unless someone wishes to address the amendment, suggest the absence of a quorum.

Did the Senator from Massachusetts wish to speak?

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are not hostile to the purposes for which the Senator from Colorado is offering his amendment. The path we have followed in this legislation with regard to the activities of religious institutions follows what has been done with other voluntary service programs which have been in existence, some of them for some 25 years—VISTA volunteer programs, Foster Grandparent program, the higher education grant programs, and other programs. What we have done in this bill is to include language that is similar to church-state language in those various authorizations. Rather than list various particular items, our proposal does not exclude the participation of religious organizations so long as the programs themselves do not involve religious worship or instruction.

It is still my hope and belief that we are wiser to try, rather than listing the things that would be authorized, to include a straightforward statement prohibiting the funding of religious activities. It may be at some point down the line if we adopt the amendment, that some will say that things that were not specifically referenced may not be permitted. We took the approach included in the proposal because it has been time tested. There have been religious organizations and groups which have participated in service programs. We know at this time and we have inquired whether there had been any problems to date that had been troublesome from a constitutional point of view or from religious organizations that felt they were being excluded. In the course of our inquiring about those matters, they were not brought to our attention.

So, that is why we proceeded in this way. It seems to me to be preferable, but I am not opposed to the essence of what the Senator from Colorado is attempting to do. He has a list of the various items on this in part (a) of his amendment. We are just going over the particular items at this time.

If it would be agreeable to the Senator from Colorado, we would like to do is just review these for a few moments, come back to him, and see if we cannot reach agreement. I believe that we will be able to do so. But I think we want to make sure that, if we do that, we are able to represent accurately to the Senate exactly where we are going and what we are intending.

As I understand, the Senator understands and supports the various other provisions that we have included prohibiting the funding of religious instruction, worship, and proselytization.

Mr. ARMSTRONG. If the Senator will yield, that is absolutely right. The issue arises because of that prohibition in the first place. In general, it seems to me that the Senator is correct in suggesting that the less we say the

better, but in this particular case, since there is a general prohibition on religious activities, we need to be sure that we do not, without intending to do so, forbid religious entities from participating. So, in the spirit and intent that I believe the text of my amendment is to modify what is already in the bill and narrow the scope of the prohibition that exists in the bill. I will be happy to entertain any suggestions he may have on it, but my belief is that we rested the narrow grafted way.

Mr. KENNEDY. Mr. President, S. 1430, states that assistance provided under title I shall not be used by program participants or program staffs to provide religious instruction, conduct religious services, or to engage in any form of proselytization. And then we left the other matters to be addressed by the courts. By contrast, the Senator from Colorado's approach is to list those that would be permitted.

Mr. President, I understand the Senator from Georgia has a matter he would like to talk about, and perhaps in that time I could talk to the Senator from Colorado.

Mr. FOWLER. I thank the Senator. The PRESIDING OFFICER. The Senator from Georgia [Mr. FOWLER] is recognized.

Mr. FOWLER. I thank the Senator from Massachusetts. I have a brief statement and in a few minutes I do have a couple of questions I would like to ask the sponsor.

Mr. President, I am extremely pleased that the National and Community Service Act has been brought on the floor. We certainly all agree on the value and importance of public service. I believe this bill creates some exceptional programs and expands programs which have been very successful in the past. These programs do offer enormous benefits to our communities and our Nation as well as the many rich rewards for the volunteers that give their time and talent and their effort.

I would like to stress that the programs in this bill can be particularly effective in rural America. Many times on this floor many of us have spoken of the challenges facing people living in our rural communities. Many of the problems we associate with the inner city—inadequate health care, jobs, education, housing—all of these have become increasingly rural problems. We can all go to the rural areas of the States we represent and see how these problems are threatening the viability of life in the countryside.

These problems have worsened in a time when spending on rural programs has decreased, declining 75 percent in the last 10 years. National service programs offer a way to make up for those losses, and we must make every effort to improve the quality of life in rural America.

Rural communities need the contributions that young people participating in community service programs

can make. The illiterate need to be taught to read and write. Disadvantaged students need to be tutored. The elderly and disabled and children of working parents need someone to care for them. The land, water, and air—the precious resources of rural America—need to be preserved.

The young people living in rural America can benefit greatly from participation in such service programs. Providing service to their communities gives young people a sense of responsibility to their communities—and also to their Nation. It matures them and elevates their self-esteem. These programs can also give young people training to better prepare them for their future careers.

Let us not overlook what is just as important. The increased participation of our young people in their communities can strengthen the ties that hold them to these communities. Young people are leaving rural areas for the cities in alarming numbers. Increased civic and community involvement can cause more young people to decide that they can make a life for themselves in their home towns as adults, choosing the place that they would prefer to live.

Some of the mechanisms for national and community service activities are already in place. For example, our land grant colleges and universities have traditionally played a role in the revitalization of rural America, and these schools, under these program, continue to play an increasing role.

The National and Community Service Act contains great potential benefits both for our communities and the participants in the programs. Rural America sorely needs the concentration of human resources fostered by the National and Community Service Act. I want to make sure that the citizens in our small towns and countryside will have the opportunity to realize the benefits of this legislation.

I have a couple of questions. But before I ask them, I see one of the primary sponsors of this legislation and certainly a woman as a private citizen and a public servant—our association goes back now almost 20 years to our days as city council persons, me in Georgia, BARBARA MIKULSKI in Maryland—who, along with the senior Senator from Massachusetts and the senior Senator from my State, Senator NUNN, has been the unquestioned leader in bringing this legislation to the floor and seeing to it that its expanse includes the rural areas of her State and my State that I have spoken of.

Ms. MIKULSKI. If the Senator will yield, I thank the Senator for his gracious comments. The chairman of the Committee, Senator KENNEDY, is working with Senator ARMSTRONG on the religious exemption amendment and, as one of the prime architects and a member of the committee, I would be happy to enter into a colloquy with the Senator. Senator KENNEDY has

designated me to be the floor manager during this segment.

Mr. FOWLER. I am delighted, I say to the Senator. I just have two questions for the record and for those inquiries that continue to come in.

How does the Senator see the provisions of this bill operating in rural areas of our country?

Ms. MIKULSKI. Like the Senator, I made a transition of being a Member of the House of Representatives, representing a large, exciting metropolitan area—he in Atlanta; I in Baltimore—to representing a whole State with rural constituencies.

As we listened and learned about rural America, the way we would help them in this program is, No. 1, the program would be operated under the aegis of a Governor. A Governor would submit a State plan to this quasi-public corporation we have so we could keep bureaucracy lean and benefits in the community greater. The Governor submits a plan based on the State's needs.

As the Senator has indicated, Georgia, the great State he represents, has the large metropolitan area of Atlanta and yet a lot of rural areas. That Governor would know what the needs of Georgia are just like the Governor of Maryland knows the needs of my State. And the State plan would develop how the needs of rural areas would be met.

The program will function, I say to the Senator, primarily through non-profit organizations. This is for the part-time voucher program and then through the nonprofits, your kids could be delivering weekend Meals on Wheels out of those clay hills. They can be working for Habitat for Humanity by building housing for the poor. But it would be operated by the local groups in local communities to a plan developed by a Governor.

Mr. FOWLER. I thank the Senator. I know she would agree, and we would love to have to any other comments, that we do not underestimate the possible impact for our rural areas for the goals that we know are necessary; am I correct?

Ms. MIKULSKI. Absolutely. What this program does, I think, is really reward the values of rural America, because it is rural America where the values of the habits of the heart that deTocqueville talks about are so alive and well and flourishing. It is there where neighbor continues to help neighbor; it is there where a contemporary version of the barn raising continues to go on.

I think we are going to have a lot to learn from the creative ways rural America implements it. Also I say to the Senator this provides an opportunity structure. That is what this bill is. It goes to three basic values we want to foster in our society: Access to the American dream, the ability to pursue higher education or accumulate a nest egg for a down payment on first-time home ownership, but not a giveaway

program, and that you earn that voucher through your own sweat equity working in the community.

We also want to inculcate the value of civic obligation. You, like I, have heard Walesa, we have heard Havel, one day we will hear Mandela talk about the fact there is no such thing as no cost democracy. We must put that in our own community.

Last, but not at all least, the habits of the heart, I think that is what this legislation does. It goes right to the values of Main Street America.

What we did in this bill is we get away from the values of Wall Street and go back to the values of Main Street, and that is why I think rural America is going to be an active participant.

Mr. FOWLER. All I can say is, if we can fit rural America into that great American tradition now, from deTocqueville to MIKULSKI, there will be no question that our country will remain strong; our country will get stronger because of the full participation of the democratic ideal that, as Vaclav Havel said, is always an illusive horizon which we continue to travel toward but we never actually achieve it.

But, unless we find a way that brings on those kids who have been left behind through no fault of their own, but who want to work, who want to contribute, who want to emerge as full, operating, productive citizens in their own communities, not having to go running off to Atlanta and Boston, I think under the leadership of Senator from Maryland and that of the Senator from Massachusetts, who has now returned to the floor, I believe we can do it. I am thankful for your collective leadership on behalf of those kids.

I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, I wish to speak briefly in favor of the Armstrong amendment of which I am a co-sponsor, and to thank the distinguished Senator from Massachusetts for his careful consideration of that amendment. Awaiting his answer with respect to his position on it, I would simply like to add to the illustrations which the Senator from Colorado elicited in connection with his support of the proposal, with this one.

New York City's foster care system, which was obviously already filled with troubles, overburdened and unable to cope with a growing caseload, almost self-destructed when the city imposed onerous requirements on religious foster care agencies. Those agencies, of course, provide relief to a public system that sorely needs it by finding foster homes for children who need those homes.

But city leaders, after having been pressured by the American Civil Liberties Union, started requiring these religious agencies to stop preferring children of their own faiths, to drop re-

quirements that children in the care of individuals attend religious services, and to require that those children be given, "meaningful access to the full range of family planning information, services and counseling."

In other words, Mr. President, Jewish agencies were forced to stop giving priority to Jewish children, Presbyterian agencies could not require that foster parents take children in their care to church, and Catholic agencies had to provide abortion counseling and referral to children in the care of Catholic foster parents.

The net result of regulations like that was that the government was hurt, because a greater burden was imposed on it when private social welfare agencies could no longer handle the caseload because they refused to go along with these requirements. The religious agencies of course are hurt badly because they are forced to choose between adhering to their own moral tenets and providing care to those in need, the homeless, the poor and other disadvantaged people. They may have had services which they need—and for which they have asked—disrupted because of disputes among lawyers.

Happily there was a compromise. The city of New York backed away, in part—but did not in its entirety—from those requirements. It simply raises the questions with which we have been dealing as Americans over the course of 200 years, recently in increasingly distorted ways.

We seem to have concentrated overwhelmingly on that half of the first amendment dealing with religion which prohibits the establishment of religion and to have ignored almost completely the free exercise provisions of that first amendment. We do not deal in neutral fashion with social welfare agencies which are connected with churches, with synagogues, or with other religious organizations.

It is obvious to all of us that those organizations engage in many activities which have highly laudable secular purposes. They ought to be able to receive funding in order to engage in those secular purposes. And, when they have that public money, they should not be required to behave as though they were no longer religious agencies at all.

The Salvation Army is not the District of Columbia Department of Human Services and the law should not require it to act as if it were that kind of agency. The Armstrong amendment would assure that S. 1430 embodies these principles. It really does three things.

The bill itself is clear in its prohibition of religious activities. But it is unclear about whether religious entities are eligible to participate in publicly supported national and community service programs. This amendment makes it clear that those entities are eligible.

The amendment states that religious entities that participate in programs funded under the act are not thereby required to transform themselves into secular organizations. They can continue to display religious symbols and decorations, allow people to pray and voluntarily recite religious hymns, promote moral tenets like honesty, dependability, and fidelity which are accepted by the vast majority of our society but which in these cases are often based on religious precepts.

And finally the amendment includes provisions similar to those included in S. 5, the Act for Better Child Care, which we debated at great length on the floor of this body last year.

Those provisions would allow a religious entity which participates in programs funded under S. 1430 first to require that participants adhere to its religious tenets; second, to require that such participants adhere to rules forbidding the use of drugs and alcohol; and third, that in choosing between two or more prospective participants, to hire a person who is already involved on a regular basis in the activities of the organization which is engaged in the hiring.

It seems to this Senator, Mr. President, that this is a fair and appropriate addition to S. 1430. The goal of S. 1430, after all, is to encourage volunteer activities, to encourage people to become foster parents, to encourage people to work to help the homeless, to encourage a myriad of other salutary activities in our society.

We should encourage, therefore, rather than discourage, religious organizations' participation in the provision of these services which, after all, is their history and, in many cases, one of their major reasons for being.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Massachusetts.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I rise in strong support of the Armstrong amendment.

Mr. President, throughout the history of our great nation, churches and religious organizations have formed the very heart of voluntary action. President Reagan once said, "How can we love our country and not love our countrymen and, seeing our countrymen in need, not reach out a helping hand?" In the entire history of the Republic, churches and religious organizations have led that fort.

If we are about to enter into a Federal funding program to try to encour-

age voluntarism, to try to reward people who volunteer—in fact, this bill, some would say, makes being a volunteer a paid profession, which many would suggest is not in the spirit of voluntarism—I can see no logic whatsoever for not adopting the Armstrong amendment because it simply assures that a bill aimed at encouraging voluntarism not exclude the very heart of the voluntary effort in America. That very heart of the effort has been centered in churches and religious organizations.

I think this is a needed clarification in this bill. I think it is a needed clarification in law. I congratulate our distinguished colleague from Colorado, and I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER (Mr. FOWLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. 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. DODD. Mr. President, I rise in strong support of S. 1430, the National and Community Service Act of 1990, and the proposed committee modification offered by the senior Senator from Massachusetts [Mr. KENNEDY].

S. 1430 is the result, as you know, of months of work on behalf of the chairman of the committee, Senator KENNEDY, Senator PELL, Senator NUNN, Senator MIKULSKI, and my office. This legislation contains provisions for 15 national service proposals introduced by a number of our colleagues in 1989 and provides for service opportunities for Americans of all ages.

Mr. President, before I get into the details of the bill I would like to commend our colleague from Utah [Mr. HATCH] for his willingness to work out a compromise to make S. 1430 a bipartisan package of service opportunities.

While the compromise would only authorize a modest \$125 million for fiscal year 1990 and fiscal year 1991, an amount considerably lower than when S. 1430 was first proposed, it should be noted that we will have the opportunity to reauthorize the programs within the next 2 years. At that time the programs will have been tested, and if they prove to be successful, as I am confident they will, we will have every reason to increase the authorization levels and to expand the programs.

Once again the Senator from Utah has provided that there is the opportunity to reach a compromise in this institution, and to do what is necessary to try to deal with some of the pressing problems of this country.

I have had the unique pleasure and privilege to work with him on other matters, and frankly it comes as no surprise to me that he was able and willing to work out a compromise on

this proposal. I commend him for that effort.

S. 1430 is comprehensive, and I would add complementary of existing service programs. States would be given the opportunity to apply a newly created Corporation for National Service for grants to expand or develop service programs. The States would apply for Federal funds to, one, develop programs for school age youth and local schools or community organizations; or, number two, expand or develop full time or summer conservation or Youth Service Corps for youths between the ages of 16 and 25; and, third, develop a community serviced demonstration program; or, lastly, develop an innovative idea of their own outlined in the grant application.

Moreover, S. 1430 would also authorize President Bush's Points of Light Foundation to promote volunteer service in this country.

The Federal Government's commitment to inspire civic responsibility has a very long and proud tradition.

Mr. President, as we all know, it has waned since the leadership of President Kennedy in the early 1960's. "Ask not what you can do for your country" is a long long way from our "Are you better off than you were in 1980." S. 1430 would restore the Federal Government's commitment to make service attractive to young people, and to foster a service ethic in all America.

Mr. President, our country has a wide variety of problems that are literally crying out for a greater commitment to the public good. We are suffering the fallout of a decade that has seen the gulf between the affluent and poor become a very wide chasm indeed. Children, those who are in the dawn of life, are falling through the cracks of society each and every day.

Let me share some of the statistics which all of us are all too painfully aware of. One out of every four children in this country is living in poverty as the majority of homeless are families today. And 20 percent of our young people are dropping out of high schools.

Let me quickly add that in the societies of Japan and the Federal Republic of Germany those numbers hover around zero. So we begin to think in terms of competition with the 20-percent dropout rate. And, by the way, that is the national average. When you get into our cities in this country that number reaches into the 50 to 60 percent category.

Also, many of the 37 million Americans without health insurance are children. In fact, 15 million kids in this society have no health coverage whatsoever. Whatever complaints you may want to level at their parents, you cannot blame 15 million kids for not having health insurance.

Many large and small cities across this country are in a state of decay. Drugs, as we all know, are ravaging many of our cities and communities,

and eroding the next generation of workers, parents, and leaders.

Mr. President, we are not going to solve all of these problems with a line item in the Federal budget. We are not going to solve them all by coming up with more taxes at the local or State level. We are going to need a commitment from all levels of government. But one of the things we ought to be able to do is to encourage Americans of all ages, of all backgrounds, to participate in doing what we can to turn some of these statistics around in this next decade. That is what the bill proposed by Senator KENNEDY, myself, Senator MIKULSKI, Senator NUNN, Senator HATCH, and others attempts to do.

It is one small piece in that puzzle. It is not going to solve the problem. But if we fail to convince Americans of all ages, of all economic levels, to participate in resolving these problems, then I would suggest to you the problems are going to become worse.

The state of affairs demands the urgent attention and leadership of every one of our citizens at all levels of government, including the Federal Government as well.

We must mobilize our human resources to attack the myriad of societal ills. We must once again call, as I said a moment ago, all Americans to service.

Americans of all ages and from all economic backgrounds and circumstances can and should feel like contributing members of our society. They just need to be asked. I will never forget when I joined the Peace Corps back in the 1960's a particular interview which I think may have had more to do with my decision, as I was in my senior year in college, to join the Peace Corps than anything else.

It was an interview with a person who had joined that Peace Corps and come back. They asked him why he had not done something like that before. His simple one line answer was, "Nobody ever asked me before."

All of sudden I remembered that there was this fellow in the White House who had asked me to do something like that. I got excited about it. I thought if he got excited about it this really might be something worth doing. That, more than anything else, is the spark that lit my interest in serving in the Peace Corps in the Dominican Republic. That event had, more to do with my adult life, with the exception of my family, than any other event or set of circumstances.

So volunteering made a big difference. It can make a big difference in others' lives as well. All we need to do in many ways is really just ask and back up our request for a greater number of opportunities for service. Young people today complain of feeling detached, isolated from society. According to a poll conducted by Peter Hart Associates, fewer young people feel compelled today to serve the community than ever before. There is

little doubt that these emotions contribute to the dropout rate, low morale, substance abuse, and extremely low voter turnout of young people between the ages of 18 and 24. For the young people, for our communities, and the Nation, we need to take the necessary steps to convince young people to realize that they have tremendous potential and can contribute significantly. More importantly, we need to help young people to appreciate that each and every one of them has something to contribute to this country.

One of the best ways I know of to instill in young people a sense of pride in accomplishment is through service. As I said, I know because it happened to me. I am confident that people across this country, given the same kind of opportunities here at home, will respond to them as I did. There is nothing different from my generation than this generation, not a single thing. The difference was, in my generation there was a government that asked a generation to participate. Regretfully, we have failed to make that similar request of this generation. But they are there, they are willing to participate, they are willing to serve. All that needs to be done is for them to be asked to participate. I think all of us are confident they will respond accordingly.

When I have the opportunity to speak to high school students in my own State I cannot emphasize enough the benefits of national community service. Last spring, when I heard testimony in Hartford on community service, middle school and high school young people discussed the enjoyment and satisfaction they experienced when tutoring or bringing food to elderly or fighting a forest fire. In particular, one witness, a young man by the name of Richard Innaimo, of the Connecticut Conservation Corps, was quoted as saying, "I am proud of what I do and the knowledge and experience I get out of CCC. I get a sense of accomplishment when I do something that will make people enjoy our State parks." Mr. President, we need to get the word out that service can be an exciting and rewarding experience.

The programs outlined in title I are designed to build on the existing structure of service opportunities available in States. There are prototypes of school, community, and conservation service programs already in place in many States in this country. In particular, title I, section C, of the modification, which I originally sponsored, to make grants available to States for conservation and youth service corps programs, would build on model programs already in place in some 20 States.

Title I section (c) of the bill is really taking advantage of a program that already exists in some 20 States. It is a tested program that has already been working extremely well. The participants in the existing Conservation

Corps, for instance, have already made enormous contributions to our country. Just in 1989, corps members from around the country traveled to Yellowstone, SC, and California to help rebuild communities and parks devastated by fires, earthquakes, and hurricanes.

It is not enough to make service opportunities more available to Americans. The programs have to be affordable to the sponsors and participants. S. 1430 attempts to make service more affordable for all Americans. To help defray living expenses, States could provide participants in the full-time programs stipends not to exceed the poverty level for a family of two, \$8,020. For each year of service participants would also receive a voucher, not to exceed \$5,000, to invest in an education or the purchase of a first home.

Some will say that is not volunteering. If you are going to provide a stipend at the poverty level and you are going to provide additional resources to encourage one's further education, then you are actually engaging in a contradiction of terms here; this is not volunteering, it is fully paying someone. I suppose in an absolute literal sense there is some merit to that.

I was a Peace Corps volunteer, I was paid \$5,000 a year; \$100 a month, to pay for my rent and food in the small village I lived in in the Dominican Republic. I was one of the more affluent people in town. At \$100 a month I guess I could suggest I was not a volunteer. My house cost \$13 a month, my food was \$30 a month, my laundry was \$5 a month, and the rest was considered excess, I suppose, if you will. That made me one of the richest guys in town. But in a sense I think I was a volunteer at \$100 a month. Certainly in this country today if you are living at the poverty level and putting money away for one's education is roughly the same thing.

Second, I would add, volunteering ought not to be something one can do because you are affluent enough to do it. If your suggestion would be that the only people who could volunteer would be the people who would not have to accept the stipend or would not have to accept some assistance for furthering their education, then you will eliminate some of the very people who may benefit the most from volunteering.

I mentioned a moment ago about speaking to high school students in Hartford, CT, who were involved in volunteer programs. Some of those young people were the poorest people in Hartford, CT, who were volunteers, out there doing a good job. They had a sense of participation and contribution.

Mr. President, I see that the Chair is interested in moving on to another matter.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I am happy to yield.

ORDER FOR RECESS FROM 12:45 P.M. UNTIL 2:15 P.M.

Mr. KENNEDY. Mr. President, as I understand the order is to recess at 12:30, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I ask unanimous consent that the time be extended to 12:45, and that the Senator from Connecticut be permitted to conclude his remarks and, as I understand, the Senator from California wants to make some remarks.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. DODD. I thank the Senator from Massachusetts and I will be very, very brief here.

But the point is Mr. President, that volunteering ought not to be something that one is affluent enough to do.

When I joined the Peace Corps in early 1950's, I certainly could afford to do it in many ways. I was fortunate enough to grow up in a home where my parents could afford to pay for my education. I did not have to get involved in a lot of student loans or a lot of debt to pay for my college education. I am not sure my parents would be able to do that today given the cost of education.

When I went off and joined the Peace Corps, I could do so. I did not have to go to work and immediately pay off student loans. Today we would like to attract all people to service and including people who dropped out of school. And what title I says is, you do not have to have a high school education or high school diploma to participate.

I talked to some young people here in Maryland who were involved in a conservation program. Many of them had dropped out of school and were attracted and drawn into this conservation program. And, in every single case, every one of them had gone back and gotten a high school diploma. Every single one of them said the reason they did so was because of the positive experience they had had as volunteers in the Conservation Corps program of Maryland, and that they felt with an education they could even do more.

So, volunteering ought not to just be for middle- or upper-class folks. It ought to be available as well to the poor and people who have not completed a high school education. And title I is designed to do it. Volunteering is not only good for the recipient of a volunteer service, it is extremely good for the volunteer. It can give a person who has never had the sense of self-worth and accomplishment that experience for the first time in their lives.

So our title I is designed to build on existing programs and to make volunteering something available to all Americans, even though there is a cost involved here of a living stipend and

an educational grant assistance program to put money aside to further one's education.

S. 1430 will make service more affordable for college graduates with outstanding student loan costs. In the 1986 Higher Education Act reauthorization, I sponsored a provision which partially cancels the direct student loans of Peace Corps and Vista volunteers. These benefits would be extended to cover Stafford student loans as well, thanks to the provisions in S. 1430 first introduced by Senator BUMPERS. Furthermore, provisions authored by Senator BUMPERS would allow participants in Peace Corps-type positions with tax-exempt community service organizations to also qualify for the loan forgiveness.

Opponents of S. 1430 will argue that the Federal Government should not be spending this kind of money for volunteers. I think I have addressed that point as effectively as I know how. It does involve a commitment of some dollars. But if we can reduce the dropout rates of young Americans, if we can increase the literacy of people who dropped out of school or who have fallen through the cracks, if we can improve on a health care system, if we can improve the feeding conditions, nutrition programs of elderly Americans, there is no way you can calculate the dollars saved by becoming involved in programs like this.

I do not think anyone would argue with the notion that we would be saving millions of dollars if we can save some of these people, make them more self-sufficient or reduce the likelihood they are going to have serious health problems.

This bill allows us to do that, allows us to invest small amounts of money and reap tremendous benefits for the recipients as well as those who will be motivated to serve our great Nation.

There are a lot of problems in our country. Again this bill will not solve all of them but it comes close to at least making it possible for all Americans to participate in the resolution of these problems.

I again commend our colleague from Massachusetts for bringing these various ideas together; our colleague from Utah for being a significant, positive and, once again, contributing factor to the development of this legislation; my colleague from Maryland [Ms. MIKULSKI], who has been deeply involved and interested in the subject matter for a long, long time; and Senator NUUN for his deep interest in national service.

I hope that our colleagues will support and adopt this legislation before too long.

I thank the Chair and I yield the floor.

Mr. KENNEDY. Mr. President, I wish to once again pay tribute to the Senator from Connecticut for his strong commitment in voluntarism and in service. He has demonstrated that with his own life's commitment as

a volunteer in the Peace Corps, and he has been one of the strongest and most active members of our committee in the shaping of this legislation. He is also chairman of a subcommittee of our Committee on Human Resources that extends the various other voluntary programs, the ACTION Program and others. They have all benefited from his oversight and involvement. As a member of the Foreign Relations Committee, he continues to pursue the support for the Peace Corps. He and I can remember it was not long ago when there were attempts by the administration to basically emasculate that program, that has been so successful.

So we are indeed grateful for not only his strong statement but for the very commendable work that he has involved himself in in this area as well as many others.

Mr. President, I ask unanimous consent that the amendment of the Senator from Colorado be temporarily set aside. The Senator from Colorado has agreed to this procedure.

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

AMENDMENT NO. 1263

(Purpose: To provide for national service in programs involving drug and alcohol abuse, education and treatment and for other purposes)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 1263.

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

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

The amendment is as follows:

On page 19, line 18; strike "and".

On page 19, between lines 18 and 19, insert the following:

(L) disclose whether the program plans include preventing and treating school age drug and alcohol abuse and dependency; and

On page 19, line 19, strike "(L)" and insert (M).

On page 35, line 5, after "facilities," insert "activities that focus on drug and alcohol abuse education, prevention and treatment,".

On page 53, line 4, strike "and".

On page 53, after the semicolon, insert "and".

On page 53, between lines 9 and 10, insert the following:

(C) service in programs engaged in the education, prevention, and treatment of drug and alcohol abuse, including care programs for cocaine-addicted babies;

Mr. DOMENICI. Mr. President, I could take a long time to discuss the philosophy and notion encapsulated in this bill. I have listened with attention to my friend from Connecticut and

others. The Senator from Connecticut cited various experiences he has had with reference to the joy and fulfillment that comes from the kind of services that he described here, including the Peace Corps.

I might say to my good friend I am very privileged in that I happen to have a lot of children. They are now almost grown. My twins are 22, and I have 8 children, so they are the babies. I can tell you there is no question that the young people—and I know this is not just a young people bill, but the young people of this country truly yearn for an opportunity to help others. As a matter of fact, I think we are remiss because our society is so built around competition and success and getting a niche in life that it is very difficult for it to find a niche for those who want to take a little time in an orderly and organized way and be helpful to others. We have a difficult time structuring that because it is obvious that is not the prime activity of the country. We have to get along with our economic concerns, our private sector development, and jobs. But I do not need my family to be convinced that we ought to provide more opportunity for young people to help other young people, or to participate in being helpful to those in need.

Having said that, my amendment is a simple one. At various places in the bill where we mention and describe specific service activities, knowing full well that those were not intended to be all inclusive, I have asked that in each of those three places in the bill we include drug treatment, and drug-related preventative activities in the scope of community service in which we are encouraging American citizens, young and old, under this bill to participate.

It would not necessarily be excluded if my amendment is not part of the bill, but I think the managers of the bill agree with me that it would serve well to list drug prevention and related activities as one of the areas where we would like our citizens to help other citizens in various social service modes. That is essentially the amendment. I ask for its immediate consideration.

Mr. KENNEDY. Mr. President, I commend the Senator from New Mexico for this amendment. What it would do is, in the various school-based systems, it would make a part of the application that an indication that there are drug and alcohol education programs, and, second, it would make the drug and alcohol treatment programs, rehabilitation programs, prevention programs in the community eligible for these kinds of activities. This is completely consistent with what we intend with this program. I think it is a useful and valuable amendment. I urge the Senate to accept it.

The PRESIDING OFFICER. The question occurs on the amendment of

the Senator from New Mexico [Mr. DOMENICI].

The amendment (No. 1263) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, let me commend my colleague from New Mexico for this amendment and thank him, as well, for his remarks. He has almost a whole youth corps right there under this own roof with eight children. Having been one of six, I can relate to what that experience is like. And I have had the opportunity to meet a number of his children. He and his lovely wife have done a fantastic job with that crew of theirs. I am not surprised at all they are anxious to participate and volunteer.

AMENDMENT NO. 1264

(Purpose: To ensure that Indian tribes are eligible to receive grants under all subtitles of title I)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of Senator CONRAD and ask unanimous consent that the Armstrong amendment be temporarily set aside and that we proceed to the consideration of this amendment.

The PRESIDING OFFICER. Hearing no objection, it is so ordered. The Armstrong amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. CONRAD, proposes an amendment numbered 1264.

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

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

The amendment is as follows:

On page 26, line after line 19, add the following new section:

SEC. 117. TREATMENT OF INDIAN TRIBES.

An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 27, between lines 20 and 21, insert the following new paragraph:

(3) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 52, between lines 9 and 10, insert the following new subsection:

(h) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 66, between lines 2 and 3, insert the following new subsection:

(d) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

Mr. CONRAD. Mr. President, this amendment will ensure that Indian reservations are eligible to participate in community service programs regardless of whether their States do so.

Indian reservations stand to benefit substantially from the programs pro-

posed in S. 1430. Community service will help Indian youth learn about the interworkings of their communities and of government, while at the same time providing valuable contributions that make a difference close to home.

Reservations in North Dakota and elsewhere have unemployment rates that reach as high as 80 percent. They frequently need assistance in water, sanitation and various natural resource areas. They need housing improvements. And like any other community, they need enlightened leadership.

Community service opportunities for Indian youth and for others in their communities will help reservations build for the future. There are many benefits that this legislation can provide to reservations, and I am pleased to offer this amendment today.

Mr. KENNEDY. Mr. President, this amendment basically clarifies that Indian tribes are eligible to receive grants directly from the Federal Government to operate a Conservation Corps or Youth Service Corps. It is completely consistent with our intentions, and it is supported by my colleague the Senator from Utah.

We are prepared to support that amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from North Dakota, offered by the distinguished chairman.

The amendment (No. 1264) was agreed to.

Mr. KENNEDY. Mr. President, we are looking for our colleague and friend from Colorado to see if we cannot have a disposition of that legislation. I believe that we will, at 4:30 when we resume consideration of this bill.

We are prepared to consider the remaining amendments. We have been able to dispose of a number of those amendments. There are, perhaps, at least that have been communicated to me, a half a dozen that need our attention. So I ask our colleagues on both sides of the aisle, when we resume consideration of this bill, if they would be good enough to come to the floor and offer these amendments.

We are prepared to debate these amendments. We support some. We will be glad to work out with our colleagues as many of those that can be worked out.

Hopefully we can move along. We have had a good discussion of this legislation yesterday. To my knowledge we have yet to have anyone speak in opposition to it. There are some ideas that we will have to address. Some we support, some we do not feel should be a part of this legislation. But we are glad to get to them this afternoon.

We know we have other urgent business here on the agenda so we are eager to dispose of these matters as quickly as we can.

I hope our colleagues will come to the floor immediately after the cloture vote and be prepared to dispose of these amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I am delighted that the National and Community Service Act has finally reached the floor, and contains my original proposal to establish a National Service Demonstration program with educational benefits.

As one who has been a longtime advocate of national service, I am very encouraged by the considerable national attention this issue has now received.

We are at the point where we should enact a demonstration program of voluntary national service involving a strong community service and education component. The demonstration program contained in this bill will enable us to test the concept of national service, and to gain valuable information in several areas.

First, this demonstration program will enable us to learn how much interest there is in community service. While community service programs exist on many college campuses today, we do not have detailed information on either the extent or the depth of student interest in this area. Consequently, before we embark on a full-blown program, it is, to my mind, very important that we have this kind of information.

Second, we do not know the kind of people who will be interested in community service. The demonstration program will accomplish that by giving us crucial information on the socioeconomic background of those who participate.

Third, the demonstration program would give us a much better idea of just how expensive a comprehensive program might be, and would enable us to judge whether or not we could afford such a program given the severe budgetary constraints confronting us. Estimates are that a comprehensive program could cost as much as \$50 billion a year, and that would most certainly place any program beyond our reach. The demonstration program would enable us to determine whether or not such an estimate is accurate, as well as whether or not we could get along with a more limited program.

This legislation also involves a commitment to what I consider a very important concept, namely that successful completion of community service

should involve an educational benefit. Most important, the educational benefit should supplement, and not replace, our existing, proven Federal student aid programs.

It would be cruel, indeed, to replace programs that today serve over 6 million students with one that would serve less with less assistance, and would require a special obligation of service by the poor simply because they are poor.

Mr. President, under the provisions of my demonstration program, citizens of all ages could elect to serve in either a full- or part-time community service program. Participants would be paid a stipend during their tenure. Such a provision would open the doors of community service to all Americans—rich or poor. Without stipends, community service would become the domain of the rich, or those able to depend on others for financial support during their tenure. Such people do not make up the majority of Americans.

When participants successfully complete the community service requirement, they would be entitled to receive an educational benefit of \$5,000 for each year of full-time service and \$2,000 for each year of part-time service. The stipend could either be used at an institution of higher education or for enrollment in an apprentice and training program. A second option is to use the voucher for a down payment on a home.

It is appropriate, indeed, that the fulfillment of two aspects of the American dream—home ownership and a college education—are made more obtainable by this bill. For millions of American families, these two goals are of utmost importance. I am proud to be part of such an innovative program and look forward to the benefits it will bring to so many citizens in our Nation.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:45 p.m. having arrived, the Senate will now stand in recess until 2:15 p.m.

Thereupon, at 12:45 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

ARMENIAN GENOCIDE DAY OF REMEMBRANCE

MOTION TO PROCEED

The PRESIDING OFFICER (Mr. KOHL). Under the previous order, the hour of 2:15 p.m. having arrived, there will now be 2 hours of debate on the motion to proceed to the consideration of Senate Joint Resolution 212, to be equally divided and controlled by the Senator from West Virginia (Mr. BYRD) and the Senator from Kansas (Mr. DOLE).

Mr. BYRD. Mr. President, I ask unanimous consent that no time be charged against either side on the quorum call.

I suggest the absence of a quorum. The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I yield myself such time as I may consume. My purpose in asking consent that the time not be charged against either side was to assure that both conferences were completed and that the Republican leader was here. That was my only purpose in doing that. I ask unanimous consent therefore that the vote on cloture be extended accordingly.

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

Mr. BYRD. Mr. President, while listening to the proponents of Senate Joint Resolution 212 in the course of last week's debate, I had occasion to recall the words of that most eloquent interpreter of Whig historical philosophy, the 19th century English scholar Thomas McCaulay, who, in his famous essay entitled "History," penned the following words:

No picture then, and no history, can present us with the whole truth; but those are the best pictures and the best histories which exhibit such parts of the truth as most nearly produce the effect of the whole. He who is deficient in the art of selection may, by showing nothing but the truth, produce all the effect of the greatest falsehood.

As one after another I heard my colleagues present tiny pieces of the complicated history of Turkish-Armenian relations during the years 1915-23 as if they were revealing the greater truth, I realized that despite my firmly held contention that this body is not the place to judge history, I still have a responsibility to try to ensure that the selections presented here do not—and I quote McCaulay again—"produce all the effect of the greatest falsehood."

Throughout last week's debate we heard countless references to our American envoy to the Ottoman Empire, Ambassador Henry Morgenthau, as a primary supporter for the view that the deaths of Ottoman Armenians between 1915 and 1923 are best termed a "genocide." However, a review of the chronology in question establishes a number of interesting and indisputable facts: First, Ambassador Morgenthau's tenure in Turkey covered only the first 9 months (from April 24, 1915-January 31, 1916) of the 108 months covered by the resolution. In other words, both his reports and his expertise are clearly confined to less than 10 percent of the period en-

S1716

ARMENIAN GENOCIDE

S. 1716

(8). Or, the ground that Armenian officials may be spies, expel and drive them out absolutely from every Govern... Armenians in the Army—this to be left to the military to do.

(9). All action to begin everywhere simultaneously, and thus leave no time for preparation of defensive measures.

(10). Pay attention to the strictly confidential nature of these instructions, which may not go beyond two or three persons.

(n.b. Above is verbatim translation—date December 1914 or January 1910.)

Mr. DOLE. Mr. President, I yield back any time and I urge my colleagues to vote to shut off debate so we can go on to the resolution.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded back, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S.J. Res. 212, a joint resolution designating April 24, 1990, as "National Day of Remembrance of the Seventy-Fifth Anniversary of the Armenian Genocide of 1915-1923."

Bob Dole, Edward Kennedy, Pete Wilson, James M. Jeffords, Paul Sarbanes, Jake Garn, Arlen Specter, Pete Domenici, Alfonso D'Amato, Larry Pressler, Bill Bradley, John Heinz, John F. Kerry, Nancy L. Kassebaum, Carl Levin, Strom Thurmond.

Mr. BYRD. Mr. President, I ask that the clerk announce the names of the Senators as they vote.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of Senate Joint Resolution 212, a joint resolution designating April 24, 1990, as "National Day of Remembrance of the 75th Anniversary of the Armenian Genocide of 1915-1923" shall be brought to a close.

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] necessarily absent.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 51, as follows

[Rollcall Vote No. 17 Leg.]

YEAS—48

Armstrong
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Burdick
Chafee
Coats
Cohen
Cranston
D'Amato
DeConcini
Dole
Domenici
Durenberger

Garn
Glenn
Gore
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Kennedy
Kerry
Kohl

Lautenberg
Levin
Mikulski
Mitchell
Moynihan
Murkowski
Pell
Pressler
Riegle
Rudman
Sarbanes
Simon
Specter
Stevens
Thurmond
Wilson

NAYS—51

Adams
Baucus
Bond
Boren
Breaux
Bryan
Bumpers
Burns
Byrd
Cochran
Conrad
Danforth
Daschle
Dixon
Dodd
Exon
Ford

Fowler
Gorton
Graham
Gramm
Hatfield
Hollings
Inouye
Johnston
Kerrey
Leahy
Lieberman
Mott
Lugar
Mack
McCain
McClure
McConnell

Metzenbaum
Nickles
Nunn
Packwood
Pryor
Reid
Robb
Rockefeller
Roth
Sanford
Sasser
Shelby
Simpson
Symms
Wallop
Warner
Wirth

NOT VOTING—1

Matsunaga

The PRESIDING OFFICER. On this vote, the yeas are 48; the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate return to consideration of S. 1430, the National and Community Service Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: A bill (S. 1430), to enhance national and community service, and for other purposes.

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. Mr. President, I ask unanimous consent that I might be permitted to proceed 5 minutes as in morning business.

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

RESULTS OF THE NICARAGUA ELECTIONS

Mr. KERREY. Mr. President, the elections in Nicaragua last Sunday produced a startling and heartening

result: Violeta Chamorro unexpectedly and decisively defeated Daniel Ortega.

Much of the early comment we have heard focuses on the faulty polling data which predicted an easy Sandinista victory, declarations of support for economic aid and assistance, and assertions that this election vindicates President Reagan's legal and illegal war against the Sandinista government. Most remarkably we have heard it said that the election was a statement for freedom and democracy by the people of Nicaragua.

Mr. President, there is another side to this story.

This morning, I heard a member of the Nebraska delegation, Congressman DOUG BERETER, as part of the President Carter observer group, describe the poor and often illiterate people who were willing to risk and endure a great deal in order to cast their vote. He described the efficiency of the election itself and the manner in which the Sandinista government appears willing to turn over power to the duly elected Mrs. Chamorro.

He described peasants walking all day in order to vote. He described the care that was taken to guarantee the citizens the secrecy needed if votes were not to be coerced. He spoke about men and women who thrilled at the freedom they enjoyed on Sunday. The right to vote for whomever they wanted.

Mr. President, the American people should understand that this right to vote originated in an accord which was signed by the Central American presidents on February 14, 1989, under which Sandinistas agreed to political reforms and early elections in exchange for a commitment to draw up a plan to disband the Contras within 90 days.

This diplomatic approach was in striking contrast to the Contra war financed by the Reagan administration which contributed heavily to the death and destruction in Nicaragua.

The United States did not participate in this accord. The Bush administration was, in fact, caught completely by surprise when these leaders reached their agreement. Suddenly, we were on the sidelines. The Bush administration and Congress agreed to continue nonlethal aid to the Contras and stated our qualified support of the elections.

As long as the expectation was that the Sandinistas would win the election, their willingness to freely provide this right was discounted. It seemed beyond the realm of the believable to consider the possibility that the Sandinistas would be voted out from office. Therefore, by definition the election themselves were suspect.

In the end, the Nicaraguan people who have endured years of war, authoritarian rule, and the effects of long distance policymaking, stood up for their freedom and their right to a democratic government.

S1717-31

The United States did not provide the people of Nicaragua with a free election. They did it for themselves. It is theirs to enjoy and savor.

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. COCHRAN. 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. COCHRAN. Mr. President, I ask unanimous consent to speak out of order for 1 minute.

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

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the Chair. (The remarks of Mr. COCHRAN pertaining to the introduction of S. 2187 and S. 2188 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

S. 1430
NATIONAL AND COMMUNITY
SERVICE ACT OF 1989

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I rise in support of the pending amendment by my colleague from Colorado [Mr. ARMSTRONG].

I think it is an important amendment and one that will allow us, I believe, as a nation to make maximum use of the funds available, which we all agree are very scarce, in order to provide for the needs of so many of the needy in our Nation.

Mr. President, churches and other religious entities provide social services to troubled young people, to homeless, seniors, people with disabilities, and others in communities throughout the country. Because of their demonstrated effectiveness in meeting human needs, religious organizations have sometimes received public funds to help carry out those services.

I think one of the best examples of that, Mr. President, is the Salvation Army which, for example, for many decades has provided effective service to the homeless. It has in the past received funding from Housing and Urban Development to help deliver these services.

I think if we look at an organization where the maximum use of the dollars donated and used go directly to the recipient, we would be hard pressed to find an organization that is more effective because the members of the Salvation Army, as we know, are volunteers who live at bare subsistence levels themselves.

There are many organizations like the Salvation Army that I believe would make use of these funds in a most effective fashion—in fact, perhaps more effectively than some other

organizations that are layered with bureaucracies and high-priced employees.

I think one example of the problems that some have experienced in getting some of these funds to the homeless took place in New York City, where the foster care system was unable to cope with the growing case load and nearly self-destructed from city-imposed onerous requirements on religious foster care agencies.

In other words, we can make it clear with this amendment that religious organizations which engage in many activities that serve clearly secular purposes should be able to receive public funding to achieve those secular ends. This is by no means interpreted as a method to impose any religious belief of any kind, or in any way, on any of the recipients.

At the same time, I believe, and I think the majority of this body will express its opinion very shortly, that religious bodies should be able to help those who are in most dire need of help.

I want to restate that the amendment states that the religious entities that participate in programs under the act are not required to become secular organizations. They can continue to display religious symbols or decorations. They can allow people to pray and to sing religious hymns voluntarily, and I emphasize voluntarily, and they can affirm and promote moral tenets like honesty, dependability, and fidelity.

Finally, this amendment includes provisions similar to those incorporated in S. 5, the Act for Better Child Care, which the Senate adopted last year. These provisions would allow a religious entity that participates in the program to require the participants adhere to the religious tenets and teachings of such organization, and in choosing between two or more prospective participants, nothing shall prohibit such organization from accepting a prospective participant who is already participating on a regular basis in other church activities.

Mr. President, this is a good amendment. I think it is one that would clarify an otherwise tangled legal system, and I appreciate my colleague from Colorado bringing the amendment up at this time.

Mr. President, I yield the floor.

Mr. SASSER. Mr. President, I rise today as a cosponsor and strong supporter of both the National and Community Service Act and the substitute amendment offered by Senators KENNEDY, HATCH, and others.

As a citizen of the State of Tennessee, the Volunteer State, I understand the value of national and community service. Throughout the history of the United States, Tennesseans have always responded in times of need—when war, depression, or natural disaster demanded that everyone do their part.

Well, Mr. President, now more than ever that Tennessee tradition of voluntarism is needed all across this Nation. Throughout the United States, basic needs in education, health care, child care, and the environment are being neglected. According to a recent study, there are approximately 3.5 million positions as tutors, orderlies, health care aides, and laborers in forests, farms, parks, and neighborhoods ready for civilian service volunteers.

Mr. President, I believe the measure before us will help foster the new volunteer spirit so badly needed in this country. The National and Community Service Act combines the best elements of 10 national service bills introduced in Congress last year. While our legislation provides opportunities for persons of all ages, I believe a crucial aspect of the bill is its emphasis on service by young persons of high school and college age. Our youth represent a tremendous resource to help meet America's volunteer needs—and if we are to tap this resource, we must develop programs that will attract and also benefit young people.

Last spring, I held 4 days of hearings at high schools throughout Tennessee to learn what students, school officials, and community leaders thought about volunteer service and the variety of plans that had been proposed in Washington. I am very proud of the young citizens of Tennessee who are giving their time and their caring to their communities. Through their schools, community, and church groups, and other organizations, these young Americans are involved in a diverse mixture of projects that help people of all ages and income groups. From those hearings I learned something very important—that no matter how students first get involved in community service, their volunteer experience was more rewarding than they ever imagined.

The hearings also helped me to identify several major characteristics necessary for a successful national service program. First, if people are going to make volunteer service a part of their life they need to be introduced to it at an early age. Second, even when incentives are offered, many young people are reluctant to sign up to volunteer for a full year. Third, high schools and colleges that promote or require community service for credit experience a great deal of success.

I am pleased to say that the National and Community Service Act incorporated the recommendations that I received in my Tennessee hearings. Through the administration of a newly created Points of Light Foundation, competitive grants will be awarded to States and local governments to run a variety of service programs—including one available for students as young as kindergarten age. These programs will offer participants the opportunity to earn a weekly stipend

and/or education, training, housing and other benefits depending on the amount of time served—giving them flexibility as to the extent of service time committed. Finally, the legislation will also provide incentives for colleges to use work-study funds for community service-learning programs and allow college students to pay back their loans through community service.

Mr. President, the genius of the measure before us is that it brings together a tremendous set of public needs with a bountiful pool of human resources. The work done by the volunteers will provide long-term public benefits to the communities of the United States. Volunteers will be working in government agencies, nursing homes, hospitals, libraries, day care centers, schools, law enforcement agencies, social service organizations, parks, wetlands and forests, and depressed urban neighborhoods. And just as important, the volunteer experience will provide our youth with training, work experience, basic and life skills, and instill in them a work ethic and sense of public service.

Mr. President, as chairman of the Senate Budget Committee, I am acutely aware of the limited funds available to address the tremendous domestic problems facing our Nation. Despite tighter budgets, we must find ways to meet the basic needs of our citizens and prevent the deterioration of our public lands and neighborhoods. This bill goes a long way toward providing individuals an opportunity to help America meet her needs—and represents the type of wise investment in America and Americans which is so necessary today.

Mr. KENNEDY. Mr. President, for the information of Senators, the Senator from Arizona has an amendment. If he desires to offer the amendment, then I will ask unanimous consent to temporarily set aside the Armstrong amendment, which is one of the major issues remaining. Hopefully we can address the McCain amendment in a reasonable period of time, dispose of it, and in the meantime see if we can resolve the Armstrong amendment.

Then we have the Gramm amendment and the remaining McCormell amendment. I mentioned that the Gramm amendment will take some time. Whether the leader will want to continue on through the evening, I do not know. But I hope we could address the McCain amendment, if that is possible.

I have talked to the Senator from Arizona. He has indicated he would offer his amendment very shortly. Hopefully we would be able to debate that and dispose of that this evening, and then I think the majority leader will indicate to the membership what the plan will be.

The PRESIDING OFFICER. The Senator from Utah.

Mr. McCAIN. Will the Senator yield?
Mr. HATCH. Yes.

Mr. McCAIN. Mr. President, I would be glad to bring up my amendment, if there are no Members who would like to continue to address the Armstrong amendment. After the Senator from Utah finishes his remarks, I would be glad to bring up my amendment.

AMENDMENT NO. 1265

Mr. HATCH. If the distinguished Senator will yield, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. HATCH. I ask unanimous consent that the pending amendment be set aside for the purposes of considering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Utah, (Mr. Hatch) for himself, Mr. BUMPERS, Mr. KENNEDY, and Mr. INOUYE, proposes an amendment numbered 1265.

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

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

The amendment is as follows:

In section 241, strike out "to individuals who are new borrowers on that date".

In section 251, strike out "to individuals who are new borrowers on that date".

At the appropriate place, insert the following new sections:

SEC. . GRAND CIRCLE ADVENTURE PASS.

Section 4(a)(1)(B) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(B)) is amended by adding at the end thereof the following new sentence: "The Secretary shall make such a permit (to be known as the Grand Circle Adventure Passport) available for admission, for a period of at least 7 days, to the group of Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, Zion National Park, Mesa Verde National Park, and Grand Canyon National Park (north rim), including admission to all monuments in those parks."

SEC. . EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 380w-9(a)) is amended in the first sentence—

(1) by striking out "not more than four";

(2) by striking out "in any fiscal year";

and

(3) by striking out "in such States".

SEC. . PHYSICIAN'S COMPARABILITY ALLOWANCE.

The positions of the Assistant Secretary for Health, the Deputy Assistant Secretary for Health, the heads of the Public Health Services agencies, and other positions that are compensated under subchapter II of chapter 53, of title 5, United States Code, relating to the Executive Schedule, when employed as physicians shall be defined as "government physicians" for purposes of eligibility for physicians comparability allowance as defined in section 5948 of title 5, United States Code.

Mr. HATCH. Mr. President, this amendment is acceptable to both sides. It is a set of amendments proposed by myself, Senator BUMPERS,

Senator KENNEDY, and Senator INOUYE.

These amendments represent refinements and additions to make this legislation better. We have agreed on language that I believe would be acceptable to virtually every Senator.

I urge the adoption of this amendment.

Mr. KENNEDY. Mr. President, I hope the Senator will accept the amendments.

EFFECTIVE DATE FOR LOAN CANCELLATION PROVISIONS

Mr. BUMPERS. Mr. President, under the bill as reported from the Labor Committee, the modest cost of the loan cancellation provisions is not felt until 1993 because the loan cancellation provisions apply only to "individuals who are new borrowers" 30 days after the date of enactment of the bill. Thus, the loan cancellation provision would apply only to students who had never obtained Federal Government loans. This is what the "new borrowers" limitation means.

If this limitation remains in the bill, we will have to wait for at least 4 or 5 years before many people could qualify for the loan cancellation provisions. A student would have to enter college, take out some loans, graduate from college, begin voluntary service, and then complete at least 1 year of service before he or she would qualify for any loan cancellation benefits.

Senator KENNEDY and Senator HATCH have agreed that this limitation is overly restrictive and we have reached an agreement to modify the limitation. The modification provides that the loan cancellation provisions apply to new loans, even for borrowers who have previously taken out some loans.

The Congressional Budget Office has found that this change in the effective date still leaves the cost of the loan cancellation provision at less than \$500,000 in the first 2 years of the program. This cost level leads to an asterisk in the CBO cost estimate tables.

In making this change, we are not providing loan cancellation for young people who have already begun their service; they made their decisions to serve without regard to the loan cancellation provisions. But any student who enters service after the loan cancellation provisions go into effect, and after they have taken out new loans, is likely to be aware of the loan cancellation benefits and is likely to be relying on them as an inducement to service.

PARK FEES IN UTAH

Mr. HATCH. Mr. President, I have talked with my friend from Arkansas, Senator BUMPERS, regarding an issue that comes within the jurisdiction of the subcommittee of which he is the chairman, the Subcommittee on Public Lands, National Parks and Forests.

The issue is whether the National Park Service will be given the author-

ity to implement a plan to charge one fee for a 7-day pass to the national parks situated in Utah. Senator BUMPERS has said that he would like for me to introduce a bill to this effect, that his subcommittee will act on this matter expeditiously, that he'll do all he can to move this through the subcommittee and committee in an attempt to implement this plan for this summer's park visitors. He sees no reason why he would oppose the idea. He simply wants me to introduce the proposal as a bill so it can be sent to the Park Service and other interested persons for comments. He does not want to set the precedent of setting park fees with amendments on the Senate floor to an unrelated bill.

I ask Senator BUMPERS, have I stated the substance of our conversation correctly?

Mr. BUMPERS. Yes, the Senator has. I agree with everything that my friend from Utah, Senator HATCH, has said. I am happy to take expeditious action on his proposal and believe it may be an excellent idea that might even be applied nationwide, not just in Utah.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment (No. 1266) was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Colorado, I note the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOSCHWITZ. Mr. President, will the Senator yield for a question? Is it my understanding that the Armstrong amendment has been laid aside?

The PRESIDING OFFICER. That amendment is still pending.

Mr. BOSCHWITZ. I thank the Chair.

Mr. McCAIN. Mr. President, if I might ask my colleague from Massachusetts, I understand that it is his desire to lay aside the pending Armstrong amendment in favor of consideration of my pending amendment. Is that correct?

Mr. KENNEDY. That would be my request. We have done it for three other amendments earlier in the day. We have been looking for the Senator from Colorado. I have for the last hour, quite frankly, and we looked for him prior to the Republican caucus.

So we are trying to move the process forward. We have a number of amendments.

The Senator from Arizona has been extremely accommodating and has some very important measures. What we are trying to do is accommodate, at least have a vote on that, and let the majority leader announce the rest of the schedule. In the meantime, we could try to contact the Senator from Colorado.

Mr. BOSCHWITZ. I say to my friend from Massachusetts that I will want to speak on the Armstrong amendment at the appropriate time. I will not agree at this point on any time arrangement. I thank the Chair. I do not ask to lay it aside at this time.

Mr. McCAIN. Mr. President, I ask unanimous consent that the pending Armstrong amendment be set aside at this time.

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

AMENDMENT NO. 1267

(Purpose: To make the benefits paid under the bill comparable to benefits paid to persons for service in the Armed Forces of the United States)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself, Mr. GORTON, Mr. LOTT, Mr. MACK, Mr. COATS, Mr. BOSCHWITZ, Mr. MCCONNELL, Mr. ARMSTRONG, and Mr. GRAMM, proposes an amendment numbered 1267.

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

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

The amendment is as follows:

At the end of subtitle F of title I add the following new section:

SEC. 152. LIMITATION ON PAYMENTS.

(a) IN GENERAL.—(1) No participant or former participant in a program under this title may be paid benefits under this title, in the form of educational and training benefits or in voucher form, or both, in any amount that would exceed the amount of educational assistance benefits paid to a person under chapter 30 of title 38, United States Code, or under chapter 106 of title 10, United States Code, as determined by the Secretary of Defense in consultation with the Chairperson of the Board of Directors of the Foundation.

(b) LIMITATIONS ON USES OF BENEFITS.—Notwithstanding any other provision of this Act, vouchers provided under section 146 may be used for the purposes set forth in clause (A) or (B) of subsection (d)(1) of that section only if educational assistance payments made under chapter 30 of title 38, United States Code, and under chapter 106 of title 10, United States Code, are permitted to be used for the same purposes.

Mr. McCAIN. On behalf of myself, Mr. GORTON, Mr. LOTT, Mr. MACK, Mr. COATS, Mr. BOSCHWITZ, Mr. MCCONNELL, Mr. ARMSTRONG, and Mr. GRAMM, I propose this amendment, which I will briefly describe.

Mr. President, this amendment simply incorporates the principle that post-service benefits under the national service program, which is embodied in the bill, S. 1430, shall not exceed the post-service benefits we provide to the men and women who volunteer and risk their lives for our country in the Armed Forces.

I want to restate that I have been a strong supporter of the concept of national service. I believe in it, and I believe there is a wide variety of services that can be provided by all American citizens on behalf of this Nation. But I also feel that we are making a grave mistake if we propose post-service benefits which would exceed that of the men and women who serve in the military.

Mr. President, S. 1430 would provide post-service benefits to national service volunteers that exceed those that serve in the military. S. 1430 offers a voucher of \$5,000 per year for full-time national service, and \$2,000 per year for part-time national service. Additionally, the pending legislation would allow national service volunteers three options for use of the vouchers. The vouchers can be used for payment of student loans from Federal and non-Federal sources; downpayment or closing costs associated with purchasing a first home; or tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

Mr. President, on April 3, 1989, I introduced S. 781, the National Service Act of 1989. In this legislation, which was also introduced in the House by Mr. PORTER of Illinois, we attempted to draft legislation that was balanced and fair. A bill that looked into the future and tried to address the question of national service from the standpoint that we, as a nation, and those of us in Congress, have as a primary responsibility—I emphasize primary responsibility—the defense of the Nation.

At the same time, we believed that the idea of national service could include certain forms of community service. The basis of our legislation was that every citizen has a responsibility of service to the Nation. To this end, we drafted S. 781 to reflect the need for a quality military force, while introducing a part-time community service program that was a demonstration project designed to observe and evaluate how national service would be received and how it would operate.

In addition, we knew that the idea of national service deserved a close and thorough review by the Congress and the President. We knew that the President needed sufficient time to consider the impact of a bill with such wide ranging implications.

S. 781 called for the President to transmit to the Congress by February

15, 1991, a plan that would implement comprehensive national service program. The program that the President recommended was to include a plan that had a military service component and a part-time and full-time community service component, applied to young people between the ages of 16 and 26, include provisions to encourage national service by retired persons and was to be consistent with the following findings:

One, that the principal responsibility of the Federal Government is to provide for the defense of the United States.

Two, that an obligation of citizenship in a democracy is service to the Nation.

Three, that while most citizens of the United States view national service as a membership in the Armed Forces, national service also includes community service.

Four, that the obligation of national service, whether military or community service, should be shared equally by all citizens of the United States, regardless of race, creed, ethnic origin, or socioeconomic status.

Five, that the recent high quality of volunteers to the Armed Forces should not be allowed to diminish as a result of demographic declines or economic upturns.

That service in the Active or Reserve components in the Armed Forces or full- or part-time community service should be considered as necessary to fulfill the national service obligation.

I add that our bill did not call for the elimination of educational loans or grants. So you see, I am one who strongly believes a national service program is possible. I am also one who strongly believes it is imperative that we maintain a relative balance between the recognition of service in the military in the form of the Montgomery GI bill education benefit and the benefit of service in the community service side of national service.

It is on this point that I take exception with S. 1430. Title I, subtitle (d), of this bill would give a full-time community service volunteer a postservice benefit of \$10,000 for 2 years of service. This national service voucher could be used for educational loan payments, future education expenses, or a downpayment on a first home. Contrast this with the current Montgomery GI bill for the U.S. service man or woman, a basic education voucher of \$10,800, of which he must contribute \$1,200. The military receives a yearly benefit of \$3,200 per year for a 3-year service requirement. The Reserves and National Guard benefit is \$900 a year.

Mr. President, this is clearly not a fair situation. We ask our military to serve 2 to 6 years, to move out of their home, to go to boot camp and to be assigned to anywhere the military chooses to send them, to respond to the orders of higher authority, with the possibility that we will ask them

to risk their lives in the defense of freedom for peoples throughout the world. For all of this, the Government contributes \$3,200 per year to their postservice educational benefit.

Compare this to what we are offering in this bill, a \$5,000 a year benefit to stay at home and work a 40-hour work week with no risk, no disruption of lifestyle, no moves, no Uniform Code of Military Justice, no separation from family, no risk of life in combat. In addition to being able to use the voucher for education, the national service volunteers are given a tremendous option of being able to use the voucher for the downpayment on a first home, or to pay off an education loan. The part-time voucher is \$2,000 a year.

Mr. President, the differential in postservice benefits between military and community service must be fair. It must be equitable. We must recognize the sacrifices of those who serve in the military. This amendment would make the benefits more equitable. This amendment will make the postservice benefits no greater for national service than that for the Montgomery GI bill recipient.

Mr. President, some would like to compare military service with national service. They would try to show how much more compensation the military service man or woman makes than a national service volunteer. They want to somehow equate them. Apparently, they do not understand what the country asks of our military forces. When a person enlists in the military, they sign a binding contract for service in the defense of the Nation. They have their background scrutinized to ensure they are of the quality required in the military. They are required to take remote tours, away from family, for extended periods of time.

They are uprooted from their home and community every 2 to 3 years, their children are pulled out of school and sent to wherever the military wants to send them.

They perform peacekeeping duty in the Sinai Desert or with the UNIPIL contingent in Lebanon.

They stand guard duty at the stark, critical outposts along the Korean DMZ.

They are deployed on board ships for 6 months at a time.

They stand midwatch on the fan tail of a destroyer in 50-knot winds and 20-foot seas.

They conduct interdiction operations against a murderous drug cartel.

They do night recovery operations on board an aircraft carrier.

They are required to be on call 24 hours a day, 7 days a week.

They are trained and ready for combat.

They are aware that they could be in combat in a matter of hours as they were recently in the Panamanian operation.

They always know that their chosen profession could leave their wife a widow and their children fatherless.

Mr. President, the mothers and fathers, the wives and children of those who serve in the military know the sacrifices of which I speak. They know that their son or husband, their brother or father may well be asked to give his life in the defense of our Nation.

Those who pretend that you can equate what is being called for in this bill in the way of national service work with what we ask of our military do not understand that military service comes at a much higher cost in terms of personal and family sacrifice. It is naive to try and equate picking up trash along a roadside with the sacrifices made by the men in the Marine Corps, the Navy, and the Army who were killed in action in Panama.

That is in no way a denigration of the outstanding and wonderful contributions that men and women who engage in national service will perform in behalf of this country. My point is that the roles and missions we ask them are significantly different.

Mr. President, those who go into the military know what they are being asked to do. We pay our military based, in part, on the risk, the responsibility, the personal sacrifice, and the family disruption that they will experience during their career. Let us not mock their dedication by trying to make some wild proclamation that national service is worth some percentage of combined in-service and postservice benefit of military service. Mr. President, it was stated that the military receives 40-percent more benefits than this bill will offer national volunteers. They should, Mr. President; they should. In fact, they should receive much more than that.

Mr. President, how can we quantify the sacrifice of those killed in Panama? Go to Arlington Cemetery and give me some percentage of how much more they were paid. Try and compare their sacrifices with the national service jobs in this bill and tell me that it is worth 40 percent more.

Mr. President, the All-Volunteer Force is a very professional, very dedicated and very necessary part of our ability to protect our way of life. The All-Volunteer Force is a career force. Trying to compare an in-service stipend of the national service volunteer program with the compensation of our military force falls short of logic and understanding.

To use military in-service benefits to justify this bill's obvious shortcomings is unfair to the men and women who daily make great sacrifices to protect our Nation and the free world.

Ms. MIKULSKI. Mr. President, will the Senator yield?

Mr. McCAIN. I say to my friend from Maryland I have about 60 more seconds and then I will be glad to yield to the Senator from Maryland. Go ahead.

(Mr. DODD assumed the chair.)

Ms. MIKULSKI. I am very happy to wait for the Senator to complete his statement. I just have a few questions to clarify the amendment in order to respond at a later time. The questions are not in the nature of a debate.

Mr. McCAIN. Good. I will conclude very soon, and I will look forward in trying to respond to the questions of my friend from Maryland.

Mr. President, there are many good reasons to change this bill when you look at the impact on the relationship to young Americans in the Armed Forces. But about all, the one decisive reason that I base this amendment on is fairness. It is unfair to provide greater benefits for people participating in this bill's National Service Program, as worthy as that program is than the young Americans in the Marine Corps, Army, Air Force, Navy, or Coast Guard, in the Active and Reserve Forces and the National Guard.

The question we should ask ourselves is are we going to provide American youth more in post-service benefits for national service than those serving their country in the military?

I believe that this disparity needs to be rectified and I believe that this amendment will make sure that at least equal benefits are provided for those who serve in the military as those who will engage in the very worthwhile and important endeavor of national service.

Ms. MIKULSKI. Mr. President, will the Senator yield for a few questions?

Mr. McCAIN. I will be glad to yield to the Senator from Maryland.

Ms. MIKULSKI. Since we dispensed with the reading of the amendment, is it in the Senator's amendment; does he drop the ability for that voucher to be used, not only drop the ability to use that voucher toward first time homeownership? In the original bill the voucher either part time or full time could be used to reduce student debt or as a kind of housing or nest egg first time homeownership. Does the Senator drop the housing part?

Mr. McCAIN. If I may respond to my friend from Maryland, yes, it does. If the Senator from Maryland would like to revise her legislation so that those who presently serve in the military receive that benefit of a first home nest egg as she describe it, then it would certainly be something that I could support. But again I go back to the fairness issue. I am sure that those young men and women who are in the military also deserve every consideration to have that nest egg as well.

My answer is yes, it does preclude that.

Ms. MIKULSKI. I promised the Senator I will not use the questions to debate. I will make those comments later.

Those wonderful, gallant men and women who serve in the military do have access to Veterans' Administration mortgages upon completion of the military with no downpayment even

though the administration is currently circulating an idea to change the requirements for VA mortgages requiring a substantial down payment, and I look forward to joining with the Senator from Arizona destroying such an unpatriotic idea.

But at the same time, if we could just then stick of this: What would be then the voucher under the amendment of the Senator from Arizona, what would then be the voucher received for full-time service and part-time service under the community service under the Senator's amendment, the actual dollar amount? It is a complicated formula, and I am not very good at that.

Mr. McCAIN. First of all, as far as the veterans eligible for home loans, as the Senator points out, first, they have to qualify for that. Second of all, many veterans would attest to the fact that it is not exactly a good deal given the interest on the home loan mortgages are up to 10 percent and the possibility of them going higher.

Again, I would like to restate if the Senator would like to have that as part of the national service voluntary program, I would certainly be supportive of changing her legislation to include those same benefits which our veterans now receive rather than cut it out for all.

The voucher, as outlined in my amendment, would result in \$61.54 a week \$3,200 a year full time.

Ms. MIKULSKI. Excuse me. With the conversations going on, it was difficult to hear. How much a year? I could not hear the Senator.

Mr. McCAIN. \$3,200 a year for full time, \$5,400 total for part time.

Ms. MIKULSKI. Excuse me; \$3,200 for the full time?

Mr. McCAIN. Yes.

Ms. MIKULSKI. Of course, that is taxable under the Senator's amendment. Or is it tax exempt?

Mr. McCAIN. That would be nontaxable, just like the veteran's VA loan.

Ms. MIKULSKI. In the course of our amending the legislation and in the process of conciliation with the others concerned about it, we dropped the tax-exempt status. But anyway what would be the part-time voucher?

Mr. McCAIN. \$5,400 per year, total.

Ms. MIKULSKI. \$5,000. No, I am talking about that part of the bill modeled on the National Guard.

Mr. McCAIN. Excuse me, \$900 a year, part time.

Ms. MIKULSKI. \$900.

Mr. McCAIN. It is \$900.

Ms. MIKULSKI. \$900 and then that is taxable?

Mr. McCAIN. As I informed the Senator, not taxable.

Ms. MIKULSKI. So the Senator's amendment would be nontaxable.

Mr. McCAIN. Yes.

Ms. MIKULSKI. I thank the Senator. That clarifies my questions.

Let me restate, if I might, before I give up the floor, if the Senator wants to raise the benefits of those in the

military to make them the same as the part-time or full-time national service volunteers, I am absolutely totally in favor of it. But again I would restate unequivocally, to give people, as wonderful and as admirable as the work is for national service volunteers, to give them larger postservice benefits than those who serve in the military in my view is something that has to be rectified. Given the parameters of this legislation, the only option I have is to, of course, have an amendment which puts them on an equal basis for post-service benefits.

I would eagerly join both my friend from Massachusetts, who is a member of the Armed Services Committee, as well as the Senator from Maryland, in seeking to increase those benefits for our men and women in the military as far as postservice benefits are concerned. As it is, the only option I have on this amendment is to make sure that they are at least treated on an equal basis so far as postservice benefits are concerned.

Mr. KENNEDY. Mr. President, the chairman of the Armed Services Committee, Senator NUNN, is intending to come over to the floor shortly and has been necessarily detained. But he has announced his strong opposition to this amendment and outlined very briefly the reasons for that. I would like to bring those issues to the attention of the Senate and ask for Senators' attention to these observations.

He opposes the amendment of Senator McCAIN lowering the voucher levels for post service benefits and requiring that the post service benefit for national service be no greater than the post service benefit for military service under the Montgomery GI bill.

Some of the fundamental principles about national service and military service bring the sponsors of the bill in complete agreement with the sponsors of this amendment.

First, while military service is one form of national service, we must also remember that it is different from most other forms of national service because of the sacrifices we ask of those who serve in the military.

As we have seen recently in Panama, military members live with the possibility that they will be sent into combat and asked to risk their lives for their country.

Second, for several reasons military members should receive more compensation than we give to people who perform other forms of national service.

Military service involves greater risks to the individual.

The military services must be able to attract sufficient numbers of high quality youth into service.

And finally, any national service program should assist the Department of Defense in recruiting young people to enter the military, and not compete with the military services recruiting efforts.

The national service demonstration programs in this bill recognize these important aspects of the relationship between military service and other forms of national service.

Senator McCAIN is concerned that the postservice benefit for some people in the national service demonstration programs could be higher than the postservice benefits for some military members under the Montgomery GI bill.

Under S. 1430 as amended this could happen in some instances. But this concern misses a key point: The overall compensation for military service—the combination of inservice and post-service benefits is substantially higher for military service than the overall compensation for civilian national service.

This includes the basic pay, the retirement pay, disability benefits, health care in service and after service, preferential hiring as veterans, housing allowances, group insurance, veterans home loans, spousal employment preference, and day care programs.

The in-service compensation for full-time military service is more than two times greater than the level of in-service compensation for full-time national service participants.

The postservice educational benefit for most 2-year enlistees in the military is \$9,000, which includes a \$1,200 contribution by the member.

The main point is that the overall compensation—in-service pay plus postservice benefits—is substantially higher for 2 years of service in the military than it is for 2 years of civilian national service.

Another way to look at this question is to compare the weekly compensation of military service and civilian national service.

A 2-year enlistee in the military receives an average of \$287 a week in compensation. The value of his post service benefit is worth \$86 per week of service, for a total weekly compensation of \$373.

A 2-year civilian national service participant receives about \$162 per week. The value of his postservice benefit is \$96 per week of service, for a total of \$258, approximately two-thirds of the value of the total compensation of his military counterpart.

Mr. President, this is even more dramatic in the part-time service. We have worked very carefully to ensure that the national service demonstration programs complement rather than compete with recruiting programs for the military service. The overall compensation in service pay plus deferred postservice benefits is much higher for full-time and part-time military service than it is for full-time and part-time civilian national service.

Mr. President, these numbers have been calculated by the Armed Services Committee which as reviewed all of these various items. It reviewed in

great detail the McCain amendment. For that reason the chairman of the Armed Services Committee believes very strongly that our program presents no competition really for the GI bill which he has also supported. He has revised his own program in a very significant way to try and ensure that it would not.

We have reviewed very, very carefully the comparison of the total benefit package. We will submit those items for the RECORD. But they indicate, Mr. President, that this total package versus both the full-time and part-time national service are not even comparable to the kind of benefit package that is included in the military. For that reason we are opposed to the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I seem to have missed something in this bill. I just heard my friend from Massachusetts pointing out the value of civilian national service at \$231 a week. I thought this was a bill about voluntarism.

I noticed that the report on the bill starts off: "Background and Need. Service to others is an ideal that has served America well throughout history." Then it goes on to talk about John Winthrop, the first elected Governor of Massachusetts Bay Colony, who captured the idea of voluntarism in words that still ring true three-and one-half centuries later.

All we are trying to do by this amendment is to see that people who are in the armed services, not people who go home at night as they do in civilian national service—the Senator from Massachusetts forgot to mention those going home at night—are treated equally. When you are in the service you are away from your family, you are away from your home. It is a difficult, different thing altogether.

What the Senator from Arizona says is that the benefits to people who are essentially volunteers should not be greater in any sense or in any aspect than the benefits that accrue to people who have been in the Armed Services of the United States. Young men and women who get involved, unfortunately, from time to time, in activities that put their lives in jeopardy, as was mentioned, most recently in Panama.

Then I hear my friend from Maryland talk about the home mortgage. As I understand this bill, there is some mortgage credit given, some monetary credit that can be applied to the purchase of a house. As I recall I had a VA guarantee on my first mortgage, they did not give me anything. I took out a rather long mortgage and paid the going rate and I had to qualify. None of these things apply to the civilian national service person. There are some great differences here, and the Senator from Arizona's amendment is

very much in order. There are differences just in the nature of what people are being called on to do.

As I look at this report, the next sentence after what I read begins, "In this spirit, volunteers have served the Nation in times of crisis—in war, depression, national disaster."

All throughout this report, Mr. President, it talks about voluntarism. And now I am told that individuals will receive more benefits in this bill than if they leave their homes and serve in the Armed Services of the country. This bill is about setting up some compensation to compensate volunteers. What this amendment is about is that these volunteers should not receive greater benefits in any way than the people who serve in the armed services.

The difference is, in my judgment, very meaningful. There is a postservice benefit differential between this bill and the current Montgomery GI bill that really is the reverse of what it should be. Some of those things have been pointed out by my friend from Arizona.

Title III of this bill gives full-time community service volunteers postservice benefit of \$10,000. The GI bill authorizes only a \$10,800 postservice education voucher for a serviceman or woman, of which the volunteer has to put up \$1,200 of his own, as the Senator from Arizona pointed out.

Community service volunteers under this bill are only required to serve for 2 years to qualify for their benefit, the military volunteer must serve 3, 4, or 6 years. I mean, there are some great differences.

The amendment of the Senator from Arizona is well founded and it should be adopted. This bill is going to underwrite voluntarism, a contradiction in terms, in my judgment.

When the Senator from Arizona says that the members of the armed services should at least receive the same amount of benefits that these so-called volunteers get, he is told by the manager of the bill that the inservice benefits—and I am not sure if he counted the uniforms and the food and the housing in figuring the inservice benefits—that the inservice benefits are more for servicemen than they are for civilian national service volunteers. "Volunteers," I emphasize again, community service volunteers. They can use their postservice vouchers for education costs, or to forgive previous student loans, or for the down payment on a first home. The military volunteers may use their vouchers only for education costs.

Under the Montgomery GI bill military volunteers serve 3 to 6 years, do a boot camp, move to wherever the military assigns them and they do not come home at night. They are subject to the Uniform Code of Military Justice and face the real possibility that they will risk life and limb to protect vital U.S. interests.

Under S. 1430, national service volunteers, would serve for 2 years, stay at home, work 40 hours a week, suffer no grave hardships, encounter no risks to life and limb, essentially endure no interruption of lifestyle, and are not subject to the Uniform Code of Military Justice. For this, they receive a \$10,000 voucher for their education or for their first home.

Clearly, many will ask: What should I do? Should I go into community service or military service? Many recruits are armed service volunteers because of the postservice educational benefits. Many of my constituents have told me they enter the service so they can, indeed, get a postservice educational benefit.

For example, 70 percent of the Army rangers who served in Grenada were enrolled in the Army college fund. Better benefits will make community service more attractive to those recruits than military service. Mr. President, that is just plain wrong. It will impose additional burdens on our military recruiters.

Call a local recruiting station and ask them what S. 1430 would do to their ability to recruit quality high school graduates to our armed services. Clearly, this bill would become well known in the high schools and colleges of our country and do a great disservice to those who are trying to recruit graduates to our armed services.

Some argue that the manpower pool from which the military and national service would recruit is so large that both services would enjoy adequate levels of recruits. They argue that there are 30 million high school graduates in the recruiting age group for both these services. Since title III is mainly a demonstration program, it should have no impact on military recruiting.

But, subtract from the 30 million all those who are not mentally, physically, or morally qualified and fit for military service. Subtract high school graduates who go immediately on to college. Consider that the vast majority of military recruits enlist within 1 year of high school graduation and most are males. Then the real population for military recruits shrinks to about 1 million, perhaps somewhat more, but around 1 million.

Even if military recruiting goals are reduced from 300,000 to 225,000 to correspond to the reductions in Armed Forces manpower from 2.1 to 1.8 million, the military must still recruit one out of every four qualified high school graduate. Community service becomes considerably more attractive when you can stay at home, and receive benefits that apply to education that are as meaningful or more meaningful, indeed that are more flexible than the types of benefits that are offered to people who go into the service.

The military recruiters are going to have their problems. We simply will not be able to recruit the exceptional

volunteers that comprise today's armed services.

I recall, Mr. President, when I came to the Senate, the difficulty we had in recruiting people to the armed services. At that time people in the armed services simply were not being paid enough.

When I came to the U.S. Senate, half a million members of the armed services and their spouses and dependents qualified for food stamps. We do not want to return to that once again.

This bill would not necessarily return us to it, but why create a competitive situation that would undermine recruitment to the armed services? Why create a situation where one gets paid for volunteering? Volunteering goes right back to the Massachusetts Bay Colony. It has played a major role in the development of our country.

I have been the head of many volunteer organizations. For 3 years, I was the head of the American Cancer Society in Minnesota. For 3 years, I was the head of the Kidney Foundation in Minnesota and the Dakotas and for a year, I was chairman of the Minnesota Mental Health Association. Mr. President, I have worked with volunteers.

I do not believe that volunteers should be paid, but if they are, their benefits should not be better than those who volunteer to serve in America's armed services. I support the amendment offered by the Senator from Arizona and thank him for bringing it to the floor. I urge my colleagues to adopt it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to rise in opposition to the McCain amendment, yet at the same time acknowledge the very fine points made by the Senator from Arizona as he outlined the rather substantial sacrifice that military service calls for from our men and women.

There is no doubt that a career in the United States military is hard, is arduous, and there can be no compensation adequate to meet those demands often placed upon them.

We salute the U.S. military, and I can tell my colleagues, as one of the principal architects of this bill, there is no intention in any way to undermine the ability of the U.S. military to both recruit and retain adequate personnel, either now or in the future.

Our commitment is to the U.S. military, and that is why so many of us have been aggressive in supporting the Montgomery bill, and also adequate funding in appropriations for veterans benefits that I will comment on in a minute or two.

One of the things that I think our bill, the current Kennedy-Mikulski-Nunn bill does, is actually do a demonstration project, which I know the Senator from Arizona would like.

We are talking about a bill that, by the way, will only be authorized for 2

years. We are talking about a bill, which the Senator from Arizona perhaps does not realize, is only authorized for 2 years, and we have to authorize it. If, in the course of that 2-year period, we see a drastic slump in military recruitment, we can jettison the bill. That is No. 1.

Second, if the bill continues along the demonstration proposal, we are talking about 35 States over a 5-year period.

I bring out the significance of this because, in order to participate, a Governor must submit a plan. No Governor is going to submit a plan that negatively impacts upon the military and, in the course of the first 18 months, we will again know the consequences of this in terms of this demonstration project over a 5-year period. That is why we will find out what its impact is. We do not anticipate a negative consequence because of the way we have carefully designed this bill.

Let me go to this much-criticized voucher program and what really the men and women who participate in this will actually get.

First, for those who participate on a full-time basis, either in Peace Corps, in VISTA, a conservation corps, or so on, they will get a \$5,000 taxable benefit. They will go away from their home; they will live in Bangladesh; they will work in South Africa; they will work in neighborhoods that are as terrorizing as any foreign country that they could ever work in in the Peace Corps. For that, there will be a skimpy subsistence level with no other backup. For that, yes, they will receive a \$5,000 voucher. And then, whatever full-time program they participate in, they will leave with their heads up high, but they will not leave with their pockets filled. There will be no other benefit than this one-time-only voucher.

For the part-timers who live at home, Mr. President, that is a \$2,000 voucher, and it is presumed the young men and women will be working in the community as well as volunteering. We are going to ask two weekends a month out of them, or the time equivalent, plus two weekends during the summer. At 9 hours a week, with the \$900 voucher of the Senator from Arizona, it is going to come out to something like \$1.91 an hour. Mr. President, our kids can do better selling shoes at a mall than they can delivering weekend Meals on Wheels under this program.

That is not the point of the program. The point of the program is to give a jump start to these young men and women. By the way, if they pay taxes in the 15-percent bracket, this voucher will come in a \$1,800, and, also, under the urging of Senator HATCH and our Republican colleagues, we have made it even more flexible, Mr. President, because a Governor can submit a State plan taking the voucher lower as long as it is not below a

year's tuition cost in his own public college.

So we think we are not creating a bill that is a new pot of gold for people. We also do not think that that in any way is a distraction to the men and women who want to serve in the National Guard.

Two last points on housing. Mr. President, not every kid in this country is going to go to college. Not every kid in this country wants to go to college. Not everybody wants to work on a Ph.D or get a law degree. What many of them want to do is go to our technical schools and, in the end, they want to volunteer. They want to be voluntary firefighters in rural areas, where we are running a shortfall; they want to build houses for habitat for their community, like Garrett County that has the severest housing shortage of any part of my State. While they are going to the Garrett Community College, they might not have a tuition bill, but through their own sweat equity, they might want to accumulate that nest egg for first-home benefits.

This takes me to veterans' benefits. The Senator from Arizona is right, the veterans' package has, indeed, been austere. I chair the Appropriations Subcommittee on VA, HUD, and Independent Agencies. I had to go against the whole White House and OMB to squeeze more money to put money into veterans' health care, and they deserve it, and they deserve more. I am glad the President this year is catching up with the Democratic Congress of last year.

We are taking a look at the veterans housing programs and the VA mortgage. While we are seeing how we can strengthen them in the Appropriations Committee, out comes this new ad out of the administration to want downpayments from our veterans. Sure, some of them might not qualify, but most would. I want to work with any and all in this U.S. Senate to improve veterans' benefits. But do not penalize the good kids who are going to want to do national service because there are potholes in the current Veterans Administration program. Let us not make two wrongs to make a right. And at the same time, I do believe the veterans' package is substantially better than one would indicate.

At the same time, our kids in civilian service will not get veterans' preference in jobs, and they should not. They should not qualify for a VA mortgage, and they will not. They will not qualify for veterans health care and a variety of other things, but that is OK. They will perhaps learn the habits of the heart, and, with the skimpy voucher we provide them, maybe they can go on having access to the American dream.

Mr. President, let me just conclude with one fact. There is a new study out in Washington that talks about how 25 percent of the black men are now in prison. Twenty-five percent of the black men are now in prison.

There are more black men in prison than there are in colleges. That is a heartbreaking circumstance.

I want to say yes to the kids who say no to drugs, no to getting pregnant, who want to make something out of their lives. Mr. President, this is an opportunity for that 75 percent who see no opportunities for them, and I hope we defeat the McCain amendment. Honor our military in the veterans and defense programs, but let us also honor the volunteers in this program.

Mr. KENNEDY. Mr. President, I will just take a couple of moments here to indicate to the membership effectively what we are talking about with this part of the program. Basically, what we are talking about is that the stipend for those who are going to volunteer for full-time service is effectively the poverty wage. That troubles some when you calculate it and find out how much it is a week. It bothers some to say we have volunteers, and we are truly paying them a poverty wage. Some Members of this body think that any remuneration—even for those in full time service that lasts a year—is too much. I disagree. Anybody who commits a year should get some minimal living allowance.

What we are telling these people is simply this: if you are willing to spend an extended period of time involved in community service at basically a poverty wage for a period of time, that at the end of that service—some modest resources may be available to help them meet college costs or to help them purchase a home.

Mr. President, I know that there are some who think service should only be available to those with resources to volunteer. Who are going to be those people? It is just going to be the very wealthy. Our proposal provides a small stipend and vouchers to enable young people to do this. Our proposal also recognizes that an education benefit is something that benefits not only the individual but also benefits the country as well.

I see now the chairman of the Armed Services Committee. He has worked extremely hard and long on this bill. He has been a real leader in the development of this proposal. He has commented that the full time service participant would get 60 percent of the benefit going to a military enlistee. I hope the Senate will listen to the chairman of the Armed Services Committee whose proposal we are addressing at this time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I thank the Senator from Massachusetts. As I said yesterday, I thank him for his leadership on this issue. I want to, first, agree with the Senator from Massachusetts. If we want nobody but the rich people or the upperclass in this country to volunteer, then let us kill this bill and go on about our business and hope we will have rich people who will be willing to spend their time in sufficient

numbers to do the job we need in social services.

This bill has a different philosophy and a different concept. This bill says that there are a lot of people out there—middle-income people, lower income people, and even poor people—who would like to do something for their community. They would also like to get an education and be a contributing member of society.

I do not know how many people focused on it, but we have had a 25-percent decrease in low-income students going to college since 1985, including minorities but not limited to minorities—something like a 25-percent decrease at the very time when we are trying to get more competitive in our society to be able to compete in the world.

Before I say why I am against the McCain amendment, which I am opposed to—I vigorously oppose the amendment—let me talk about a couple of things on which I agree with the Senator from Arizona because the philosophy behind the amendment is something with which I think we all agree.

The philosophy is that the military ought to be paid more than people in these jobs we are now making available for civil and community service. I agree with that. The military takes risks that civilians do not take. In Panama, we had people in the military down there who not only risked their lives but who gave their lives. So I do not think anyone quarrels with that principle. The military should be paid more, substantially more than people who are serving in community-based activities, although they are also serving the country, and we should make no mistake about that.

Military service must be able to attract sufficient numbers of high-quality youth in the service. There is no doubt about that. And a national service program, any national service program should take into account the recruiting capabilities and potentials and problems and challenges of the military, and this bill does that. So we all agree on that point.

But I think everyone ought to understand that if this bill passes and becomes law, 2-year enlistees in the military will be receiving 31 percent more than these people in these jobs, because we are paying them very low wages. The main thing we are trying to do is stimulate young people to serve in exchange for an educational benefit.

Now, if the amendment of the Senator from Arizona passes, you can wipe this program out because they are not going to get enough educational benefit to really be able to complete their school work or to go to school, and you are not going to have the incentive to get people to go into very low-income jobs in order to get the educational benefit.

The main part of this carrot is not the wage and the compensation. The main part of this carrot is really the educational benefit. What the amendment of the Senator from Arizona says is you get no more in part service benefits than 2-year enlistees in the military are getting. But what he does not do is raise the wage of the civilian national service participant to compete with that military wage. And we do not want to do that either, because we want to attract people who are interested not primarily in making money but primarily interested in serving their fellow man and also getting an education. That is what we are trying to appeal to.

So what we have to emphasize to our colleagues is, this amendment looks good on its face but what it does not tell you is that we have already calibrated that differential between the military and this civic volunteer. The military will be making 31 percent more. And it is even larger than that if you compare the part-time volunteer with the part-time reservist. It is much more than that because the part-time volunteer does not get paid anything. Their whole compensation is in the form of the educational voucher—they don't receive any pay while they are serving.

One other point, Mr. President, the Senator from Arizona does not point out that there are much larger benefits available in the military than what his amendment is geared to. He has geared his amendment to the minimum educational benefit in the military. He has not geared it to the larger benefits that are available.

The 2-year civil volunteer under our program would be able to get about \$10,000 in educational benefits. A 2-year volunteer in the military, normal program, can get \$9,000, approximately \$9,000, minus \$1,200 that they contribute themselves, which gets down to \$7,800. So it is \$7,800 versus \$10,000.

But guess what? If that same military member decides he wants to get more educational benefit and decides to go into combat arms or other types of endeavors, they can get \$18,000 in benefits, a lot higher than anybody can qualify for under this program. But he does not address that because he gears his amendment simply to the lowest benefits that are available if you sign up for scholarship. And if someone serves in the military for 3 years and decides to go into certain specialties where you get additional benefits, they can get up to \$25,800.

So what the Senator is doing here is ostensibly comparing apples to apples in this amendment. We are not comparing apples to apples at all. We are comparing two different philosophies, two different programs that have already been calibrated but have been calibrated by paying the civic volunteer much less overall than we pay the military counterpart.

We also are not comparing apples to apples in terms of what is available to

the military, which is up to \$18,000. In fact some 20,000 people in the military get supplemental educational benefits because they go into certain critical skills.

So I hope that this amendment will be voted down because it, in effect, as the Senator from Maryland has already said, would gut this program. If you do not want the program, vote against the bill. But let us not do it by the back door. Let us not kill it by making it so low in terms of educational benefits that we defeat the whole purpose of the bill, which is to get young people to go to school and to further their education and to help America become more competitive.

If this same type of amendment had applied back when we were trying to entice people into the military, we never would have signed them up. We have tried to make the military much more lucrative, not simply by educational benefits but by the total pay package. I do not think anyone ought to be deceived. The military has a total package. It includes all sorts of benefits, including housing benefits, including food benefits, including a lot of things that are not part of this rather austere pilot program. So I would hope that we would vote down the McCain amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I certainly am impressed by some of the remarks of the distinguished chairman. I hope he recognizes that the Department of Defense is in strong disagreement with many of the points he just made, including the fact that the Department of Defense points out major objections which clearly refute some of the statements the distinguished chairman of the committee was making.

In the words of the Department of Defense:

This legislation appears to offer significant competition to military recruiting in the test areas without recognizing that the national imperative of the military recruiting objectives be met.

The legislation appears to rely upon flawed test designs and will not permit proper assessment of national impact. The bill fails to require coordination programs of military activities likely to be affected. The bill does not make use of existing resources when counseling potential applicants on service opportunities.

The Department of Defense states, Mr. President, that "the net result of this legislation is to tip the playing field, particularly military recruiting programs, at a district disadvantage," with which I obviously agree.

Mr. President, the issue is fairness. I thought we were talking about inducing people to volunteer, not trying to compete on a salary basis with men and women in the military, who are asked to risk their lives. The distinguished chairman of the committee simply points out that a member of the military is paid more than this na-

tional service program. That certainly should not surprise or astound anyone. But the fact is that the benefits post-service for national service would exceed those of a person who serves in the military and risks his life or, tragically, sacrifices his life and never gets to enjoy those benefits with which we provide him.

Mr. President, equating national service to military and the fact that a member of the military is paid more, I would hope that all of us would see how appropriate that is. I would also point out that the Department of Defense is deeply concerned about tipping the scales against the military, and that is why they oppose the bill.

I also want to say in addition to that, Mr. President, that \$1.91 an hour for volunteer work, although low, may not be entirely inappropriate if we are talking about people who are volunteers and people who are going to receive substantial posteducational benefits.

The distinguished chairman points out about large amounts of money for posteducation benefits for certain numbers in the military. He fails to point out that these are very, very limited programs. They target programs. They target scarce and demanding skills that are used to manage the force. The majority of those that enter the military have a Montgomery GI bill benefit of \$10,800 of which the service man or woman is required to contribute \$1,200. I might point out there is no contribution on the part of any of these national service volunteers to help defray the costs of the posteducation benefits that are provided.

Mr. President, I would not like to go home to the VFW post or the American Legion or the DAV and tell those veterans who have served and sacrificed that we now have a program that is going to provide greater benefits to people who do not serve in the military.

The purpose of this amendment is to level the playing field. I am not even seeking less for those who are engaged in national service. I am asking for equal and equitable and level playing field numbers for those who engage in national service as well as those who engage in service in the military and defense of this Nation and freedom.

Mr. ARMSTRONG. Mr. President, I wonder if we have forgotten the reason why the GI bill of rights education benefits were restored a decade ago? Perhaps some have forgotten but I remember quite vividly during the last half of the seventies our military was falling apart. We were hearing the most dire predictions about the inability of the Navy particularly, and to a lesser extent the Army, to fill its critical skills. The Secretary of the Navy actually beached some ships because they could not find enough qualified seamen to sail them. We read day after day reports in newspaper ac-

counts of the declining education levels of military personnel, including those in both the Army and the Navy, and to a lesser extent the Air Force.

The manuals which were given to soldiers to run these complicated sophisticated weapons, and we should remember that a modern tank which is operated by a crew of high school graduates is far more complicated than the World War II airplane for which we required a college educated person to fly. These manuals related to sophisticated complex weapons were being written down from 12th grade standard English down to 8th grade English.

At one point, if memory serves me correctly—I do not think I have forgotten the main issue. I do not have the statistics. If I recall correctly at one point we reached the point where the educational achievement of recruits had fallen so low that there really was a growing movement to reinstate the draft.

It was about at that point that as one Member of the Senate I concluded something had to be done. I had long believed that peacetime conscription is an evil that should be avoided. That conscription is a great imposition on any person and should only be restored to in a free country under the most extreme circumstances—in general only at time of war.

So with the prospect and a growing clamor for peacetime conscription, ships being beached, and hollow units showing up in the Army, and with a trend apparently almost irreversible of the least capable persons being the only ones who would seek entry into the armed services, we realized something had to be done.

People like Prof. Charles Moskos of Northwestern University and others came forward and said you cannot buy, or spend enough in salary to attract and hold the kind of people in the armed services you want. The only way that we could think of to do so was the GI bill education benefit because that benefit was precisely the kind of incentive that would be attractive to the type of people we were seeking to bring into the military; that is, the upward mobile people who would be attracted not so much by \$10, \$50, or \$100 a month more in pay but who would have a tremendous incentive to come in to get the education benefit.

In short, Mr. President, we did not reinstate the GI bill benefits for any abstract or altruistic reason. We did it because our military services were crumbling, crumbling all around us. We needed to do so to attract and hold the quality of people that we needed in the service.

How has it worked out? The answer is as Senators know, it has worked out great. It has fulfilled everything that we expected for it. The military services have reported to us over and over again on the success of the program. But not only are we filling the num-

bers that we need of new recruits, but we are attracting and holding highly qualified, capable people who are necessary to make a modern military machine function properly. So the program has worked.

Mr. President, it appears to me that if we fail to adopt the McCain amendment we are just asking for trouble. I know at this point perhaps the military is going to be entering a period when it is not as fashionable as it was. Peace is breaking out all over the world. It appears the cold war is over, and in effect we have won the battle. So it is natural that military service is not going to be as popular, as glamorous, as much as in the center of the limelight as it is at times of great tension or even during times of war.

We have seen that before. We went through it in the thirties with disastrous results when World War II came along. Perhaps it is inevitable we are going to do that again.

Mr. President, it seems to me that Senators should be the last ones to fall for that kind of trendy thinking. This is not a moment to undermine the attractiveness of our military service by offering to a new class of Federal employee, and that is really what we are talking about. We call them volunteers, but they are in effect a new class of Federal recipients, at least, whether they are technically employees. To undermine the GI bill benefits which have proven to be a successful recruiting and retention program by offering right out of the box something that is more attractive to a different class of volunteers seems to me to be a great mistake.

Whether it is just or not I leave to others to discuss. I am disposed to believe, as Senator McCain has said, that it is unfair. Whether or not we are offering enough to the volunteers I leave to others to debate. It seems to me that we are offering plenty.

But I would ask Senators to consider as they think of this amendment the probable practical effect on our ability to recruit and hold highly qualified people in the military. It seems to me there is no urgent, compelling reason for us to fool around with the program that is working well or to set up in competition with it something which will make it less attractive.

So I am going to vote for the McCain amendment.

Mr. MURKOWSKI. Mr. President, I speak in support of the amendment before us today because of my concern for Americans who are not mentioned in the proposed bill. Americans whose interests are directly and indirectly affected by its provisions. I speak because of my concern for America's veterans.

The Congress expresses the will of the American people, and the American people have long insisted that the unique hardships and risks of military service be recognized by appropriate benefits for those who have served.

Those benefits, Mr. President, have frequently blazed a path for programs to serve nonveterans.

At the end of World War II there was no generally available program of low, or no, down payment long-term mortgage finance. The VA home loan guarantee program demonstrated the benefit of such a program and started this country down the path to becoming a nation of homeowners.

At the end of World War II, opportunities for higher education were limited. But then the colleges and universities of America were flooded with veterans making use of the GI bill. This country has never been the same.

Most Americans can only dream of the safety net which would be provided by a guaranteed minimum income. Wartime veterans who are 65 years of age or older, or who are disabled, from any cause, enjoy such a safety net. A VA pension will pay them the difference between their actual income and \$6,767 per year.

This year, VA will provide free inpatient hospital treatment to over 1.1 million veterans and, in addition, almost 23 million outpatient visits.

Mr. President, many of these veterans benefits now have parallels available to non-veterans. But never has the comparison been so direct, or unfavorable, as that between the benefits proposed in title III of this bill and those available to the young men and women who serve in our Armed Forces.

A young person entering the Armed Forces desiring post-service education benefits must elect to endure, during the first 12 months of service, a \$100 per month salary reduction.

This service member must then successfully complete his or her enlistment and receive an honorable discharge to receive benefits. The basic benefit for 3 years military service is \$300 per month for 36 months or \$10,800. The basic benefit for a 2-year enlistment is \$250 per month or \$9,000.

In comparison, a 2-year volunteer participating in the title III pilot program would receive vouchers valued at \$10,000.

Mr. President, I will leave it to the Committee on Armed Services to evaluate the effect on recruiting should a program similar to the title III pilot become law. I admit that it defies commonsense to expect that there would be no adverse impact.

My concern, as I noted earlier, is to America's veterans. I believe that enactment of this bill would be interpreted as a congressional judgment on the relative worth, and the relative hardship, of military and domestic service.

Frankly, I can't agree with the judgment that this bill would make.

Based on the benefits provided, this bill values domestic service more highly than military service. I agree that hospital, literacy, and other domestic tasks are of value. But, their

value pales against the value of the freedom secured and defended by the members of our armed services. We are currently basking in the warm glow of a world apparently liberated from a cold war.

I urge the Senate not to forget that liberation was in large measure secured by the service of young men and women who endured difficult service to ensure that our adversaries knew there was no viable armed solution to the inevitable internal contradictions of communism.

Incredibly, based on the benefits provided, this bill places a higher premium on domestic service than military service.

This would be the case even though a domestic service volunteer could live at home, eat "mom's home cooking," enjoy the companionship of his or her friends and the atmosphere of his or her hometown. A service member lives on a ship or in barracks, eats messhall chow, has an NCO to keep him in line and endures the hardship of remote bases or long deployments. And, of course, a service member is committed to follow, without question or hesitation, orders which may lead to death or injury.

Mr. President, the relative benefits, hardship, and commitment of domestic service and military service are not consistent with the relative rewards of the benefits which would be provided should this bill become law. The Congress could respond by initiating a bidding war for the services of America's youth. I submit that a better course would be to put domestic service back on a true volunteer basis. We do not need to create what would, in reality, be a new domestic publicly funded jobs program.

We didn't provide veterans' benefits to those who served in the WPA. I believe we should not provide them to the participants in the public works program proposed by this bill.

I thank the Chair.

Mr. NUNN. Mr. President, just one brief word. I listened carefully to my friend from Colorado. I know how hard he is working on making the volunteer military work, because he is exactly right. I remember when he stood on the floor and pointed out the inadequacies of military pay. His leadership had a lot to do with some of the restoration that was made. But let me just throw out a few figures here. I cannot really see how anyone believes that this bill could possibly undermine military recruiting, if you look at the numbers.

I mean, forget the argument about compensation which I have already made. Forget about the argument that the full-time national service participant earns only two-thirds of the total compensation of most 2-year enlistees in the military.

Forget those arguments for a minute. Just look at the numbers. There are 700,000 people that try to get in the military each year that

apply. They can only take 300,000. I will be the first to say some of that 700,000 is not qualified, or cannot meet the standards. But only 300,000 are accepted by the military; 700,000 apply.

When you look at the number of jobs we are talking about here, we are talking about no more than 1,400—not thousands, not 140,000—1,400 full-time pilot project jobs. Anything else has to come back to the Congress. We are talking about no more than 7,200 part-time jobs.

How can anyone believe that 1,400 full-time jobs where they earn 31 percent less than they would earn in the military can affect in any significant way 700,000 people who now apply to the military? I just do not even understand the arithmetic of that. I do not understand the logic of it both from the point of view of compensation, and from the point of view of numbers.

The purpose of this program is to find out some things. One of the things we want to find out is the attractiveness of these positions versus the attractiveness of normal work versus the attractiveness of the military. We have to test this to be able to know what to do on the national basis. That is the test program.

So I urge my colleagues again not to vote for this amendment. If they are against the program, vote against the program, but do not gut the program with the McCain amendment. That is what that would do.

Mr. McCAIN. Mr. President, we have the highest respect and regard for the distinguished chairman and his many years of involvement in manpower issues, and, of course, it is always a great privilege to work with him on a wide variety of issues.

He does not see how anybody could object to this amendment or bill on grounds of recruiting. I say in response that the Department of Defense, and I quote, says, "The net result is a tip in the playing field that places the military recruiting programs at a distinct advantage." That is the view of the Department of Defense. I happen to share it.

My argument on this amendment is not recruiting; it is not anything except fairness. Fairness is what I seek here, and fairness is what the men and women of this country deserve, those in the military. It is not fair to give people greater benefits, who do not serve in the military, than those that do. That is the reason for my amendment, not because of recruiting, not for a variety of other reasons, but simply on the grounds of fairness.

I hope that we will vote affirmatively on this amendment. I look forward to working with the Senator from Massachusetts and the wonderful Senator from Maryland, who has devoted much of her time in trying to help those men and women who have served and are serving in the military. This sends a wrong message, Mr. President, to the men and women who are

serving and those who did serve, and we tell them compensation will be higher in a post-service fashion than those who serve in the military.

Mr. ARMSTRONG. If the Senator will yield, I am not trying to have the last word, but it sure as thunder does affect recruiting. If somebody thinks that potential recruits or potential reenlistees in the services will fail to be sensitive to the meaning of this, which is to say we value service under the new program of volunteers more than we value your service as a member of the Military Establishment, I just think they underestimate the perspicacity of people who are or are thinking about joining the Army, Air Force, Navy, or Marines. They are going to know it, and they will say the emphasis the country and Congress puts on the new program is greater than the old program. It is not just the 1,400 who may or may not join the new program. That is not going to stay at 1,400 if we enact this thing. It will go up. Everything else does around here. It is the message we are transmitting, and it will have an effect on recruiting, and do not kid ourselves about it.

Mr. McCAIN. I might add, our All-Volunteer Force.

Mr. KASTEN. I rise in strong support for the Senator of Arizona and ask that I be made a cosponsor of this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. KENNEDY. Mr. President, it is my hope that we will dispose of the McCain amendment and the Armstrong amendment. I understand now that there will be a perfecting amendment by the Senator from Colorado, and then we were going to put in the Record a very brief exchange regarding its interpretation and then it is my understanding that the desire of the majority leader for the convenience of the membership is that we vote on both these measures back to back. That is what we would like to be able to accomplish.

So if the Senator from Arizona would permit us to go back to the completion of the Armstrong amendment with at least our understanding that we will have back-to-back votes, either on the amendments or on some motion related thereto.

Mr. ARMSTRONG. I think we can do that in perhaps a few seconds.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the amendment of the Senator from Colorado to the underlying Armstrong amendment be in order at this time.

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

AMENDMENT NO. 1268 TO AMENDMENT NO. 1262

Mr. ARMSTRONG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado (Mr. ARMSTRONG), for himself, Mr. BOSCHWITZ, Mr. COATS, Mr. GORTON, Mr. GRAMM, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. KASTEN, and Mr. HATCH, proposes an amendment numbered 1268 to his amendment 1262.

Mr. ARMSTRONG. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In lieu of the matter proposed in amendment 1262:

On page 8, line 2, after the word "needs" insert the following: ", including, but not limited to, churches and other religious entities";

On page 8, line 9, after the words "secondary school" insert the following: ", including, but not limited to, private sectarian and nonsectarian schools";

On page 10, line 6, after the words "public or private agencies" insert the following: ", including, but not limited to, churches and other religious entities";

On page 36, line 3 strike "any religious function" and insert in lieu thereof, "the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization";

On page 69, line 7, strike the semicolon and insert in lieu thereof the following: ", but nothing in this Act shall be construed to prevent any church or other religious entity from—

(A) displaying religious symbols or decorations;

(B) allowing persons to pray voluntarily, whether silent or vocally;

(C) allowing persons to sing religious hymns; or

(D) affirming or promoting any moral tenet that may be based on religious precepts";

So long as no funds provided under this Act are used by program participants and program staff for such activities and so long as these activities are conducted in a manner consistent with the Constitution.

On page 70, line 6, after the word "affiliation" insert the following: ", except that nothing in this Act shall prohibit a church or other religious entity from requiring that participants adhere to the religious tenets and teachings of such organizations and further, such organizations may require that participants adhere to rules forbidding the use of drugs or alcohol";

On page 70, line 7, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following new subsection:

"(c) QUALIFIED APPLICANTS.—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity."

Mr. ARMSTRONG. Mr. President, this has been worked out with the managers and the staff of the managers and by my staff. It satisfies some concerns which the managers raised and does so in a way which is consist-

ent with my intent. Frankly, it is partly styled, and I believe the explanation of the amendment which I previously submitted still applies. However, it is, I think, the intention of the Senator from Massachusetts to submit a colloquy.

And with that explanation, I ask for adoption of the amendment to the amendment, and then the yeas and nays on the underlying amendment that have been ordered.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it appeared as though the responses to this particular amendment are that we follow the pattern that has been accepted with other legislation dealing with the church-State issue, and we wanted to deal with that issue in a particular way. The Senator from Colorado prefers to list certain kinds of activities. We have dealt with that. But I believe that is a constitutional way.

Some adjustments have been made in the Senator's amendments. It seems to me that this is a satisfactory way of proceeding.

Does the Senator desire a rollcall vote on the amendment as amended?

Mr. ARMSTRONG. I do.

I think the business now is the amendment to the amendment.

The PRESIDING OFFICER. The Senator is correct.

Is there further debate on the amendment to the amendment?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. This has been worked out over a long period of time. I think it worked out to the satisfaction of all parties.

It is my understanding that after this amendment is adopted, we will vote on the Armstrong amendment and have a back-to-back vote on the McCain amendment.

I ask unanimous consent that that be the order.

Mr. KENNEDY. Mr. President, it is my understanding that we would vote on the Armstrong amendment, and I think the Senator from Georgia intended to make a tabling motion for the McCain amendment.

Mr. HATCH. Mr. President, this amendment will authorize a reduction in benefits in national service to be lower than military.

Mr. President, I agree with my colleague from Arizona that there should be some concern over the impact of this legislation on the military. And, none of us who have been involved in the drafting of this legislation want to see other important programs hurt. This legislation is intended only to expand the opportunities for all Americans from all different backgrounds to serve.

In fact, this legislation requires an evaluation of the impact of this program on VISTA, the Older Americans

Volunteer Programs, the regular Armed Forces, the Reserve Armed Forces, and the Peace Corps. We already have thousands of volunteers working in these efforts and I am sympathetic to those who have concerns that this new service program will drain people from our existing corps of volunteers.

We should do what we can to encourage more participants in existing volunteer programs, but still work to develop new ways for all Americans to have the opportunity to serve.

I believe Senator McCain has made an important point. We should not make military service an unattractive option to other programs.

My sole concern with this legislation is the limiting of the vouchers, to education benefits only. However, I am very sympathetic to all these issues.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Colorado to his own amendment?

Mr. BUMPERS. Mr. President, Senator Armstrong has raised the church-state issue with respect to the various grant programs in S. 1430. I want to briefly comment on the church-state issue as it applies to the loan deferment and cancellation provisions of the legislation.

Since 1980, the Higher Education Act has provided that student borrowers may defer repayment of student loans if they perform full-time, low-paid community service with tax exempt community service organizations. In implementing this deferment, the Department of Education has ruled that student borrowers may perform this service for organizations which are tax-exempt because they are religious organizations under section 501(c)(3) of the Internal Revenue Code. However, students who serve in religious organizations may not give religious instructions, conduct worship services, engage in religious proselytizing, or engage in fundraising to support religious activities.

The regulations promulgated (35 C.F.R. 674A(B)(4)(V); 682.508(D)(5); and 683.58(D)(5), conform with the intent of Congress in authorizing the deferments in 1980 to avoid violating the constitutional provisions for separation of church and state.

Students who serve with tax-exempt religious organizations should be eligible for loan deferments and loan cancellation benefits under the national services bill, just as they were under the loan deferment program of the Higher Education Act of 1980.

The amendment (No. 1268) was agreed to.

Mr. ARMSTRONG. I ask unanimous consent that the Senator from Wisconsin (Mr. KASTEN) and the Senator from Utah (Mr. HATCH) be added as cosponsors.

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

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. Is there further debate on the amendment of the Senator from Colorado?

Mr. McCAIN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment of the Senator from Arizona.

Is there further debate on the amendment of the Senator from Colorado?

If not, the question is on agreeing to the amendment of the Senator from Colorado.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "yea."

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 18 Leg.]

YEAS—91

Adams	Ford	McCain
Armstrong	Fowler	McClure
Baucus	Garn	McConnell
Biden	Gore	Mikulski
Bingaman	Gorton	Mitchell
Bond	Graham	Moynihan
Boren	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Heflin	Pressler
Bumpers	Heinz	Reid
Burdick	Helms	Riegle
Burns	Hollings	Robb
Byrd	Humphrey	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Rudman
Cochran	Johnston	Sanford
Cohen	Kassebaum	Sarbanes
Conrad	Kasten	Shelby
Cranston	Kennedy	Simpson
D'Amato	Kerry	Specter
Danforth	Kohl	Stevens
Daschle	Kohl	Symms
DeConcini	Lautenberg	Thurmond
Dixon	Leahy	Wallop
Dodd	Levin	Warner
Dole	Lieberman	Wilson
Domenici	Lott	Wirth
Durenberger	Lugar	
Exon	Mack	

NAYS—3

Glenn	Hatfield	Metzenbaum
-------	----------	------------

NOT VOTING—6

Bentsen	Pell	Sasser
Matsunaga	Pryor	Simon

So the amendment (No. 1262) as amended, was agreed to.

AMENDMENT NO. 1267

The PRESIDING OFFICER. The Senator from Georgia [Mr. NUNN] is recognized.

Mr. NUNN. Mr. President, what is the pending business now?

The PRESIDING OFFICER. The pending business is the amendment of Senator McCain, amendment No. 1267, on which the yeas and nays were ordered.

Mr. NUNN. Mr. President, on behalf of Senator Ross and myself, I move to table the McCain amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the motion of the Senator from Georgia to lay on the table the amendment of the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Arkansas [Mr. PRYOR], the Senator from Tennessee [Mr. SASSER], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 19 Leg.]

YEAS—54

Adams	Exon	Levin
Baucus	Ford	Lieberman
Biden	Fowler	Metzenbaum
Bingaman	Gore	Mikulski
Boren	Graham	Mitchell
Bradley	Harkin	Moynihan
Breaux	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Heinz	Pell
Burdick	Inouye	Reid
Byrd	Jeffords	Riegle
Conrad	Johnston	Robb
Cranston	Kennedy	Rockefeller
Daschle	Kerry	Sanford
DeConcini	Kerry	Sarbanes
Dixon	Kohl	Shelby
Dodd	Lautenberg	Warner
Durenberger	Leahy	Wirth

NAYS—41

Armstrong	Gorton	McConnell
Bond	Gramm	Murkowski
Boschwitz	Grassley	Nickles
Burns	Hatch	Pressler
Chafee	Helms	Roth
Coats	Hollings	Rudman
Cochran	Humphrey	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stevens
Danforth	Lott	Symms
Dole	Lugar	Thurmond
Domenici	Mack	Wallop
Garn	McCain	Wilson
Glenn	McClure	

NOT VOTING—5

Bentsen	Pryor	Simon
Matsunaga	Sasser	

So the motion to lay on the table the amendment (No. 1267) was agreed to.

Mr. METZENBAUM. Mr. President, I rise today in support of S. 1430, the National and Community Service Act of 1989.

I am particularly pleased that we have worked to include strong language to prevent job displacement. We all agree that the community service bill should expand options so people can work for the public good—not replace existing workers with federally funded volunteers.

The antidisplacement provisions in S. 1430 are the product of lengthy discussions between majority and minority staff, employees and employer groups.

These provisions will ensure active community support, cooperation, and creativity as volunteer programs are implemented.

And active community support from local business, labor, education and other community leaders is essential.

When we first considered S. 1430, organized labor alerted us to the potential for the displacement of paid workers by volunteers, especially in local jurisdictions under financial pressure. I felt strongly—as did organized labor and many of my colleagues—that bitter disagreements between sponsoring employers and their employees would be detrimental to a well-run volunteer program. And we were clear that we did not want to see a federally funded volunteer program result in the loss of paid jobs.

The antidisplacement provisions in this legislation establish the clear intent of Congress to prevent displacement of both existing workers and paid jobs. They also prohibit the conduct of activities that duplicate activities already performed in the jurisdiction.

To achieve speedy resolution of any disputes that might arise, S. 1430 also includes an expedited grievance procedure for resolving any antidisplacement disputes. I am hopeful that, by including such a process, the volunteer program will be protected from protracted disagreements that would cause longlasting animosities. Instead, differences can be resolved promptly, and energies can be focus on the true intent of the program—voluntarism.

In addition, by prohibiting duplication of activities already performed, this bill will guide volunteer programs toward creative activities that meet local needs that are not being met. We do not regard volunteer programs set up under this bill as a replacement for local and ongoing activities. Rather, our intent is to encourage the participation of local volunteers in the development of volunteer activities.

Mr. President, I commend Senator KENNEDY and his staff for their assistance on these antidisplacement provisions. The Senator from Massachusetts, along with Senators DODD, MIKULSKI and PELL, have shown a great deal of leadership in bringing about consensus.

The National and Community Service Act will provide interesting and meaningful community experience for many Americans. It will give us a good

indication of how we can best tap into the public spirit and good will of our people. I salute those individuals who will take up the cause of helping others as a result of this bill.

Mr. HATCH. Mr. President, Senator GRASSLEY is to be commended for his efforts to include in the substitute language to authorize the use of the vouchers for the start of a small business or a farm. Senator KENNEDY and I appreciate his assistance on this fine amendment and we were happy to include it in the compromise.

Mr. GRASSLEY. Mr. President, I rise to address an amendment of mine which the Committee has included in its substitute amendment. This amendment, which I was prepared to offer on the floor today, would have been cosponsored by Senator HATCH. I thank him for his support and I thank the committee for including my language in their substitute amendment.

The bill provides a voucher to full-time and part-time work for young adults in the national service program. The bill as first reported from the committee allowed the vouchers to be used for the purchase of a home and for educational expenses.

My amendment simply expands the allowed uses for the voucher to include the purchase of a farm or small business, as defined by the Small Business Administration, including production of food, fiber, livestock, aquaculture, and other agricultural industries, as well as most other small business concerns up to \$500,000.

Mr. President, beginning farmers and entrepreneurs have difficulty obtaining seed capital for starting up businesses. Banks are frequently unwilling or unable to make unguaranteed loans to small businesses with terms and conditions suited to their needs.

Commercial lenders consider new business ventures as poor risks, as they are usually supported only weakly with collateral and equity. Equity for small business startup is generated from personal savings and home equity about two-thirds of the time.

As you know, Mr. President, new farmers and businessmen usually have little home equity or personal savings built up. My amendment would help farmers and small businessmen obtain capital, enabling them to better meet lenders' requirements.

This capital gap is particularly prevalent for new and smaller businesses. Further, startup capital is an even bigger problem for businesses owned by minorities and women. Women typically begin business with about half as much capital as do men. Venture capital, instead, is attracted to larger, established businesses.

The \$10,000 that would be available to participants in the full-time national service demonstration project would go a long ways to getting people started in business or farming. The Congressional Budget Office estimates

that the average business owner begins with less than \$15,000. If national service participants combine their resources with other partners, their capital will go even further in starting up the business.

Sufficient capital is not necessary only to obtain financing, it is also significant for ultimate success. According to an article in the Journal of Small Business Management, undercapitalization is a major cause of small business failure.

In recognition of the steady flow of people and income from rural economies, Congress has been working on rural development legislation. Much of the focus of the legislation has been for alternative financing sources.

Such financing, especially for beginning farmers, ranchers, and businessmen, is the one rural credit need admitted by the Task Force of Agricultural Finance.

This voucher, Mr. President, would help young people build the down payment necessary to get that first loan.

The benefits of my amendment would flow not just to the individuals receiving the vouchers. Their communities would reap significant economic and social rewards from investment in businesses and farms. Economically distressed areas of the country face tremendous challenges in attracting business or encouraging the startup of new ones.

Providing financial backing is critical to reinvigorate development in these areas.

Again, Mr. President, I thank the bill sponsors for their cooperation and insight into this matter.

LABOR DISPLACEMENT PROVISIONS

Mr. HATCH. I am a little concerned about the nonduplication and nondisplacement provisions in section 176. While I absolutely agree that we do not want to turn the National and Community Service Act into a public service employment bill—and that includes replacing municipal employees with participants who are stipended under this bill—I do not want to make the provisions in section 176 so strict that we do not allow legitimate volunteer organizations to support causes which may overlap with the duties or work performed by state or municipal employees.

Let me first ask the Senator from Massachusetts about section 176(a)(1). I understand the intent of this paragraph is to avoid duplication of existing programs. I agree with that. We do not necessarily want group A, which is assisted with funds provided under this act, to compete with group B, which has had to raise its funds privately.

However, the term "activity" as it is used in this paragraph is ambiguous, and I hope the sponsor of the bill can shed some light on what is meant here. For example, if the Cache County blood bank operated a bloodmobile 1 day a week, that would be a specific activity. Would this provision

prevent assistance under this title from being used to operate the bloodmobile for 2 days a week? Arguably, this is not an additional activity, but rather an expansion of an existing activity. Would this provision prevent assistance provided under this title from being used by an organization to expand an existing activity?

Mr. KENNEDY. No, it would not prevent expansion of an existing activity such as the one described by the Senator from Utah so long as the non-displacement requirements in subsection (b) are met. It would prohibit funds from going to another organization to operate a bloodmobile program if that organization is not now operating one.

Mr. HATCH. I appreciate that explanation. Now, let me ask the Senator from Massachusetts about section 176(a)(2) and the related requirements in section 176(b).

Subsection (a)(2) states that assistance under this title may not be given to private, nonprofit entities to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection (b) are met. I understand that subsection (b)(1) and (b)(2) require that a private nonprofit agency cannot receive funds if State or local government workers are displaced from their jobs or if promotional opportunities are infringed upon. I agree with the thrust of these requirements.

But, who is responsible for making the determination that the requirements are met? Let's say the Sierra Club of Salt Lake City has organized an ongoing project to pick up the litter along Utah's scenic highways. That would normally be a function of employees at the State highway department. Is it the responsibility of the Sierra Club to secure assurances from the Utah Highway Department that no workers will be laid off as a result of their organization's cleanup project? And, what is the Sierra Club's liability if, in fact, the State highway department improperly reduces wages or hours anyway?

Mr. KENNEDY. It is not our intention to subject volunteer organizations to unreasonable burdens of proof or liability for violations that are not deliberate or that are not within the control of the organization.

Mr. HATCH. I thank the Senator. Now, on a related point, paragraph (3) states that no assistance may be provided to a private nonprofit organization if the services it will provide duplicate any services "that would otherwise be performed" by government employees. This appears to mean that the Sierra Club project to pick up litter would be disallowed since the State highway department performs this function. This provision would also eliminate literacy programs if school district employees also teach

such programs or youth recreation programs if the city parks or school districts offer such programs. I am sure there are dozens of other overlapping services. Do the bill's sponsors intend a strict interpretation of this provision?

Mr. KENNEDY. The intent of the provision is to discourage State and local governments from viewing the National and Community Service Act as a means to finance the public duties they are already committed and obligated to perform. The National and Community Service Act should not sanction the substitution of unpaid labor, or labor that is stipended at a minimal amount, for regular employees who are entitled to normal wages and benefits.

The standards set forth in section 176(b)(3) are intended to be enforced in a reasonable manner. It is not our intent to discourage the Sierra Club and other volunteer organizations from performing public service functions which do not displace workers.

Mr. HATCH. I appreciate that response. I have one final inquiry that also has to do with section 176(a)(2) and (b)(3). Subparagraph (C) lists a set of additional circumstances under which volunteers assisted by the bill may not substitute for employees of State or local governments. I find these are quite reasonable provided we are talking about a long-term substitution. For example, I agree that a volunteer should not be substituted on a long-term or indefinite basis for a worker who has resigned or been discharged. However, I wonder if the Senator from Massachusetts objects to volunteers filling in on temporary basis. For example, if the ambulance dispatcher in Moab, UT, is on sick leave or vacation, would this bill prohibit a community action program receiving assistance under this title from helping out for a time? Clearly, in a case like this, there is no harm to the employee and no intent on the part of the city to make a permanent substitution.

Mr. KENNEDY. The Senator from Utah understands the purpose of the provision. Subparagraph (C) is intended to enumerate the conditions under which improper substitutions could not take place. Once again, it is subject to a reasonable interpretation. In the case mentioned by the Senator from Utah, I do not see a problem because, as the Senator stated, the employee would not be disadvantaged nor would this action supplant the hiring of employed workers.

Mr. HATCH. I thank the Senator very much for his answers.

Mr. KENNEDY. I would like to confirm the intention of the Senator from Colorado with respect to part (c) of his amendment. It would provide that nothing on the act shall prohibit a church or other religious entity from requiring that participants not violate the religious tenets of the organization while participating in programs

funded by the act. So, for example, a kosher Jewish soup kitchen could bar volunteers from distributing ham sandwiches. But the institution could not require participants in the volunteer program to convert to the religion. Do you agree with this interpretation of your amendment?

Mr. ARMSTRONG. Yes. The Senator is correct. As the Senator knows, this language is taken from S. 5, the A-B-C child care bill. The brief legislative history of the provision in S. 5 shows that a religious institution cannot require a participant to profess to any religious principle or convert to any creed. However, the amendment allows a religious organization to set rules based on its religious precepts and to require participants under this act not to violate those rules. The Senator from Massachusetts cites a dietary rule. I would add that churches can set rules relating to alcohol use, drug use, sexual activity, and other matters that are of deep and abiding concern to religious organizations.

Mr. KENNEDY. I also want to state my own understanding of part (b) of this amendment. The bill, even with the Armstrong amendment, bars the use of Federal funds in programs that give religious instruction, conduct worship services, or engage in any form of proselytization. The amendment simply makes clear that activities conducted by a church or other religious entity—such as displaying religious symbols or decorations; allowing persons voluntarily on their own to engage in prayer or sing religious hymns; or affirming or promoting any moral tenet based on religious precepts—do not endanger the entity's funding under the bill so long as they are conducted separate and apart from the programs funded by the bill, and not as a part of the program itself.

NONDISCRIMINATION

Mr. HATCH. There is one clarification I would like to make in section 174(a) concerning nondiscrimination. All of the listed civil rights statutes, as well as regulations issued under such statutes, apply to activities carried out under this title. Am I correct that the regulations that apply will be those which are in effect at any given point in time? In other words, if the regulations implementing any of these civil rights statutes are changed in the future, programs assisted under the National and Community Service Act must abide by the new regulations, not those which are in effect today or on the day of enactment.

Mr. KENNEDY. The Senator is correct.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business.

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

SECOND CLOTURE VOTE ON SENATE JOINT RESOLUTION 212

Mr. DOLE. Mr. President, I still think "David" won the debate—but it is pretty clear that "Goliath" won the vote.

So—whatever the merits of our position—it is clear after two tries that we do not have the votes to prevail on cloture, at least on the current form and text of Senate Joint Resolution 212.

I will not seek a third cloture vote and so advise the Senator pro tempore, the Senator from West Virginia [Mr. BYRD].

I want to say a special word of thanks to those who led the floor effort for the resolution—on both sides of the aisle.

From outside the Senate, I want to take special note of the following people, who have been very helpful.

Congressman PASHAYAN of California has worked very hard trying to find an acceptable compromise, and deserves a lot of credit for moving the administration toward a position acceptable to the Armenian-American community.

California Governor Deukmejian, and two of his close associates, Carl Samuelian and Greg Kahwajian, have also been actively involved in our discussions with the administration, and in urging support for the resolution. I thank them for their efforts from long distance.

Officials from the Armenian assembly—one of the major Armenian-American groups—have also worked with us every step of the way, and have provided great support during this debate. I would mention three in particular: Ross Vartian, Van Krekorian and Rouben Adalian.

I also want to commend those who have been working around the country, those senior Armenians who made the trip today from Philadelphia and Atlantic City. As I said, the eldest in the group is 99, and they have told us a number of incidents, stories that have been brought to the attention of some of our colleagues.

I also want again to commend the distinguished President pro tempore, Senator BYRD. As usual, he was extremely effective in managing his forces and making his case; and, as always, he was a gentleman.

As I indicated several times during the debate—there may be other legislative options open in the future. We will be exploring those.

I remain hopeful that a vote on the amended text I sought to offer, either in concurrent resolution form or as a sense-of-the-Congress amendment, might garner a better vote. I also will want to consult with some of my friends on the House side, to explore the potential for action on an appropriate resolution there.

I hope we fought a good fight. I know it was an important fight. Perhaps it will be a fight that will be fought again.

S1763-60

288(a), and 2881(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *Metro Broadcasting, Inc. v. Federal Communications Commission, et al.*, in support of the constitutionality of provisions of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, Pub. L. No. 101-162, 103 Stat. 988, 1020, and related measures that the Congress has enacted to promote the expansion of minority and women ownership of broadcasting licenses.

AMENDMENTS SUBMITTED

NATIONAL AND COMMUNITY SERVICE ACT

S. 1430

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1262

Mr. ARMSTRONG (for himself, Mr. BOSCHWITZ, Mr. COATS, Mr. GORTON, Mr. GRAMM, Mr. LOTT, Mr. MACK, Mr. MCCONNELL) proposed an amendment to the bill (S. 1430) to enhance national and community service, and for other purposes, as follows:

On page 8, line 2, after the word "needs" insert the following: ", including, but not limited to, churches and other religious entities";

On page 8, line 9, after the words "secondary school" insert the following: ", including, but not limited to, private sectarian and nonsectarian schools";

On page 10, line 6, after the words "public or private agencies" insert the following: ", including, but not limited to, churches and other religious entities";

On page 36, line 3 strike "any religious function" and insert in lieu thereof, "the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization";

On page 69, line 7, strike the semicolon and insert in lieu thereof the following: ", but nothing in this Act shall be construed to prevent any church or other religious entity from—

- (A) displaying religious symbols or decorations;
- (B) allowing persons to pray voluntarily, whether silently or vocally;
- (C) allowing persons to sing religious hymns; or
- (D) affirming or promoting any moral tenet that may be based on religious precepts;";

On page 70, line 6, after the word "affiliation" insert the following: ", except that a church or other religious entity may require that participants adhere to the religious tenets and teachings of such organization and further, such organization may require that participants adhere to rules forbidding the use of drugs or alcohol";

On page 70, line 7, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following new subsection:

"(c) QUALIFIED APPLICANTS.—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act

shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity.".

DOMENICI (AND KASTEN) AMENDMENT NO. 1263

Mr. DOMENICI (for himself and Mr. KASTEN) proposed an amendment to the bill S. 1430, supra, as follows:

On page 19, line 18 strike "and".
On page 19, between lines 18 and 19, insert the following:

(L) disclose whether the program plans include preventing and treating school-age drug and alcohol abuse and dependency; and

On page 19, line 19, strike "(L)" and insert (M).

On page 35, line 5, after "facilities," insert "activities that focus on drug and alcohol abuse education, prevention and treatment.".

On page 53, line 4, strike "and".
On page 53, after the semicolon, insert "and".

On page 53, between lines 9 and 10, insert the following:

(C) service in programs engaged in the education, prevention, and treatment of drug and alcohol abuse, including care programs for cocaine-addicted babies;

CONRAD AMENDMENT NO. 1264

Mr. KENNEDY (for Mr. CONRAD) proposed an amendment to the bill S. 1430, supra, as follows:

On page 26, line after line 19, add the following new section:

SEC. 117. TREATMENT OF INDIAN TRIBES.

An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 27, between lines 20 and 21, insert the following new paragraph:

(3) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 52, between lines 9 and 10, insert the following new subsection:

(h) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

On page 66, between lines 2 and 3, insert the following new subsection:

(d) INDIAN TRIBES.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

WATER RESOURCES DEVELOPMENT ACT

LAUTENBERG (AND BRADLEY) AMENDMENT NO. 1265

(Ordered referred to the Committee on Environment and Public Works.)

Mr. LAUTENBERG (for himself and Mr. BRADLEY) submitted an amendment intended to be proposed by them to the bill (S. 2183) to provide for the conservation and development of water and related resources, to authorize U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes, as follows:

Paragraph (12) of section 101 is amended to read as follows:

(12) Passaic River Main Stem, New Jersey and New York. The project for flood control, Passaic River Main Stem, New Jersey and New York: Report of the Chief of Engineers, dated February 3, 1989, except that the main diversion tunnel shall be extended to outlet in Newark Bay, New Jersey, at a total cost of \$1,200,000,000, with an estimated first Federal cost of \$890,000,000, and an estimated first non-Federal cost of \$310,000,000. The Secretary shall design and construct the project in accordance with the Newark Bay tunnel outlet alternative described in the Phase I General Design Memorandum of the District Engineer dated December 1987. The total project, including the extension to Newark Bay, shall be cost shared in accordance with the provisions of section 103 of Pub. L. 99-862.

NATIONAL AND COMMUNITY SERVICE ACT

HATCH AMENDMENT NO. 1266

Mr. HATCH proposed an amendment to the bill S. 1430, supra, as follows:

In section 241, strike out "to individuals who are new borrowers on that date".

In section 251, strike out "to individuals who are new borrowers on that date".

At the appropriate place, insert the following new sections:

SEC. GRAND CIRCLE ADVENTURE PASS.

Section 4(a)(1)(B) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(a)(1)(B)) is amended by adding at the end thereof the following new sentence: "The Secretary shall make such a permit (to be known as the Grand Circle Adventure Passport) available for admission, for a period of at least 7 days, to the group of Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, Zion National Park, Mesa Verde National Park, and Grand Canyon National Park (north rim), including admission to all monuments in those parks.".

SEC. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended in the first sentence—

- (1) by striking out "not more than four";
- (2) by striking out "in any fiscal year"; and
- (3) by striking out "in such States".

SEC. PHYSICIANS' COMPARABILITY ALLOWANCE.

The positions of the Assistant Secretary for Health, the Deputy Assistant Secretary for Health, the heads of the Public Health Services agencies, and other positions that are compensated under subchapter II of chapter 53, of title 5, United States Code, relating to the Executive Schedule, when employed as physicians shall be defined as "government physicians" for purposes of eligibility for physicians comparability allowance as defined in section 5948 of title 5, United States Code.

MCCAIN (AND OTHERS) AMENDMENT NO. 1267

Mr. MCCAIN (for himself, Mr. GORTON, Mr. LOTT, Mr. MACK, Mr. COATS, Mr. BOSCHWITZ, Mr. MCCONNELL, Mr. ARMSTRONG, and Mr. GRAMM) proposed an amendment to the bill S. 1430, supra, as follows:

At the end of subtitle F of title I add the following new section:

SEC. 182. LIMITATIONS ON PAYMENTS.

(a) **IN GENERAL.**—(1) No participant or former participant in a program under this title may be paid benefits under this title, in the form of educational and training benefits or in voucher form, or both, in any amount that would exceed the amount of educational assistance benefits paid to a person under chapter 30 of title 38, United States Code, or under chapter 106 of title 10, United States Code, as determined by the Secretary of Defense in consultation with the Chairperson of the Board of Directors of the Foundation.

(b) **LIMITATIONS ON USES OF BENEFITS.**—Notwithstanding any other provision of this Act, vouchers provided under section 146 may be used for the purposes set forth in clauses (A) or (B) of subsection (d)(1) of that section only if educational assistance payments made under chapter 30 of title 38, United States Code, and under chapter 106 of title 10, United States Code, are permitted to be used for the same purposes.

**ARMSTRONG (AND OTHERS)
AMENDMENT NO. 1268**

Mr. ARMSTRONG (for himself, Mr. BOSCHWITZ, Mr. COATS, Mr. GORTON, Mr. GRAMM, Mr. LOTT, Mr. MACK, Mr. MCCONNELL, Mr. KASTEN, and Mr. HATCH) proposed an amendment to amendment No. 1262 proposed by Mr. ARMSTRONG (and others) to the bill S. 1430, supra, as follows:

In lieu of the matter proposed in Amendment 1262:

On page 8, line 2, after the word "needs" insert the following: ", including, but not limited to, churches and other religious entities";

On page 8, line 9, after the words "secondary school" insert the following: ", including, but not limited to, private sectarian and nonsectarian schools";

On page 10, line 6, after the words "public or private agencies" insert the following: ", including, but not limited to, churches and other religious entities";

On page 36, line 3 strike "any religious function" and insert in lieu thereof, "the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization";

On page 69, line 7, strike the semicolon and insert in lieu thereof the following: ", but nothing in this Act shall be construed to prevent any church or other religious entity from—

(A) displaying religious symbols or decorations;

(B) allowing persons to pray voluntarily, whether silently or vocally;

(C) allowing persons to sing religious hymns; or

(D) affirming or promoting any moral tenet that may be based on religious precepts";

So long as no funds provided under this Act are used by program participants and program staff for such activities and so long as these activities are conducted in a manner consistent with the Constitution.

On page 70, line 6, after the word "affiliation" insert the following: ", except that nothing in this Act shall prohibit a church or other religious entity from requiring that participants adhere to the religious tenets and teachings of such organization and further, such organization may require that

participants adhere to rules forbidding the use of drugs or alcohol";

On page 70, line 7, redesignate subsection (c) as subsection (d) and insert after subsection (b) the following new subsection:

"(c) **QUALIFIED APPLICANTS.**—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity."

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS, Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on the President's proposed budget for the Small Business Administration and on the reauthorization of the agency's programs. The hearing will be held on Wednesday, March 7, 1990, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the committee at 224-5175.

**AUTHORITY FOR COMMITTEES
TO MEET**

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FOWLER, Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, February 27, 1990, at 9 a.m. for a hearing on the Civil Rights Act of 1990.

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

**SUBCOMMITTEE ON MOD REHAB/HUD
INVESTIGATIONS**

Mr. FOWLER, Mr. President, I ask unanimous consent that the MOD Rehab/HUD Investigation Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, February 27, 1990, at 10 a.m. and continuing at 2:30 p.m. to hold hearings on the anatomy of a deal.

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

COMMITTEE ON THE JUDICIARY

Mr. FOWLER, Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on February 27, 1990, at 2 p.m., to hold a hearing on the nomination of Harry F. Manbeck, Jr., to be Commissioner of Patents and Trademarks; Douglas B. Comer, to be Deputy Commissioner of Patents and Trademarks; Rhesa H. Barksdale, to be U.S. circuit judge for the fifth circuit; Robert H. Hodges, to be a judge of the U.S. Claims Court.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. FOWLER, Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee to hear a legislative presentation by the Disabled American Veterans on Tuesday, February 27, 1990, at 9:30 a.m. in SH-216.

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

COMMITTEE ON FINANCE

Mr. FOWLER, Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 27, 1990, at 9:30 a.m. to hold the third in a series of hearings on a proposal to reduce Social Security taxes.

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

COMMITTEE ON ARMED SERVICES

Mr. FOWLER, Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Tuesday, February 27, 1990, at 2 p.m. to receive testimony on the amended Defense authorization request for fiscal year 1991 and on the fiscal years 1991-95 5-year defense plan.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FOWLER, Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 27, at 11 a.m. to hold a nomination hearing on Ronald Roskens to be Administrator of the Agency for International Development.

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

ADDITIONAL STATEMENTS

MUDDLED THINKING ON TRANSPORTATION TRUST FUNDS

Mr. LAUTENBERG, Mr. President, there is an awful lot of confusion about the transportation-related trust funds. Some believe that the Government is hoarding surpluses in these funds in order to make the deficit look smaller. Others believe that changing the budget treatment of the trust funds would somehow necessarily increase spending for transportation. Both views are simply wrong.

The New York Times recently published an editorial that helps explain some of the issues surrounding the aviation trust fund. I hope my colleagues will read it. As the Times understands, the so-called surplus in the aviation trust fund is illusory. In fact, the Government already spends much more on aviation than the trust fund takes in. So, and I quote the New York Times, "contrary to popular belief, the