

eight
For ~~XX~~ Month Period Ending **31 JAN 1993** (Final Statement)
March 31, 1993
(Insert date)

Name of Registrant
McNair Law Firm, P.A.

Registration No.
#4534

Business Address of Registrant
1301 Gervais Street, NCNB Tower
Columbia, S.C. 29211

1155 15th Street, N.W., Suite 400
Washington, D.C. 20005

I-REGISTRANT

1. Has there been a change in the information previously furnished in connection with the following:

(a) If an individual:

(1) Residence address	Yes ☐	No ☒
(2) Citizenship	Yes ☐	No ☒
(3) Occupation	Yes ☐	No ☒

(b) If an organization:

(1) Name	Yes ☐	No ☒
(2) Ownership or control	Yes ☐	No ☒
(3) Branch offices	Yes ☐	No ☒

2. Explain fully all changes, if any, indicated in item 1.

N/A

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93 MAR 31 PM 3:38
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SECTION
REGISTRATION UNIT

IF THE REGISTRANT IS AN INDIVIDUAL, OMIT RESPONSE TO ITEMS 3, 4, and 5.

3. Have any persons ceased acting as partners, officers, directors or similar officials of the registrant during this ⁸ month reporting period? Yes ☐ No ☒

If yes, furnish the following information:

Name	Position	Date Connection Ended
There have been no changes with respect to partner, shareholder, officer, director or similar officials in the Washington office during this registration period.		

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4. Have any persons become partners, officers, directors or similar officials during this ~~8~~ month reporting period?
 Yes ☐ No ☒

If yes, furnish the following information:

<i>Name</i>	<i>Residence Address</i>	<i>Citizenship</i>	<i>Position</i>	<i>Date Assumed</i>
There have been no changes with respect to any partner, shareholder, officer, director or similar officials in the Wash. office during this registration period.				

5. Has any person named in Item 4 rendered services directly in furtherance of the interests of any foreign principal?
 Yes ☐ No ☒

If yes, identify each such person and describe his services.

6. Have any employees or individuals other than officials, who have filed a short form registration statement, terminated their employment or connection with the registrant during this ~~8~~ month reporting period? Yes ☐ No ☒

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If yes, furnish the following information:

<i>Name</i>	<i>Position or connection</i>	<i>Date terminated</i>
N/A		

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7. During this ~~8~~ month reporting period, have any persons been hired as employees or in any other capacity by the registrant who rendered services to the registrant directly in furtherance of the interests of any foreign principal in other than a clerical or secretarial, or in a related or similar capacity? Yes ☐ No ☒

If yes, furnish the following information:

<i>Name</i>	<i>Residence Address</i>	<i>Position or connection</i>	<i>Date connection began</i>
N/A			

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II—FOREIGN PRINCIPAL

(PAGE 3)

- 8
8. Has your connection with any foreign principal ended during this ~~8~~ month reporting period? Yes ☒ No ☐

If yes, furnish the following information:

Name of foreign principal

Date of Termination

American University of the Caribbean

3/31/93

- 8
9. Have you acquired any new foreign principal¹ during this ~~8~~ month reporting period? Yes ☐ No ☒

If yes, furnish following information:

Name and address of foreign principal

Date acquired

10. In addition to those named in Items 8 and 9, if any, list the foreign principals¹ whom you continued to represent during the ~~8~~ month reporting period.

8

N/A

III—ACTIVITIES

- 8
11. During this ~~8~~ month reporting period, have you engaged in any activities for or rendered any services to any foreign principal named in Items 8, 9, and 10 of this statement? Yes ☒ No ☐

If yes, identify each such foreign principal and describe in full detail your activities and services:

(See Attachment A)

¹ The term "foreign principal" includes, in addition to those defined in section 1(b) of the Act, an individual or organization any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign government, foreign political party, foreign organization or foreign individual. (See Rule 100(a)(9)).

A registrant who represents more than one foreign principal is required to list in the statements he files under the Act only those foreign principals for whom he is not entitled to claim exemption under Section 3 of the Act. (See Rule 208.)

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12. During this ☒ month reporting period, have you on behalf of any foreign principal engaged in political activity² as defined below?

Yes ☐No ☒

If yes, identify each such foreign principal and describe in full detail all such political activity, indicating, among other things, the relations, interests and policies sought to be influenced and the means employed to achieve this purpose. If the registrant arranged, sponsored or delivered speeches, lectures or radio and TV broadcasts, give details as to dates, places of delivery, names of speakers and subject matter.

N/A

13. In addition to the above described activities, if any, have you engaged in activity on your own behalf which benefits any or all of your foreign principals? Yes ☐ No ☒

If yes, describe fully.

N/A

²The term "political activities" means the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

IV--FINANCIAL INFORMATION

14. (a) RECEIPTS--MONIES (8 month)

During this ~~8~~ month reporting period, have you received from any foreign principal named in Items 8, 9 and 10 of this statement, or from any other source, for or in the interests of any such foreign principal, any contributions, income or money either as compensation or otherwise? Yes ☒ No ☐

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies.³

<i>Date</i>	<i>From Whom</i>	<i>Purpose</i>	<i>Amount</i>
8/10/92	American University of the Caribben -- Henry Tien	Compensation	\$ 2,397.34
10/14/92	" "	" "	818.58
3/01/93	" "	" "	1,000.00 (invoiced)
			<u>\$ 4,215.92</u>
		Total	

(b) RECEIPTS--THINGS OF VALUE (8 month)

During this ~~8~~ month reporting period, have you received any thing of value⁴ other than money from any foreign principal named in Items 8, 9 and 10 of this statement, or from any other source, for or in the interests of any such foreign principal? Yes ☐ No ☒

If yes, furnish the following information:

<i>Name of foreign principal</i>	<i>Date received</i>	<i>Description of thing of value</i>	<i>Purpose</i>
N/A			

³A registrant is required to file an Exhibit D if he collects or receives contributions, loans, money, or other things of value for a foreign principal, as part of a fund raising campaign. See Rule 201(e).

⁴Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

15. (a) **DISBURSEMENTS—MONIES (8 month)**

During this 8 month reporting period, have you

(1) disbursed or expended monies in connection with activity on behalf of any foreign principal named in Items 8, 9 and 10 of this statement? Yes ☐ No ☒(2) transmitted monies to any such foreign principal? Yes ☐ No ☒

If yes, set forth below in the required detail and separately for each foreign principal an account of such monies, including monies transmitted, if any, to each foreign principal.

<i>Date</i>	<i>To Whom</i>	<i>Purpose</i>	<i>Amount</i>
N/A			

 Total

15. (b) DISBURSEMENTS—THINGS OF VALUE

During this ~~6~~⁸ month reporting period, have you disposed of anything of value⁵ other than money in furtherance of or in connection with activities on behalf of any foreign principal named in items 8, 9 and 10 of this statement?
 Yes ☐ No ☒

If yes, furnish the following information:

<i>Date disposed</i>	<i>Name of person to whom given</i>	<i>On behalf of what foreign principal</i>	<i>Description of thing of value</i>	<i>Purpose</i>
N/A				

(c) DISBURSEMENTS—POLITICAL CONTRIBUTIONS (8 month)

During this ~~6~~⁸ month reporting period, have you from your own funds and on your own behalf either directly or through any other person, made any contributions of money or other things of value⁵ in connection with an election to any political office, or in connection with any primary election, convention, or caucus held to select candidates for political office?
 Yes ☐ No ☒

If yes, furnish the following information:

<i>Date</i>	<i>Amount or thing of value</i>	<i>Name of political organization</i>	<i>Name of candidate</i>
N/A			

V—POLITICAL PROPAGANDA

(Section 1(j) of the Act defines "political propaganda" as including any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence.)

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 16. During this ~~6~~⁸ month reporting period, did you prepare, disseminate or cause to be disseminated any political propaganda as defined above? Yes ☐ No ☒

IF YES, RESPOND TO THE REMAINING ITEMS IN THIS SECTION V.

17. Identify each such foreign principal.

N/A

⁵Things of value include but are not limited to gifts, interest free loans, expense free travel, favored stock purchases, exclusive rights, favored treatment over competitors, "kickbacks," and the like.

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18. During this ~~8~~ month reporting period, has any foreign principal established a budget or allocated a specified sum of money to finance your activities in preparing or disseminating political propaganda? Yes ☐ No ☒

If yes, identify each such foreign principal, specify amount, and indicate for what period of time.

N/A

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19. During this ~~8~~ month reporting period, did your activities in preparing, disseminating or causing the dissemination of political propaganda include the use of any of the following: N/A

- ☐ Radio or TV broadcasts ☐ Magazine or newspaper articles ☐ Motion picture films ☐ Letters or telegrams
☐ Advertising campaigns ☐ Press releases ☐ Pamphlets or other publications ☐ Lectures or speeches

☐ Other (specify) _____

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20. During this ~~8~~ month reporting period, did you disseminate or cause to be disseminated political propaganda among any of the following groups:

- ☐ Public Officials ☐ Newspapers ☐ Libraries
☐ Legislators ☐ Editors ☐ Educational institutions
☐ Government agencies ☐ Civic groups or associations ☐ Nationality groups
☐ Other (specify) _____

21. What language was used in this political propaganda: N/A

☐ English

☐ Other (specify) _____

22. Did you file with the Registration Section, U.S. Department of Justice, two copies of each item of political propaganda material disseminated or caused to be disseminated during this ~~8~~ month reporting period? N/A Yes ☐ No ☐

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23. Did you label each item of such political propaganda material with the statement required by Section 4(b) of the Act? Yes ☐ No ☐ N/A

24. Did you file with the Registration Section, U.S. Department of Justice, a Dissemination Report for each item of such political propaganda material as required by Rule 401 under the Act? N/A Yes ☐ No ☐

VI—EXHIBITS AND ATTACHMENTS

25. EXHIBITS A AND B

- (a) Have you filed for each of the newly acquired foreign principals in Item 9 the following:
N/A

Exhibit A⁶ Yes ☐ No ☐
Exhibit B⁷ Yes ☐ No ☒

If no, please attach the required exhibit.

- (b) Have there been any changes in the Exhibits A and B previously filed for any foreign principal whom you represented during this ~~8~~ month period? N/A Yes ☐ No ☐

eight

If yes, have you filed an amendment to these exhibits? N/A Yes ☐ No ☐

If no, please attach the required amendment.

⁶The Exhibit A, which is filed on Form CRM-157 (Formerly OBD-67) sets forth the information required to be disclosed concerning each foreign principal.

⁷The Exhibit B, which is filed on Form CRM-155 (Formerly OBD-65) sets forth the information concerning the agreement or understanding between the registrant and the foreign principal.

26. EXHIBIT C

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If you have previously filed an Exhibit C⁸, state whether any changes therein have occurred during this 8 month reporting period. Yes ☐ No ☒

If yes, have you filed an amendment to the Exhibit C? Yes ☐ No ☐

If no, please attach the required amendment.

27. SHORT FORM REGISTRATION STATEMENT

Have short form registration statements been filed by all of the persons named in Items 5 and 7 of the supplemental statement? Yes ☒ No ☐

If no, list names of persons who have not filed the required statement.

The undersigned swear(s) or affirm(s) that he has (they have) read the information set forth in this registration statement and the attached exhibits and that he is (they are) familiar with the contents thereof and that such contents are in their entirety true and accurate to the best of his (their) knowledge and belief, except that the undersigned make(s) no representation as to the truth or accuracy of the information contained in attached Short Form Registration Statement, if any, insofar as such information is not within his (their) personal knowledge.

(Type or print name under each signature)

(Both copies of this statement shall be signed and sworn to before a notary public or other person authorized to administer oaths by the agent, if the registrant is an individual, or by a majority of those partners, officers, directors or persons performing similar functions who are in the United States, if the registrant is an organization.)

James T. McIntyre, Jr.
James T. McIntyre, Jr.
John L. Napier
John L. Napier
Steven M. Kupka
Steven M. Kupka

Subscribed and sworn to before me at Washington, D.C.

this 31st day of March, 1993

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Margie Ann Carroll
(Signature of notary or other officer)

⁸The Exhibit C, for which no printed form is provided, consists of a true copy of the charter, articles of incorporation, association, constitution, and bylaws of a registrant that is an organization. (A waiver of the requirement to file an Exhibit C may be obtained for good cause upon written application to the Assistant Attorney General, Criminal Division, Internal Security Section, U.S. Department of Justice, Washington, D.C. 20530.)

UNITED STATES DEPARTMENT OF JUSTICE
REGISTRATION UNIT
CRIMINAL DIVISION
WASHINGTON, D.C. 20530

NOTICE

Please answer the following questions and return this sheet in triplicate with your supplemental statement:

1. Is your answer to Item 16 of Section V (Political Propaganda - page 7 of Form CRM-154, formerly Form OBD-64-- Supplemental Statement):

Yes _____ or No X

(If your answer to question 1 is "yes" do not answer question 2 of this form.)

2. Do you disseminate any material in connection with your registration:

Yes _____ or No X

(If your answer to question 2 is "yes" please forward for our review copies of all such material including: films, film catalogs, posters, brochures, press releases, etc. which you have disseminated during the past six months.)

James T. McIntyre, Jr.
Signature

James T. McIntyre, Jr.

Please type or print name of signatory on the line above

Managing Shareholder
Title

3/31/93
Date

John L. Napier
Signature Date

John L. Napier Partner
Print Name Title

Steven M. Kupka 3/31/93
Signature Date

Steven M. Kupka Assoc. Attorney
Print Name Title

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SECURITY

ATTACHMENT A

11. The American University of the Caribbean--The McNair Law Firm has counselled and advised our client on the rule making process relating to the Reauthorization of the Higher Education Act (HEA) and how it could affect said client. Specifically, we were in contact with Ms. Joyce R. Coats, a program Specialist with the Department of Education (ED), and submitted background materials to her relating to GSL eligibility for Foreign Medical Schools. Included as attachment B is a copy of the memorandum and supporting documents we submitted to the ED on behalf of our client.

<u>Date</u>	<u>Contact</u>
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2/18/93	Kupka contacted Joyce Coats at ED and discussed proposed rule making process and supporting documentation needed to help clarify the legislative intent for Foreign Medical Schools participation in the GSL program.
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2/23/93	Kupka sent memo to Joyce Coats at ED for her perusal.
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McNAIR LAW FIRM, P. A.
ATTORNEYS AND COUNSELORS AT LAW
SUITE 400

MADISON OFFICE BUILDING
1155 FIFTEENTH STREET, NORTHWEST
WASHINGTON, D. C. 20005
TELEPHONE 202-659-3900
TELECOPIER 202-659-5763

February 23, 1993

MEMORANDUM

CHARLESTON OFFICE
140 EAST BAY STREET
POST OFFICE BOX 1431
CHARLESTON, S.C. 29402
803-723-7831

COLUMBIA OFFICE
NCNB TOWER
POST OFFICE BOX 11390
COLUMBIA, S.C. 29211
803-799-9800

GEORGETOWN OFFICE
1112 HIGHMARKET STREET
POST OFFICE DRAWER 459
GEORGETOWN, S.C. 29442
803-546-6131

GEORGETOWN OFFICE
121 SCREVEN STREET
POST OFFICE DRAWER 418
GEORGETOWN, S.C. 29442
803-546-6102

GREENVILLE OFFICE
SUITE 1201
NCNB PLAZA
7 NORTH LAURENS STREET
GREENVILLE, S.C. 29601
803-271-4940

HILTON HEAD ISLAND OFFICE
McNAIR LAW BUILDING
10 POPE AVENUE EXECUTIVE PARK
POST OFFICE BOX 5914
HILTON HEAD ISLAND, S.C. 29928
803-785-5169

TO: Ms. Joyce R. Coates
Program Specialist
U.S. Department of Education
400 Maryland Ave., SW
GSA Building Room 4318
Washington, DC 20202

FROM: James T. McIntyre, Jr.
Steven M. Kupka

RE: Notice for Proposed Rule Making (NPRM) Supporting
Documentation for Foreign Medical Schools Participation
in the GSL Program.

I. LEGISLATIVE OVERVIEW

P.L. 102-325, S.1150

Higher Education Amendments of 1992. The Senate version of this legislation (S.1150) was introduced May 23, 1991. It was reported, amended, by the Labor and Human Resources Committee on Nov. 12, 1991 (S. Rept. 102-204). A modified Committee amendment in the nature of a substitute to S.1150 was passed on Feb. 21, 1992. The House version of this legislation (H.R. 3553) was introduced as a clean bill, Oct. 11, 1991. It was reported, amended, by the Education and Labor Committee on Feb. 27, 1992 (H.Rept. 102-447). H.R. 3553 was amended and passed by the House on Mar. 26, 1992. S.1150 was passed by the House on Mar. 26, 1992, with the text of H.R. 3553, as passed, inserted in lieu of the Senate-passed text. Conference committee reached agreement on this legislation on June 16, 1992. The conference agreement was reported on June 29, 1992 (H.Rept. 102-630). The Senate approved the conference agreement on June 30, 1992. The House approved the conference agreement on July 8, 1992 and it was signed into law on July 23, 1992.

II. LEGISLATIVE STATUS

P.L. 102-325, S. 1150

After extensive hearings focusing on Higher Education, bills to reauthorize, revise, and extend the Higher Education Act (HEA) were reported by committees in both the House (H.R. 3553) and the Senate (S. 1150). Different versions of a reauthorization bill (S. 1150) passed both houses with large bipartisan majorities. Most areas of partisan differences included in the bills originally reported were deleted prior to Floor action. Conferees resolved the differences between the House and Senate versions of S.1150 and both Houses agreed to the conference report. S.1150 was signed into law on July 23, 1992 (P.L. 102-325).

The conference version of S.1150 makes major changes in the following areas: the structure and standards by which postsecondary education institutions become eligible to participate in the student aid programs authorized under Title IV of the HEA; the need analysis formulae and application forms and procedures for determining a student's financial need for student assistance; the award rules and maximum award authorized in the Pell Grant program; the terms of loans and eligibility for GSL programs; creation of a pilot Federal direct loan program; new programs that encourage and support early intervention efforts to improve high school graduation and postsecondary attendance for disadvantaged students; and new initiatives for recruitment, preparation, and inservice training of elementary and secondary education teachers.

III. INSTITUTIONAL ELIGIBILITY

In an effort to deal with concerns raised by recent reports of fraud and abuse and to strengthen program integrity, the conference version of S.1150 revises the definitions of eligible institutions and include a number of provisions to reform the process by which institutions become eligible to participate in Title IV student aid programs. Although the bill generally elect to reform the institutional eligibility rules for all postsecondary institutions, the amendments are likely to have the greatest impact on the proprietary school sector.

The conference agreement on the reauthorization bill revises the institutional definitions in Title IV to stem alleged abuses relating to the participation of foreign schools in the GSL programs, the eligibility of less than 600 clock hour programs for GSL funds, and eligibility for institutions providing correspondence programs. Under current law, foreign schools and foreign medical schools are eligible for participation in the GSL programs only. While the House had proposed eliminating these

institutions from participation because of concerns about the quality of their programs and the inability of the Department of Education to provide oversight, the Conference agreement allows students who attend schools outside the U.S. to receive GSL loans as in current law, but with somewhat more stringent requirements.

IV. STATUTORY LANGUAGE

The following statutory language was used to amend the definition of eligibility for foreign medical schools participation in the government student loan program.

Section 481 (a)(1) is amended by adding at the end thereof:

"(C) Only for the purposes of Part B of this title, with respect to students who are nationals of the United States, an institution outside the United States, which is comparable to an institution of higher education and which has been approved by the secretary for the purpose of this part.

(2) FOREIGN SCHOOLS. --

(A) ELIGIBILITY. --For the purpose of qualifying an institution under paragraph (1)(C) of this subsection, the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in this Act. In the case of a graduate medical school outside the United States, such criteria shall include a requirement that a student attending a graduate medical school outside the United States in ineligible for loans made, insured or guaranteed under Part B of this title unless:

(i) at least 60 percent of those enrolled and of the graduates of the graduate medical school outside the United States must be non-U.S. citizens in the year preceding the year for which a student is seeking a loan under Part B of this title; and

(ii) at least 60 percent of the students and graduates of the graduate medical school outside the United States (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under Part B of this title.

The following amendment was added as final Conference Report Language;

Section 481(a)(2)(A)(ii), striking the period, and adding ",or" "(iii) the institution's clinical training program was approved by a State as of January 1, 1992."

In order to clarify the above definitions and intent both House and Senate members initiated the attached Colloquy on the meaning of the "institution's clinical training program". Attachment's "A" and "B" our transcripts from the Congressional Record which outlines Congress' intentions on this matter.

If we can be of further assistance during this Notice of Proposed Rule Making period, please contact us at our Washington, D.C. office.

Congressional Record



United States
of America

PROCEEDINGS AND DEBATES OF THE 102^d CONGRESS, SECOND SESSION

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ture through education. I urge my colleagues to support the conference report.

Mr. THURMOND. With regard to the reauthorization of the Higher Education Act, I would like to ask my distinguished colleague, the senior Senator from Rhode Island and chairman of the Subcommittee on Education, Arts, and Humanities, a few questions about a specific amendment agreed to by the House and Senate conferees relating to the eligibility of foreign medical schools to participate in the Stafford student loan program.

It is my understanding that section 481(a)(2)(A)(i) was amended by adding the words "or" "(ii) the institution's clinical training program was approved by a State as of January 1, 1992."

Mr. PELL. That is correct.

Mr. THURMOND. It is also my understanding that the language of this amendment was specifically drafted and is intended to include the American University of the Caribbean Medical School [AUC] in Montserrat, West Indies. AUC was recommended by the State of California's Board of Medical Quality Assurance and approved as having met all State licensing requirements, thus AUC was deemed as having a qualified medical school curriculum. The State of California Board's recommendation enables foreign medical school students to participate in a clinical training program within a State approved hospital, pursuant to section 1327 of the California Code of Regulations as of January 1, 1992.

Mr. PELL. That is my understanding. When the amendment was drafted we understood that it would include at least four institutions, one of which was the American University of the Caribbean Medical School [AUC].

Mr. THURMOND. It is also my understanding that in section 481(a)(2)(A) that foreign medical schools have to comply with either category (i) (I) and (II), or category (ii). Is that the Senator's understanding as well?

Mr. PELL. Yes, it is. Under section 481(a)(2)(A) all foreign medical schools will have to fully comply with either category (i) which requires the foreign institution to maintain 60 percent of their enrollment as non-U.S. citizens and the foreign institution must have a 60-percent passage rate of their foreign medical graduates during the course of 1 year, or be able to meet the criteria set forth in category (ii) of having had an approved clinical training program in any State in the United States as of January 1, 1992.

Mr. THURMOND. I thank the chairman for clarifying the intention of this amendment. If this amendment were misinterpreted, it could have a devastating effect upon the American University of the Caribbean Medical School, which has educated several medical doctors who have come back to urban and rural areas of my home State of South Carolina. These doctors make a significant difference in the availability of health care for hundreds

of people in my home State as well as throughout the country.

Thus, I have taken additional time today to make clear the intention of the conference report language, so that there is no misunderstanding as to what the word "approved" means in section 481(a)(2)(A)(ii).

I thank the senior Senator from Rhode Island for his assistance in helping clarify the intent of the provision.

Mr. FORD. Mr. President, I want to take this opportunity to thank my distinguished colleague, the chairman of the Education Subcommittee, Senator PELL, and his staff, for attempting to accommodate my concerns with regard to financing of infrastructure and dormitory needs at colleges and universities, particularly small institutions, in Kentucky. Although I understand my amendment in this regard, included in the Senate-passed bill, did not survive conference intact, I appreciate his efforts to ensure that funding by the Student Loan Marketing Association, Sallie Mae, will continue to be available for security systems, boilers, heating and cooling systems, and other infrastructure needs.

I remain concerned that the restrictions on funding by Sallie Mae for educational facilities contained in the conference report to S. 1150 may ultimately result in fewer projects being funded at Kentucky independent colleges and universities. It was on behalf of this group that I sought language which would have allowed Sallie Mae to continue to package infrastructure projects, such as boilers and security systems, with dormitory financing in order to secure funding for otherwise high-risk projects.

While I understand the chairman's desire to ensure that sufficient financing is available for academic facilities, I remain concerned that many of my small colleges and universities have no alternative to Sallie Mae financing for nonacademic, but equally necessary educational facilities, including infrastructure projects. With our State governments in no better condition financially than the Federal Government, it is important that we maintain this private source of financing of higher education facility needs.

I thank the chairman for his efforts to ensure that financing for educational facilities, both currently in the pipeline and in the future, continue to be available, although in a restricted manner. I will continue to monitor this situation to see what impact these restrictions will have on Sallie Mae's ability to finance Kentucky institutions' infrastructure and facility needs. If we should find that modifications are needed in the future to ensure access to this financing, I hope that the chairman and his staff will be equally accommodating.

Mr. PELL. The Senator from Kentucky has been an effective spokesman on behalf of his colleges and universities. Our intention is not to completely preclude financing for infra-

structure and dormitory needs, but to focus funding on academic facilities. We believe that the language provides adequate authority for financing infrastructure and limited facility needs. Should this prove not to be the case, I stand ready to work with my colleague to address his concerns.

Mr. FORD. I thank the chairman for his usual courtesies and assistance. Kentucky institutions, and the students they serve, owe him a great debt of gratitude for his leadership on behalf of higher education.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report accompanying the Higher Education Act. I would like to congratulate the principal architects of the legislation, Senators KENNEDY, PELL, HATCH, and KASSEBAUM for this major accomplishment.

This legislation makes significant expansions in Student Grant and Scholarship Programs which help many young students gain access to higher education and ultimately the American dream. I especially applaud my colleagues for the increases that this bill provides for Pell grants and guaranteed student loans.

Mr. President, I strongly support the growth in these programs. These programs provide a helping hand to families who would otherwise not be able to send their children to college.

However, I am also concerned about the other side of the higher education equation. I am referring to the staggering growth in the cost of tuition over the past decade.

Mr. President, American families are experiencing sticker shock when they look into the cost of higher education today. Many families in my State face college tuition bills of up to \$25,000 per year for each child. This is \$100,000 for an undergraduate education, for one child. The parents and students of my State are struggling to afford a college education. Many parents who attended college in the 1960's now see their children facing college tuition bills that are up to 100 percent higher than those in the mid-1960's in inflation adjusted dollars.

While the Federal Government has tried to make college more affordable through legislation and program expansions, the cost of college tuition, room and board has grown so rapidly that it is nearly out of reach for many middle-class families. Many middle-class families in my State, as well as others, are not eligible for Federal or State assistance programs and have to pay the entire cost of tuition, room and board out of their own family budgets. This is becoming more and more difficult for many families.

Mr. President, I would like to describe what has happened to the cost of tuition over the past 10 years. From 1981 to 1991, tuition costs for both public and private schools have greatly outpaced the CPI. In some years, it has grown at two to three times as fast. This helps explain the struggle that

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The maximum Stafford loan for the 1993-94 school year will be \$2,625 for first-year students, \$3,500 for second-year students, compared to \$2,625 currently; \$5,500 for third- and fourth-year students; compared to \$4,000 currently; and \$8,500 for graduate students, compared to \$7,500 currently. All parents with no adverse credit history will be able to borrow up to the total college cost minus other financial aid through the Parent Loans to Undergraduate Students (PLUS) Program.

In the past, many hardworking Staten Island and Brooklyn families have not qualified for student financial aid because of the inclusion of the value of a family home in the calculation of need. In this conference report we eliminate the equity in a family's home or farm in determining eligibility for financial assistance. We increase the maximum Pell grant award from \$2,400 to \$3,700, and a family of four with an income of \$42,000 will be eligible for the minimum Pell grant at full funding—compared to a family of four with an income of \$35,000 currently.

Because the current application process for financial aid is extremely complex and discourages many students from applying for aid, the conference report simplifies the current student aid form for applying for Federal student aid and a single needs analysis for all Federal student financial aid programs.

One of the most serious issues the conference report addresses is to end waste and abuse in the student loan program. Over the past 5 years, we have seen an unacceptable increase in loan defaults. To stop this hemorrhaging of the taxpayer's money, the bill includes nearly 100 provisions to strengthen controls on colleges and universities to end waste, fraud, and abuse.

By the year 2000, two out of three new entrants into the work force will be women or minorities, and 86 percent of jobs available will require post-secondary education or training. For these reasons, the conference report includes outreach programs to increase the number of women and minorities enrolled in science and engineering programs. In addition, the bill revises the programs that serve nontraditional students, many of whom are single women with families more effectively by increasing support for child care expenses and extending eligibility for Pell grants to less-than-half-time students.

I want to thank the chairman and the ranking minority member for including in the conference report a number of provisions that I introduced during consideration of this legislation. The first provision establishes a prefreshman summer program to supplement existing Federal and State efforts to help disadvantaged students. Years of experience in New York State's opportunity programs demonstrate that for economically dis-

advantaged students, prefreshman summer programs are closely correlated with academic success.

The second provision requires colleges and universities to formulate and distribute a campus sexual assault policy. College and university campuses are seeing a alarming rise in the instances of date and acquaintance rape. The statistics are horrific: From 60 to 80 percent of rapes are date or acquaintance rape. Although campus rape is reported every 21 hours, studies reveal that the actual incidence of rape is much higher. It is time to assign the role of responsibility for campus safety to colleges and universities. I am particularly pleased that this provision will be there to protect our daughters and sisters as they head off to college.

The third provision increases the amount of money for the Student Literacy Corps (SLC), a program to increase literacy and other educational skills by having college students tutor in public community agencies which serve educationally or economically disadvantaged individuals. As well as additional funding levels, each institution will not be allowed to receive one grant for each branch campus affiliated with it. This will allow schools that have multiple campuses in various cities to have a SLC program at each location.

I believe that this conference report goes a long way in giving the families of our country the hope that their children will be provided new and greater educational and economic opportunities. A nation is as strong as the people that inhabit it. I urge all my colleagues to support passage of this conference report.

With regard to the reauthorization of the Higher Education Act, I would like to ask my distinguished colleague a few questions about a specific amendment agreed to by the House and Senate conferees relating to the eligibility of foreign medical schools to participate in the Stafford student loan program. It is my understanding that section 481(a)(2)(A)(i) was amended by adding the words "or (ii) the institution's clinical training program was approved by a State as of January 1, 1992."

Mr. ANDREWS of New Jersey. If the gentlewoman will yield, that is correct.

Ms. MOLINARI. It is my understanding that when the amendment was drafted we understood that it would include at least four institutions, two of which are American University of the Caribbean Medical School in Montserrat, West Indies, and St. Georges University Medical School in Grenada.

It is also my understanding that in section 481(a)(2)(A) that foreign medical schools have to comply with either category (i)(I) and (ii) or category (ii). Is that the Congressman's understanding as well?

Mr. ANDREWS of New Jersey. Yes, it is. Under section 481(a)(2)(A) all foreign medical schools will have to fully comply with either category (i) which re-

quires the foreign institution to maintain 60 percent of their enrollment as non-U.S. citizens and the foreign institution must have a 60 percent passage rate of their foreign medical graduates during the course of 1 year, or be able to meet the criteria set forth in category (ii) of having had an approved clinical training program in any State in the United States as of January 1, 1992.

Ms. MOLINARI. I thank the gentleman for clarifying the intention of this amendment. If this amendment were misinterpreted it could have a devastating effect upon the American University of the Caribbean Medical School and St. Georges University Medical School, which have educated hundreds of medical doctors who have come back to urban areas in our States. These doctors make a significant difference in the availability of health care for hundreds of people in my home State as well as throughout the country. Thus, I have taken additional time today to make clear the intention of the conference report language, so that there is no misunderstanding as to what the word "approved" means in section 481(a)(2)(A)(ii).

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

(Mr. PAYNE of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to express my strong support for S. 1150, the conference agreement on the higher education reauthorization.

Last year at the beginning of the reauthorization process, before the 44 hearings that were conducted, many people were saying that the reauthorization of the Higher Education Act is one of the most important pieces of social legislation of the 102d Congress. I wholeheartedly believe that this measure is of vital importance to our entire society.

As we approach the year 2000, everyone must be prepared for a society that is becoming increasingly dependent on advanced technology. This means that access to a quality education for every citizen of this country is imperative.

Therefore we had to address the needs of as many different types of students as possible. This measure ambitiously seeks to expand Federal financial aid to students from middle-class families and redresses the current imbalance between reliance on loans and grants, improves integrity of Federal financial aid programs without arbitrarily eliminating institutions that may have higher default rate because of economic trends and the populations they serve, as we know default rates are not necessarily a key indicator of educational quality.

It also contains provisions to minimize waste and abuse and loan defaults and to serve nontraditional students more effectively, simplifies student aid

programs, and improves early intervention and outreach programs.

I am very pleased that the bill also contains some of my provisions intended to improve library programs that serve historically black colleges and universities and other minority-serving institutions, to improve teacher training, recruitment and retention, and assist low-income and minority students to pursue a legal education.

Additionally, I look forward to the inclusion of Hispanic serving institutions in title III of the act.

Thousands of students from all over the world come to the United States to take advantage of our excellent system of postsecondary education. Through the efforts of this bill to increase access to postsecondary education, we can now encourage and help our own students take advantage of some of these opportunities, especially as the competition in the global marketplace increases.

Also, I would like to commend Chairman BILL FORD for his leadership and all of his hard work during this reauthorization process, and I commend also the minority leader, the gentleman from Pennsylvania (Mr. GOODLINO).

Mr. Speaker, I certainly support this conference agreement and it deserves to pass the House without any major changes.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, today I rise in strong support of the conference agreement on the Higher Education Act amendments which will enable more high school graduates from middle- and low-income families to afford a college education. The reauthorizing legislation before us today represents the result of bipartisan efforts to ensure students and their families are not excluded from educational opportunities.

Too often these days I hear that high school graduates are putting their college education on hold. Indeed, this summer the question for too many of these bright students is not, "Which college to attend?" but, "Can I afford to go?" Many families are faced with impossible choices—like depleting their hard-earned retirement savings so they can send their child to college.

This new bill will help these families. It underscores the Nation's commitment to assist middle-income families in attaining their educational goals. More than 1.5 million new students will be eligible for financial aid through the restructuring of loan eligibility procedures, including:

The development of an unsubsidized Stafford Loan Program that would make eligible all students, regardless of family income;

The amendment of the need analysis to allow families with an annual income of up to \$70,000 to be eligible for subsidized student loans;

The elimination of income limitations for PLUS loans—guaranteed loans for parents of students—to allow more than 3 million families to borrow increased amounts under this program; and

The establishment of a single need analysis for all Federal financial aid programs which excludes from assets the equity on a home or family farm.

In addition, more than 4 million families and students will be able to borrow increased amounts annually.

Stafford loan limits will increase to \$3,500 for full-time second year students, from \$4,000 to \$5,500 for undergraduate juniors and seniors, and from \$7,500 to \$8,500 for full-time graduate students.

Supplemental loans for students (SLS) limits for full-time graduate students, will rise from \$4,000 to \$10,000 per year.

It is time to make these proposals a reality for the millions of Americans who will benefit from them. We must allow students returning to school the liberty of concentrating on their studies, not their finances.

This legislation also represents a commitment to the future of our Nation. Ensuring that our people are educated and our work force is trained to allow for greater productivity and a rising standard of living in this increasingly competitive and changing world.

I urge my colleagues to join me in strong support today of this vital legislation.

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Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), a valuable new member of the committee and a contributor to this report.

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

Mr. OLVER. Mr. Speaker, today I rise in support of the Higher Education Amendments Act of 1992 conference bill, S. 1150. This legislation will maintain and expand broad access to higher education for many of the students in western Massachusetts as well as provide for much needed Federal investment in our Nation's economic growth. I would like at this time, to congratulate Chairman FORD for his leadership on this important legislation. His perseverance and determination brought this legislation to the floor today.

This education bill contains several key provisions to expand access to student financial assistance not only to the neediest students, but also to middle income families. Since the burden of the soaring costs of college reach not only our neediest students but our middle class students as well.

Two portions of this bill directly help middle-class families, particularly in New England—expanded access to loans for middle-class families and the exclusion of a family's home or farm equity

when determining financial aid eligibility.

This bill will make the financing of a college education available to many middle-income families raising the Pell grant level and increasing the amount of student loans.

First, the maximum Pell grant is increased from \$2,400 to \$3,700. Next year students in western Massachusetts could receive grants totaling nearly \$8 million if Pell grants are fully funded—almost twice the amount awarded last year.

Second, a 50-percent increase in the student loan program will allow students who go to college in western Massachusetts to be eligible to receive over \$30 million next year, up from the \$20 million they received last year.

In addition the legislation contains a new set of program integrity provisions to curb waste, fraud, and abuse, and will ensure that taxpayer's money will be properly invested in support of quality education for all of our citizens.

At a time when the United States needs a highly educated work force to compete in a world economy, we must ensure that higher education be accessible to all Americans. This legislation makes dramatic steps in achieving this goal, therefore I ask for swift passage and urge the President to sign it.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON).

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

Mr. WELDON. Mr. Speaker, I rise in strong support of this conference report.

Mr. Speaker, I rise today in support of the higher education conference report. As a former teacher and a father of five, I recognize the importance of a good education, and the financial difficulty families face in providing their children an education. This legislation recognizes the need for the Federal Government to assist low- and middle-income families with the cost of a college education. College tuition costs have skyrocketed, growing up to three times faster than the growth in median family income. At a time when higher education is becoming a must, hard working middle income families are finding it difficult to provide their children with a college education. We must not let our children's dreams of a college education drift out of reach. This legislation recognizes the need to address this concern.

This conference report will allow all students regardless of family income to borrow up to the maximum Stafford loan. A family's home will not be considered in determining a student's eligibility for financial assistance. Families will be provided with incentives to save for a college education. The maximum Pell grant award will be increased from \$2,400 to \$3,700. Under this legislation, a family of four with an income of \$42,000 will be eligible for Pell grants. Six million students will be assisted by the \$21.5 billion authorized in this legislation. These facts display how this conference report has taken significant steps for-

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