

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ENTITLED "CLASS-SIZE REDUCTION AND TEACHER QUALITY ACT OF 1998"—MESSAGE FROM THE PRESIDENT—PM 123

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Class-Size Reduction and Teacher Quality Act of 1998." This legislative proposal would help States and local school districts recruit, train, and hire 100,000 additional well-prepared teachers in order to reduce the average class size to 18 in grades 1 through 3 in our Nation's public schools. It is an essential part of our overall effort to strengthen public schools throughout the Nation.

As schools across the Nation struggle to accommodate a surge in enrollments, educators and parents have become increasingly concerned about the impact of class size on teaching and learning, particularly in the critically important early grades, where students learn reading and other basic skills. This concern is justified: rigorous research confirms what parents and teachers have long believed—that students in smaller classes, especially in the early grades, make greater educational gains and maintain those gains over time. These gains occur because teachers in small classes can provide students with more individualized attention, spend more time on instruction and less time on discipline, and cover more material effectively. Moreover, the benefits of smaller classes are greatest for poor, minority, and inner-city children, the children who often face the greatest challenges in meeting high educational standards.

Smaller classes will have the greatest impact on student learning if the new teachers brought into the classroom are well qualified to teach reading and to take advantage of smaller learning environments. For this reason, my proposal emphasizes not just class-size reduction but also professional development for educators, and it will give school districts adequate time to recruit and train staff while phasing in smaller classes. Furthermore, all new teachers hired under the program would be required to pass a State teacher competency test and would also have to be certified to teach or be making satisfactory progress toward full certification.

We can help all of our students learn to read independently and well by the third grade, get a solid foundation in basic skills, and reach high educational

standards if we start them off with small classes and well-prepared teachers in the early grades.

Under my proposal, the Department of Education would provide \$20.8 billion in mandatory appropriations over a 10-year period (beginning with \$1.1 billion in fiscal year 1999) to States. The States would then distribute the funds to local school districts based on their relative class sizes in grades 1 through 3, as well as on their ability and effort to finance class-size reductions with their own resources. The bill would provide States with considerable flexibility in distributing these funds, while ensuring that the most needy school districts receive a fair share.

Moreover, because my proposal would actually appropriate the funds needed to carry out the program, States and local communities could count on these funds without the need for separate congressional appropriations each year. This proposal is fully paid for within my Fiscal Year 1999 Budget, and therefore would not reduce the budget surplus.

School districts would use these funds to reduce class sizes in grades 1 through 3. Just as importantly, these funds would also be available for a variety of activities to ensure that students in the early grades receive sound and effective instruction, such as making sure that teachers know how to teach reading and other subjects effectively in small classes.

This proposal includes strong accountability for results. Participating school districts would produce "report cards" documenting reductions in class sizes and the achievement of their students in reading, based on rigorous assessments. Schools whose students fail to make gains in reading would be required to undertake corrective actions. In addition, the Department of Education would undertake a comprehensive national evaluation of this program and its impact on reading achievement and teaching.

I urge the Congress to take prompt and favorable action on this proposal. Its enactment would help school districts reduce class sizes in the early grades and improve instruction and achievement in reading, issues that are of major importance to parents and to the Nation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 8, 1998.

REPORT CONCERNING THE ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT—PM 124

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the annual report of the National Institute of Building Sciences for fiscal year 1996.

WILLIAM J. CLINTON.

THE WHITE HOUSE, May 11, 1998.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on, May 8, 1998, he presented to the President of the United States the following enrolled bill:

S. 1502. An act entitled the "District of Columbia Student Opportunity Scholarship Act of 1998."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4838. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards" (FRL-5969-4) received on April 27, 1998; to the Committee on Environment and Public Works.

EC-4839. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision" received on May 1, 1998; to the Committee on Environment and Public Works.

EC-4840. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production; Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Pulp, Paper, and Paperboard Category" (FRL5924-8) received on April 15, 1998; to the Committee on Environment and Public Works.

EC-4841. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of seven rules regarding acid rain, herbicide residues, pesticide ingredients, fungicide residues, vehicle inspection, halogenated solvents and emissions reduction (FRL6006-2, FRL5788-1, FRL5787-9, FRL5788-5, FRL6007-3, FRL6007-5, FRL6004-5) received on April 29, 1998; to the Committee on Environment and Public Works.

EC-4842. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding the clean fuel fleet program, Clean Air Act implementation plans, gaseous fueled vehicles and engines, and bioaccumulative chemicals (FRL5994-5, FRL5979-4, FRL5999-7, FRL5999-8) received on April 16, 1998; to the Committee on Environment and Public Works.

EC-4843. A communication from the Director of the Office of Regulatory Management

and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules regarding air quality, fungicide tolerances and pesticide tolerances (FRL5996-5, FRL5998-3, FRL5996-4, FRL5783-5, FRL5782-1) received on April 16, 1998; to the Committee on Environment and Public Works.

EC-4844. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding Right-to-Know chemicals, Clean Air Act implementation plans, landfill gas emissions and grants to Indian Tribes for water pollution control (FRL5785-5, FRL6001-2, FRL6003-2) received on April 21, 1998; to the Committee on Environment and Public Works.

EC-4845. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding Right-to-Know chemicals and air quality implementation plans (FRL5785-5, FRL5998-1) received on April 21, 1998; to the Committee on Environment and Public Works.

EC-4846. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules regarding landfill gas emissions in Iowa and Nebraska (FRL6662-4, FRL6002-8) received on April 21, 1998; to the Committee on Environment and Public Works.

EC-4847. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of twenty-five rules including a rule entitled "Technical Amendments to OMB Control Numbers" (FRL-5724-3, FRL-5670-1, FRL-5807-2, FRL-5833-6, FRL-5835-9, FRL-5728-8, FRL-5847-9, FRL-5980-9, FRL-5983-2, FRL-5982-7, FRL-5983-5, FRL-5980-8, FRL-5982-1, FRL-5981-8, FRL-5987-9, FRL-5982-6, FRL-5983-6, FRL-5982-3, FRL-5983-1, FRL-5983-3, FRL-5982-2, FRL-5982-9, FRL-5982-4, FRL-5981-2, FRL-5981-6) received on April 23, 1998; to the Committee on Environment and Public Works.

EC-4848. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules regarding herbicide tolerances, drinking water, hazardous waste management, organobromide wastes, and insecticide residues (FRL-5796-9, FRL-6003-5, FRL-5988-2, FRL-5999-9, FRL-5784-7) received on April 23, 1998; to the Committee on Environment and Public Works.

EC-4849. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule to list one California plant, pallid manzanita, as threatened under the Endangered Species Act (RIN1018-AD35) received on April 21, 1998; to the Committee on Environment and Public Works.

EC-4850. A communication from the Acting Inspector General, U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual Superfund report for fiscal year 1998; to the Committee on Environment and Public Works.

EC-4851. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a determination and findings regarding a contract for the design and management of independent evaluations of recent EPA initiatives; to the Committee on Environment and Public Works.

EC-4852. A communication from the Administrator of the U.S. Environmental Pro-

tection Agency, transmitting, pursuant to law, a report entitled "Status of the State Small Business Stationary Source Technical and Environmental Compliance Assistance Program"; to the Committee on Environment and Public Works.

EC-4853. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation regarding transportation grants to improve international border crossings and major trade corridors; to the Committee on Environment and Public Works.

EC-4854. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of an administrative directive regarding the establishment of requirements related to nuclear safety design, criticality safety, fire protection and natural phenomena hazards mitigation at DOE facilities received on April 21, 1998; to the Committee on Environment and Public Works.

EC-4855. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance; Public Assistance Program Appeals; Hazard Mitigation Grant Program Appeals" (RIN3067-AC67) received on April 20, 1998; to the Committee on Environment and Public Works.

EC-4856. A communication from the Acting Assistant Secretary of the Army for Civil Works, transmitting, a draft of proposed legislation entitled "Water Resources Development Act"; to the Committee on Environment and Public Works.

EC-4857. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation to make technical changes to laws governing the National Wildlife Refuge System; to the Committee on Environment and Public Works.

EC-4858. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, a draft of proposed legislation entitled, "The International Anti-Bribery Act of 1998"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4859. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (Docket RM96-1-007) received on May 6, 1998; to the Committee on Energy and Natural Resources.

EC-4860. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule amending the Louisiana regulatory program under the Surface Mining Control and Reclamation Act of 1977 received on May 5, 1998; to the Committee on Energy and Natural Resources.

EC-4861. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Indian Springs, Nevada, Mountain Pass, California, Kingman, Arizona, and St. George, Utah)" received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4862. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Section 73.202(b) of the Com-

mission's Rules, Table of Allotments, FM Broadcast Stations (Ashdown and DeQueen, Arkansas)" received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4863. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Amendment of Section 73.202(b) of the Commission's Rules, Table of Allotments, FM Broadcast Stations (Perry, Florida)" received on May 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4864. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4865. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding air quality implementation plans in Pennsylvania and Oregon and antimicrobial pesticides (FRL6009-3, FRL5976-5, FRL5789-3, FRL5789-4) received on May 6, 1998; to the Committee on Environment and Public Works.

EC-4866. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules regarding pesticide and herbicide residues, air quality implementation plans in Oregon, and dry cleaning facility emissions in California (FRL5788-2, FRL5787-4, FRL6006-8, FRL6001-3) received on May 6, 1998; to the Committee on Environment and Public Works.

EC-4867. A communication from the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences at nuclear facilities for fiscal year 1997; to the Committee on Environment and Public Works.

EC-4868. A communication from the Commissioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled "The Supplemental Security Income Program Integrity Act of 1998"; to the Committee on Finance.

EC-4869. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 98-26) received on May 6, 1998; to the Committee on Finance.

EC-4870. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Renewable Electricity Production Credit, Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1998" (Notice 98-27) received on May 5, 1998; to the Committee on Finance.

EC-4871. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4872. A communication from the Interim District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the People's Counsel Agency Fund for Fiscal Years 1995 and 1996"; to the Committee on Governmental Affairs.

EC-4873. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Report on the Capacitor and Resistor Industry"; to the Committee on Armed Services.

EC-4874. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled, "Notice of Final Funding Priorities for Fiscal Years 1998-1999 for Certain Centers and Projects" received on May 6, 1998; to the Committee on Labor and Human Resources.

EC-4875. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Radiology Devices; Classifications for Five Medical Image Management Devices" (Docket 96N-0320) received on May 6, 1998; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 1723) to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of United States' firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers and for other purposes (Rept. No. 105-186).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with amendments:

S. 1364: A bill to eliminate unnecessary and wasteful Federal reports (Rept. No. 105-187).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 981: A bill to provide for analysis of major rules (Rept. No. 105-188).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 2060. An original bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 105-189).

By Mr. HATCH, from the Committee on the Judiciary: Report to accompany the bill (S. 2037) to amend title 17, United States Code, to implement the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, to provide limitations on copyright liability relating to material online, and for other purposes (Rept. No. 105-190).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 2057: An original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2058. An original bill to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes.

S. 2059. An original bill to authorize appropriations for the fiscal year 1999 for military construction, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. THURMOND:

S. 2057. An original bill to authorize appropriations for the fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2058. An original bill to authorize appropriations for fiscal year 1999 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2059. An original bill to authorize appropriations for the fiscal year 1999 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

S. 2060. An original bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. HARKIN, and Mr. GRASSLEY):

S. 2061. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. CHAFEE, Mr. JOHNSON, Mr. HARKIN, and Mr. GRASSLEY):

S. 2061. A bill to amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities; to the Committee on Finance.

NURSING HOME PATIENT PROTECTION ACT

Mr. GRAHAM. Mr. President, along with Senators CHAFEE, JOHNSON, GRASSLEY, and HARKIN, I will be introducing today the Nursing Home Patient Protection Act. This is legislation to protect our Nation's seniors from indiscriminate patient dumping from nursing homes.

Approximately one month ago, it looked like 93-year-old Adela Mongiovi might have to spend her 61st Mother's Day away from the assisted living facility that she had called home for the last four years.

At least that's what her son Nelson and daughter-in-law Gina feared when officials at the Rehabilitation and Health Care Center of Tampa told them that their Alzheimer's disease-afflicted mother would have to be relocated so that the nursing home could complete "renovations."

As the Mongiovis told me when I met with them and visited their mother in Tampa last month, the real story far exceeded their worst fears. The supposedly temporary relocation was actually a permanent eviction—a permanent eviction of all 52 residents whose housing and care were paid for by the Medicaid program.

The nursing home chain that owns the Tampa facility, and several others across the United States, wanted to purge its nursing homes of Medicaid

residents, ostensibly to take more private insurance payers and Medicare beneficiaries, which pay more per resident.

While this may have been a good financial decision in the short run, its effects on our Nation's senior citizens, if practiced on a widespread basis, would be nothing short of disastrous.

In an April 7, 1998, Wall Street Journal article, several nursing home executives argued that State governments and Congress are to blame for these evictions because they have set Medicaid reimbursement rates too low.

While Medicaid reimbursements to nursing homes may need to be revisited, playing Russian roulette with elderly patients' lives is hardly the way to send that message to Congress or to state legislatures. While I am willing to engage in a discussion as to the equity of nursing home reimbursement rates, I and my colleagues are not willing to allow nursing homes to dump patients indiscriminately.

The fact that some nursing home companies are willing to sacrifice elderly Americans for the sake of their own economic bottom line is bad enough. What is even worse is their attempt to evade blame for Medicaid evictions.

The starkest evidence of this shirking of responsibility is found in the shell game many companies play to justify evictions. Current law allows nursing homes to discharge patients for—among other reasons—inability to pay.

If a facility decreases its number of Medicaid beds, the State and Federal governments are no longer authorized to pay the affected residents' nursing home bills. The nursing home can then conveniently, and unceremoniously, dump its former Medicaid patients for—you guessed it—their inability to pay.

Evictions of nursing home residents have a devastating effect on the health and well-being of some of society's most vulnerable members.

A recent University of Southern California study indicated that those who are uprooted from their homes undergo a phenomenon known as "transfer trauma." For these seniors, the consequences of transfer trauma are stark. The death rate among seniors is 2 to 3 times higher than for individuals who receive continuous care.

Those of us who believe that our mothers, fathers, and grandparents are safe because Medicaid affects only low-income Americans, we need to think again.

A three-year stay in a nursing home can cost upwards of \$125,000. As a result of this extreme cost, nearly half of all nursing home residents who enter as private-paying patients exhaust their personal savings, lose their health insurance coverage during their stay, and become Medicaid beneficiaries. Medicaid is, for most retirees, the last refuge of financial support.

On April 10, the Florida Medicaid Bureau responded to evidence of Medicaid