

several significant provisions which strengthen accountability. First, under the priority criteria, States must review and evaluate their charter schools at least once every five years to ensure that they are meeting the terms of their charter and their academic performance requirements. They are rewarded for increasing the number of high quality charter schools that are "held accountable in their charter for meeting clear and measurable objectives for the educational progress of their students."

The definitions section of the bill also stresses accountability by requiring a written performance contract with the authorized chartering agency in the State. These written performance contracts include clearly defined objectives for the charter school to meet in return for the autonomy they are given. The performance objectives in the contract are to be measured by State assessments and other assessments the charter wishes to use.

I am confident that this amendment will build on and contribute to the success of the charter school movement. This bill stresses the need for high quality, accountable schools which are given the autonomy they need to provide the best educational opportunity for their students.

With the passage of this bill, a strong signal will be sent to parents and teachers all across this country that they are not alone in their struggle to improve education. We hope to ease their struggle by enabling new charter schools to be developed. More charter schools will result in greater accountability, broader flexibility for classroom innovation, and ultimately more choice in public education. I urge my colleagues to increase educational opportunities for all children by supporting this bill.

Mr. President, I would like to take a moment and thank Senator LIEBERMAN for his tremendous leadership in the area of educational reform. He and I have worked closely on a number of issues over the last several years, and I want to commend him, in particular, for his strong support and leadership on issues concerning increasing educational opportunities for low-income children. He understands so clearly the fundamental importance of providing a high quality education in a safe environment of our neediest children. In addition to this charter schools bill, which will help to increase educational opportunities for low-income children, Senator LIEBERMAN and I have worked closely for the last 4 years to gain support for publicly-funded scholarships for low-income children. I want to thank him for his unwavering commitment to this issue and his vitally important leadership. His efforts have done much to win bipartisan support for both charter schools and low-income scholarships and I thank him for his strong commitment to our country's neediest children. With the passage of this charter schools bill, Sen-

ator LIEBERMAN and I have the pleasure of seeing the first of our joint educational reform initiatives move closer to becoming law. •

#### 1998 WATER RESOURCES DEVELOPMENT ACT

• Mr. GRAHAM. Mr. President, I would like to take this opportunity to make some remarks regarding S. 2131, the Water Resources Development Act which passed the Senate by unanimous consent on October 8, 1998.

I would like to first thank my colleague Senator MACK from Florida for his partnership on our efforts to produce a WRDA bill that reflects the needs of our State. I would also like to thank Senator CHAFEE, Senator BAUCUS, and Senator WARNER for their leadership on this critical piece of legislation. The 1998 WRDA bill includes many key items for the State of Florida, a few of which I would like to highlight today.

As you know, water issues in Florida include everything from coastal protection to inland water quality management and from statewide drought to statewide flooding. Our history dealing with water resources has caused some of our own problems that we seek to correct today.

In the area of the Everglades and South Florida Ecosystem Restoration: The Everglades restoration project is the largest restoration program in the world. This vast region, which is home to more than six million Americans, seven of the ten fastest growing cities in the country, a huge tourism industry, and a large agricultural economy, also encompasses one of the world's unique environmental resources. Over the past 100 years, manmade changes to the region's water flow have provided important economic benefits to the region, but have also had devastating effects on the environment. Biological indicators in the form of native flora and fauna have shown severe damage throughout south Florida.

The work of the Army Corps of Engineers is essential to this restoration effort. The critical projects authorized in WRDA 1996 have demonstrated substantial success. The South Florida Ecosystem Restoration Task Force, the Governor's Commission for a Sustainable South Florida, local sponsors, and the Army Corps have completed a review of over 100 potential projects, narrowed the list to 35 and ranked them in order of priority for accelerating the restoration of the South Florida ecosystem.

In addition to this extension, the WRDA 1998 bill includes a \$27 million authorization for the Hillsboro and Okeechobee Aquifer Storage and Recovery Project. This technology is presently used to create subsurface reservoirs for drinking water. The Army Corps is considering the use of Aquifer Storage and Recovery as a water storage technology for use in implementation of the Restudy. Our action to au-

thorize work on this project will allow early evaluation of the viability of this technology.

Finally, the WRDA 1998 bill includes clarifying language that expenditures by the state of Florida for land acquisitions in the Caloosahatchee River basin are eligible for Federal reimbursement if they are identified as part of the restudy when it is released in July 1999. Our action assures the State of Florida that acquired lands that become part of the restudy will be eligible for Federal reimbursement.

In the area of water supply: One of the unique aspects of the Florida water system is that we frequently experience periods of drought and periods of flooding. This is the nature of a system that has been modified by human manipulation of natural flowways. In the State of Florida, our growing population coupled with the need to protect our natural systems has created a water quality challenge. From 1995 to 1996, Florida added 260,000 new residents, or the equivalent of four new Daytona Beaches. Between 1980 to 1995, Florida's public water supply needs increased 43 percent more than double the national average of 16 percent. This shows no signs of slowing down. Today, Florida continues to grow at the rate of more than 800 people per day.

Many other States on the eastern seaboard face similar challenges. For example, a recent article in New Jersey Monthly stated that New Jersey leads the nation in the percentage of land mass that is classified as having a high vulnerability for serious water quality problems. According to the U.S. EPA, more than 66 percent of the State falls into the most precarious category for water quality.

In addition, as early as 1983, a U.S. Army Corps of Engineers study stated that deficits in water supply for the area in Virginia south of the James River are projected to be as much as 60 million gallons per day by the year 2030. Ground water withdrawals have caused water level declines of as much as 200 feet in some areas. In the State of New York, water levels in aquifers are predicted to decline by as much as 18 feet and low flows in streams may be decreased by 90 percent in parts of Long Island.

In each of these cases, water supply is tied to water quality. Problems such as groundwater overpumping, damage of existing wetlands, and saltwater intrusion of aquifers can cause irreparable damage to our water systems and surrounding ecosystems. For example, since 1906 wetland acreage in the State of Florida has shrunk by 46 percent resulting in a loss of both critical habitats and a key link in the replenishment of our aquifers. The development of alternative water sources that will help to resolve these types of issues and will allow States to provide for future water supply needs without sacrificing environmental protection is my goal.

The WRDA 1998 bill includes a requirement for EPA to study water

availability and make recommendations on the adequacy of our existing water supply. The study will form the basis of future water supply programs. The State of Florida is already taking the water supply issue seriously, and in 1998 alone has budgeted \$75 million in regional and State funds for development of alternative water supplies. I am looking forward to working with my colleagues on the Environment and Public Works Committee during the next Congress to address the water quality and water supply needs of the State of Florida.

Together, these initiatives will protect the future of the State of Florida by protecting our water resources that are so critical to our environment and our economy.●

#### COPYRIGHT LEGISLATION

● Mr. THOMPSON. Mr. President, in the closing days of the 105th Congress, the Senate passed two pieces of copyright legislation that will have enormous impact. As Charles Dickens might say, it is the best of times and the worst of times for those who create the property that is protected by copyright.

First, the Senate passed S. 505, which extended the terms of copyrights by 20 years, to life plus 70 years from life plus fifty years. For a number of years, our trading partners and competitors have protected their copyrights for the life of the author plus 70 years. Under the rule of the shorter term, these nations protected American copyrights for only the life of the author plus 50 years. The United States is the world leader in copyright, and should afford the greatest protection for copyrighted works of any nation, both to encourage creativity that benefits all, and for our own national interest with respect to the balance of trade.

The extension of copyright terms will be of enormous benefit to songwriters and others who create copyrighted works. It will benefit the public through enhanced creative activity, and the further public performance of already existing works to be enjoyed by future generations.

But S. 505 contained a bitter pill to swallow, the so-called Fairness in Music Licensing Legislation. These provisions are terribly unfair to those who create music. When a person profits from a public performance of music, he or she should fairly compensate the creator of that music through royalty payments. This is an elemental necessity for the creation of music. To paraphrase Justice Holmes, if music did not pay, no one would write it. The average songwriter receives less than \$5,000 per year in royalties, and the average restaurateur pays only a few hundred dollars a year to play music in his establishment, about 1% of revenues. At the same time, the restaurateur uses music to create an ambience that will cause people to come to his establishment, and to spend more time and money

there than they would without the music.

But the restaurateurs, retailers, and others wanted something for nothing. The songwriters were even willing to help out the mom and pop restaurants by exempting broadcast performances of their music in about two-thirds of the Nation's restaurants. But that was not good enough for the music users, who had the House pass outrageous legislation that amounted almost to stealing from the songwriters. A House that purports to defend property rights passed the most anti-property rights legislation in many years.

We worked in the Senate to improve that House-passed bill. We preserved vicarious liability, a necessity to ensure that royalties are paid. We prevented retailers and restaurants from challenging their rates in any city they chose, which would have been an unacceptable burden on the ability of songwriters to protect their rights. We eliminated provisions that would have enabled department stores to use music for free. In addition, we increased enforcement of payments because a judge can award double the licensing fees for up to three years instead of current law's limits of statutory damages.

But I still have major concerns about S. 505, even with these changes. Songwriters' property taken from them and used by others without payment. The exemptions are too generous, as they go well beyond the interest of small establishments. In fact, the vast majority of songwriters are smaller business people than many of the establishments that will be exempted from paying royalties by this bill.

At the same time, this bill runs counter to our international treaty obligations under the Berne Convention and the TRIPS Agreement. Those treaties benefit Americans more than any other country. We have the greatest interest in ensuring compliance by all signatory countries with these treaties. Yet we have passed a bill that is inconsistent with these treaty obligations. What will happen when foreign countries do not live up to their promises to protect intellectual property, citing our own example of this legislation back to us? Songwriters may not be the only losers; copyright protects computer software and other non-performing arts creative material. Some of the companies who may be hurt by international retaliation may be member companies of organizations that insisted on the music licensing provisions.

Only time will tell if the World Trade Organization will find that this bill violates international treaties that are binding on this country. But there is a good chance that these unfair music licensing provisions will not be able to stand.

It became clear in the final days of this Congressional session that in order to obtain copyright term extension and the WIPO implementing legislation, unfair music licensing legislation

would have to be included. Although the music licensing provisions are considerably better than those contained in the House-passed bill, they are still unfair. However, the 20-year extension in copyright terms is a significant benefit to songwriters, and the WIPO Treaty implementing legislation will assist creative artists in the digital age, as well as enhance worldwide protection of copyrighted materials. In implementing this treaty, it is unfortunate that my colleagues have passed legislation that violates our existing treaty obligations.

Mr. President, there are times when the bad has to be taken with the good. The music licensing provisions are indefensible, but a necessary cost of obtaining very important legislation for the benefit of creative artists. It should not have been this way. I am confident that the music licensing issue is not yet over, and I regret the likely embarrassment that will ultimately fall upon this body when the language it has passed is ruled to violate our treaty obligations.●

#### ORDER FOR RECESS

Mr. JEFFORDS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, under the previous order, following the remarks of the Democratic leader, Senator DASCHLE.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

#### FAREWELL TO OUR DEPARTING COLLEAGUES

Mr. DASCHLE. Mr. President, on Saturday, I had a chance to talk about our good friend, DALE BUMPERS. I'd like to take a few minutes to talk about four other friends who will be leaving us at the end of this Congress.

Shortly after he left the White House, Calvin Coolidge was called on to fill out a standard form. After filling in his name and address, he came to a line marked "occupation." He wrote "retired." When he came to the next line, labeled "remarks," he wrote "Glad of it." I suspect that our colleagues who are retiring at the end of this Congress are also "glad of it"—at least in some small measure. But, in addition to relief, I hope they also feel a sense of pride—both for what they have accomplished here, and the dignity with which they have served.

In a short time here, DIRK KEMPTHORNE has made all of our lives a little better. Thanks in large part to him, the Safe Drinking Water Act is now the law. Senator KEMPTHORNE has also reminded us of the importance of state