CONGRESSIONAL RECORD—SENATE

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:
S. 1438. A bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL, Mr. President:
Today I am pleased to introduce the National Law Enforcement Museum Act of 1999. This legislation would authorize the construction of a National Law Enforcement Museum to be built here in our Nation's Capital. Just over one year ago, this institution, along with millions of other Americans, were reminded about the risks that our officers must face on a daily basis. On July 19, 1998, U.S. Capitol Police Officer Jacob J. Chestnut and Detective John Gibson were killed by a deranged man. This legislation I introduce today will ensure that their story of heroism and sacrifice is never forgotten, just as we must never forget the thousands of other officers who have made the ultimate sacrifice to secure the safety and well-being of our communities.

As a former deputy sheriff, I know first-hand the risks peace officers face in enforcing our laws. Throughout our nation's history, nearly 15,000 federal, state, and local law enforcement officers have lost their lives in the line of duty. Based on FBI statistics, nearly 63,000 officers are assaulted each year in this country, resulting in more than 21,000 injuries. On average, one police officer is killed somewhere in America every 54 hours.

Approximately 740,000 law enforcement professionals are continuing to put their lives on the line for the safety and protection of others. We owe all of those officers a huge debt of gratitude, and it is only fitting that we properly commemorate this outstanding record of service and sacrifice.

My legislation seeks to achieve this important goal by authorizing the National Law Enforcement Officers Memorial Fund, a nonprofit organization, to establish a comprehensive law enforcement museum and research repository on federal land in the District of Columbia. The Fund is the same group that successfully carried out the congressional mandate of 1984 to establish the National Law Enforcement Officers Memorial, which was dedicated in 1991 just a few blocks from the Capitol. Clearly, their record of significant achievement speaks volumes about their ability to meet this important challenge.

Since 1993, the Fund has efficiently and letters of support be printed in the Record.
There being no objection, the materials was ordered to be printed in the RECORD, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that:

SECTION 1. SHORT TITLE. This Act may be cited as the “National Law Enforcement Museum Act.”

SEC. 2. FINDING. Congress finds that there should be established a National Law Enforcement Museum to honor and commemorate the service and sacrifice of law enforcement officers in the United States.

SEC. 3. DEFINITIONS. In this Act:

(a) MEMORIAL FUND.—The term “Memorial Fund” means the National Law Enforcement Officers Memorial Fund.

(b) MUSEUM.—The term “Museum” means the National Law Enforcement Museum established under section 4(a).

(c) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

SEC. 4. NATIONAL LAW ENFORCEMENT MUSEUM. (a) ESTABLISHMENT.—The Memorial Fund may construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property directly south of the National Law Enforcement Officers Memorial, bounded by—

(1) E Street, NW., on the north;
(2) 5th Street, NW., on the west;
(3) 4th Street, NW., on the east; and
(4) Indiana Avenue, NW., on the south.

(b) DESIGN AND PLANS.—(1) IN GENERAL.—In carrying out subsection (a), the Memorial Fund shall be responsible for preparation of the design and plans for the Museum.

(2) APPROVAL.—The design and plans for the Museum shall be subject to the approval of—

(A) the Secretary;
(B) the Commission of Fine Arts; and
(C) the National Capital Planning Commission.

(c) FUNDING; EXTERIOR MAINTENANCE.—The Secretary—

(1) shall not permit construction of the Museum to begin unless the Secretary determines that sufficient funds are available to complete construction of the Museum in accordance with the design and plans approved under subsection (b); and

(2) shall maintain the exterior and interior grounds of the Museum after completion of construction.

(d) INTERIOR MAINTENANCE.—The Administrator of General Services shall maintain the interior of the Museum after completion of construction.

(e) OPERATION.—The Memorial Fund shall operate the Museum after completion of construction.

(f) PERMANENT SHARE.—The United States shall pay no expense incurred in the establishment or construction of the Museum.

(g) FAILURE TO CONSTRUCT.—If the Memorial Fund fails to construct the Museum by the date that is 7 years after the date of enactment of this Act, the authority to construct the Museum shall terminate on that date, unless construction of the Museum begins before that date.

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.,
Hon. Ben Nighthorse Campbell, S. 1438

WASHINGTON, D.C.

DEAR SENATOR CAMPBELL: I am writing on behalf of the National Association of Police Organizations (NAPO) to thank you for your understanding and support to introduce legislation that when passed into law would authorice the National Law Enforcement Officers Memorial Fund (NLEOMF) to establish a National Law Enforcement Museum in the District of Columbia, directly south of the street from the National Law Enforcement Officers Memorial.

I stand ready to work with your staff to ensure speedy passage of this important legislation.

NAPO is a coalition of police unions and organizations from across the United States that serves in Washington, DC to advance the interest of America’s law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police organizations and more than 220,000 sworn law enforcement officers including the Denver Police Association and the nearly 1,000 members of the Colorado Police Protective Association.

NAPO has tirelessly for the passage of legislation that allowed for the establishment of the National Law Enforcement Officers Memorial and will work just as hard for this legislation, which, when completed will truly complement each other.

The Memorial serves as a reminder to the law enforcement community and the law-abiding public the sacrifice made on a daily basis by our nation’s law enforcement officers and their loved ones.

The Museum will serve as the most comprehensive and the most visible of the law enforcement research facility in the world. It will help create a better understanding of the law enforcement mission and will assist in bringing the police and the public closer together.

I appreciate your continued support of the law enforcement community.

Sincerely,

Robert T. Scully, Executive Director.

NAPO has lobbied tirelessly for the passage of legislation establishing a National Law Enforcement Officers Memorial (NLEOM). FLEOA thanks you for your support. This legislation creates the largest and most comprehensive law enforcement museum and research facility, at no cost to the taxpayer as all funds necessary to complete the construction will be raised through private donations. We sincerely believe the museum and research facility will enable the public to better understand and appreciate the work of law enforcement officers, is ideal. FLEOA, as a member of the NLEOM Executive Board, fully supports this concept and proposed legislation.

If you have any questions or need further information, please feel free to contact me directly at (212) 264-8400 or through feel free to contact me directly at (516) 368-6117. Thank you for your support.

Sincerely,

Richard J. Gallo, President.

DEAR SENATOR CAMPBELL: The National Law Enforcement Officers Memorial Fund (NLEOMF) to establish a National Law Enforcement Museum on Federal land located directly across the street from the National Law Enforcement Officers Memorial (NLEOM). FLEOA thanks you for your support.

This legislation creates the largest and most comprehensive law enforcement museum and research facility, at no cost to the taxpayer as all funds necessary to complete the construction will be raised through private donations. We sincerely believe the museum and research facility will enable the public to better understand and appreciate the work of law enforcement officers, is ideal. FLEOA, as a member of the NLEOM Executive Board, fully supports this concept and proposed legislation.

If you have any questions or need further information, please feel free to contact me directly at (212) 264-8400 or through feel free to contact me directly at (516) 368-6117. Thank you for your support.

Sincerely,

Wendell M. France, Chairperson.

DEAR SENATOR CAMPBELL: The National Law Enforcement Museum (NLEOM) to establish a National Law Enforcement Museum in the District of Columbia, directly south of the street from the National Law Enforcement Officers Memorial (NLEOM). FLEOA thanks you for your support. This legislation creates the largest and most comprehensive law enforcement museum and research facility, at no cost to the taxpayer as all funds necessary to complete the construction will be raised through private donations. We sincerely believe the museum and research facility will enable the public to better understand and appreciate the work of law enforcement officers, is ideal. FLEOA, as a member of the NLEOM Executive Board, fully supports this concept and proposed legislation.

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If you have any questions or need further information, please feel free to contact me directly at (212) 264-8400 or through feel free to contact me directly at (516) 368-6117. Thank you for your support.

Sincerely,

Wendell M. France, Chairperson.
July 27, 1999

CONGRESSIONAL RECORD—SENATE

17901

DEAR SENATOR CAMPBELL: As an honorary board member of the National Law Enforcement Officers' Memorial I am pleased to endorse plans for a museum facility on the grounds of the NLEOM. I strongly encourage you and your colleagues in the Congress to support our efforts. The land on which we wish to build our museum is located on federal land and is located directly across from the Memorial. It requires the approval of Congress.

A Joint Resolution for the building of our Memorial (PL 98-534) was approved by the Congress and signed into law in 1991. We understand a similar Joint Resolution is required for the transfer of the public land in question, which is the site selected for the museum.

We are grateful for your interest and help in the introduction of the necessary legislation which would allow the NLEOMF to build the museum on federal land across from their Museum.

Kindest regards.

Sincerely yours,

DONALD BALDWIN

United Federation of Police Officers, Inc.,

Hon. Ben Nighthorse Campbell,
Washington, DC.

DEAR SENATOR CAMPBELL: As a member of the National Law Enforcement Memorial Fund's Board of Directors, I am writing to formally request you introduce legislation authorizing our organization to establish the National Law Enforcement Museum on Federal Land located directly across the street from the National Law Enforcement Officers Memorial. It is my understanding that you have received a draft of the proposed legislation from our Executive Director Craig Floyd.

The goal is to create the largest and most comprehensive law enforcement museum and research facility found anywhere in the world. The museum will become the source of information on issues related to law enforcement history and safety. This facility would create a much better public understanding of and appreciation for the law enforcement profession and the work that they perform at great personal risk. The museum and research facility would also serve as an important tool for policy makers and law enforcement trainers in their efforts to make the profession safer and more effective. This museum facility work provide an effective museum would include a research center. This is a logical progression for the NLEOMF as the center would provide the opportunity to focus law enforcement historical and safety information at one location.

NSA supports all legislation for the betterment of our citizenry and the public safety community. The old motto To Protect and Serve would be enshrined in a museum such as that proposed and would preserve law enforcement's historical roots. Accordingly, the National Sheriffs' Association would welcome the privilege to work closely with you on this honorable endeavor.

Sincerely,

A.N. Moser, Jr.,
Executive Director.

National Organization of Black Law Enforcement Executives

Hon. Ben Nighthorse Campbell,
Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR CAMPBELL: The National Organization of Black Law Enforcement Executives (NOBLE), applauds your efforts to honor the law enforcement officers who have protected, and those who protect our communities by introducing legislation to create the National Law Enforcement Museum.

NOBLE is an organization of over 3,500 primarily African American law enforcement's CEO's and command level officials who are committed to improving the quality of law enforcement service in this country through training, professional competence, personal example and by forming meaningful partnerships with the community.

NOBLE is a member of the board of directors of the National Law Enforcement Memorial Fund, and as such, supports the proposed National Law Enforcement Museum to be located on the island of a parking lot in Judiciary Square, just south of the National Law Enforcement Officers Memorial in Washington, D.C.

The nation's memorial to law enforcement officers who have laid down their lives in sacrifice is unfortunately a perpetual memorial with an average of 150 names inscribed on the memorial wall each year. The memorial serves as a place where friends and co-workers can find peace and solace as they cope with the loss of "their" officer.

Many of these visitors leave mementos that are cataloged in the National Law Enforcement Officers Memorial. Other important items relating to law enforcement are also sent to the memorial offices. The memorial office is not an appropriate location to display these mementos and memorabilia. We believe that these items should be displayed with the dignity they deserve.

Sincerely,

RALPH M. PURDY,
President.

The National Law Enforcement Museum would also complement the memorial by not only telling the story of the courage and sacrifice of the individual officers "on the wall" but also the evolution of the law enforcement profession.

Besides the historical component, the museum would include a research center. This is a logical progression for the NLEOMF as the center would provide the opportunity to focus law enforcement historical and safety information at one location.

Fiscally, NOBLE believes that the National Law Enforcement Officers Memorial is a good investment for the Nation. The NLEOMF is committed to this memorial and we have the capacity to construct the memorial through private donations.

The NLEOMF will partner with Secretary of the Interior and the Administrator of the General Services Administration for the maintenance of the building and grounds and the NLEOMF would operate the museum.

The D.C. Supreme Court has already given its support for the museum.

We trust that Congress will act on this legislation expeditiously and turn this barren parking lot into living facility, that will mend the past, the present and the future of law enforcement with the memories of those whose names are engraved on the walls of the companion memorial.

Sincerely,

ROBERT L. STEWART,
Executive Director.

By Mr. FEINGOLD (for himself, Mr. HARKIN, and Mr. WELSTONE):

S. 1439. A bill to terminate production under the D5 submarine-launched ballistic missile program; to the Committee on Armed Services.

TRIDENT II (D-5) MISSILE PRODUCTION LIMITATION ACT

Mr. FEINGOLD. Mr. President. I come to the floor today to introduce a bill whose time has come.

Mr. President, it is a decade since the Berlin Wall came down at the end of the Cold War. Since then, we have reduced our nuclear arsenal, as have the Russians. And our Navy is advocating to downszie the Trident nuclear submarine fleet, the cornerstone of our nuclear triad strategy. It's just common sense to limit future production of weapons deployed in those submarines.

The bill I introduce today would terminate the future production of the Trident II missile. In doing so, this common-sense bill would save American taxpayers $5 billion over the next five years, and more than $13 billion over the next ten years.

Mr. President, the Trident II, or D-5 missile, is the Navy's submarine-launched ballistic missile (SLBM). The Trident missile is a Cold War relic that was designed specifically to be a first-strike strategic missile that would attack targets inside the Soviet Union from waters off the continental United States.

The Trident II is deployed aboard Ohio-class nuclear submarines in the order of 24 per boat. Each missile is loaded with 8 independently targetable,
nuclear warheads. In other words, 192 warheads per submarine. The warheads bear warheads of their explosion power. Doing the math, that equals up to 91,200 kilotons of warheads on each and every Trident submarine.

Mr. President, the truth of the matter is we all know that one submarine firing 192 warheads could bring about an apocalypse on this planet. Needless to say, 18, 14, or even 10 submarines with that kind of firepower is beyond necessity. This is especially true if one considers that in addition to, yes, in addition to the SLBMs, the United States deploys 50 Minuteman III intercontinental ballistic missiles with three warheads each; 50 Peacekeeper ICBMs with 10 warheads each; and 94 B-52 and 21 B-2 bombers capable of carrying strategic nuclear warheads.

Mr. President, the US Navy is building or possesses, right now, 360 Trident II missiles. Current plans would have us purchase 65 more missiles through 2005. The 360 missiles we already own are more than enough to fully arm the 18 existing Trident II-armed submarines as well as maintain an adequate test flight program. We simply do not need 65 more missiles. Nor do we need to backfit four Trident I, or C4, missile carrying submarines to carry Trident IIs, especially when one considers that the C4 submarines won’t even outlast the Trident I missiles they carry.

I’d like to briefly inform my colleagues on the difference between the Trident I and Trident II missiles. According to CBO, the C4 has an accuracy shortage of about 450 feet compared to the D5, or the distance from where the presiding officer is sitting right now to where the Speaker of the House is sitting. Given the fact that the missile of the future, given the fact that either missile could utterly destroy the District of Columbia many times over, spending billions of dollars to backfit the C4 submarines seems unnecessary.

And this is not an inexpensive program. Mr. President. According to the Congressional Budget Office, which recommends that we discontinue production of the Trident II and retire all eight C4 submarines, if we terminate production of the missile after this year and retire the C4s by 2005, we would save more than $5 billion over five years, and more than $13 billion over the next ten years. Even here in the Senate, that’s real money.

Mr. President, I am not naive enough to believe that Russia’s deteriorating infrastructure has eliminated the threat of their ballistic missile capability. And given the missile technology advances in China, North Korea, and Iran, and attempts by rogue states to buy intercontinental ballistic missiles, it is imperative that we maintain a deterrent to ward off this threat. There is still an important role for strategic nuclear weapons in our arsenal. Their role, however, is diminished dramatically from what it was in the past, and our missile procurement decisions should reflect that.

Mr. President, of our known potential adversaries, only Russia and China even possess ballistic missile-capable submarines. China’s one ballistic missile capable submarine is used solely as a test platform. Russia is the only potential adversary with a credible SLBM force, and its submarine capabilities have deteriorated significantly or remain far behind those of our Navy. Due to Russia’s continued economic hardships, they continue to cede ground to us in technology and training. Reports even contend that Russia is having trouble keeping just one or two of its strategic nuclear submarines operational. According to General Eugene H. Habiger, USAF (Ret.) and former United States chief of the US Strategic Command, Moscow’s “sub fleet is belly-up.”

Mr. President, Russia’s submarine fleet has shrunk from more than 300 vessels to about 100. Even Russia’s most modern submarines cannot be used to full capability because Russia can’t adequately train its sailors. Clearly, the threat is diminishing.

Mr. President, earlier this year, Admial Jay Johnson, the Chief of Naval Operations, went before the Senate Armed Services Committee and stated unequivocally that the Pentagon believes that 14 Trident submarines is adequate to anchor the sea-based corner of the nuclear triad. Based on that testimony, the committee put forward a Department of Defense authorization bill supporting the Navy’s plan. Common sense would dictate that fewer submarines warrant fewer missiles. The threat is diminishing; the Navy knows it and the Congress knows it. And given the Senate’s agreement, to downsize our Trident submarine fleet saves valuable resources and allows us to reach START II arms levels for our SLBMs, and moves us forward toward arms reduction treaties. By going with ten boats, the Navy could meet essential requirements under START II today and the anticipated requirements under a START III framework tomorrow.

And ultimately, Mr. President, the right thing is supporting nuclear warheads in reducing our nuclear stockpile shows our good faith, and will make Russia’s passage of a START II treaty more likely.

This strategy of reducing our nuclear stockpile is supported widely by some of our foremost military leaders, General George Lee Butler, former commander in chief of the U.S. Strategic Command, and an ardent advocate of our deterrent force during the Cold War, has said that “With the end of the Cold War, we must sharply reduce our nuclear forces, and this must be done by substantially reducing their numbers.” I believe we should heed his words.

Mr. President, more than anything else, this issue comes down to a question of how we spend our money. The Department of Defense will spend $13 billion over the next ten years to purchase unnecessary Trident II missiles, or do we want to use that money to address readiness concerns that we’ve talked a lot about but haven’t addressed adequately enough? Mr. President,

Mr. President, for the past year, we’ve heard the call to address our military’s readiness crisis from virtually all quarters. We were told that foremost among the readiness shortfalls were operations and maintenance as well as pay and allowances accounts.

A preliminary General Accounting Office report on recruitment and retention found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leaders have at least as much effect on retention, if not more, than a pay raise.

And the Pentagon concurs. Last September, General Dennis Reimer claimed that the military faces a “hollow force” without increased readiness spending. Chief of Naval Operations Admiral Jay Johnson asserted that the Navy has a $6 billion readiness deficit.

To address the readiness shortfall, Mr. President, the Congress passed an emergency supplemental appropriations bill. The bill spent close to $9 billion, but just $1 billion of it went to address the readiness shortfall. Priorities, Mr. President.

And last month, on the Defense appropriations bill, a couple of Senators inserted an amendment, without debate, to take $220 million from vital Army and Air Force spare parts and repair accounts, and from the National Guard equipment account to buy planes.

Planes that the Pentagon doesn’t even want. Sponsors of the amendment admitted readily that this was done for the benefit of a company that had lost a multi-billion dollar contract with a foreign country. Priorities, Mr. President.

This bill makes sense now and for the future by saving vital defense dollars now and for years to come, and by stimulating the arms treaty dialogue.

I ask unanimous consent that the text of the bill be printed in the Record.

The being no objection, the bill was ordered to be printed in the Record, as follows:

8. 1439

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

SECTION 1. TERMINATION OF D5 SUBMARINE-LAUNCHED BALLISTIC MISSILE PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production
of D5 submarine ballistic missiles under the D6 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act shall be used to pay the termination costs of the D5 submarine-launched ballistic missile program.

(c) INAPPLICABILITY TO MISSILES IN PRODUCTION.—Subsections (a) and (b) do not apply to missiles in production on the date of enactment of this Act.

By Mr. GRAMM (for himself, Mr. LOTT, and Mr. McCONNELL):

S. 1440. A bill to promote economic growth and opportunity by increasing the level of visas available for highly specialized scientists and engineers and by eliminating the earnings penalty on senior citizens who choose to continue to work after reaching retirement age; to the Committee on Finance.

NEW WORKERS FOR ECONOMIC GROWTH ACT

Mr. GRAMM. Mr. President, today I am joined by Senators LOTT and McCONNELL in introducing the New Workers for Economic Growth Act, which will increase the number of H-1B temporary work visas used by U.S. companies to recruit and hire foreign workers with very specialized skills, particularly in high technology fields. In addition, the legislation eliminates the reduction in Social Security benefits now imposed on individuals aged 65 through 69 who continue to work and whose earnings exceed $15,500 annually. This bill will ensure that the U.S. economic expansion will not be impeded by a lack of skilled workers.

With record low unemployment, many U.S. companies have been forced to slow their expansion, or cancel projects, and may be forced to move their operations overseas because of an inability to find qualified individuals to fill job vacancies. We will achieve our full economic potential only if we can find and hire the people whose unique qualifications and specialized skills are critical to America's future success.

Last year, the Congress increased temporarily the number of annual H-1B visas from 65,000 to 115,000 for Fiscal Years 2000 and 2001, and to 107,500 in 2002. By the end of that period, we will have the data we need to make an informed decision on the number of such visas required beyond 2002. The bill retains the language of current law which protects qualified U.S. workers from being displaced by H-1B visa holders.

According to a recent study by the American Electronics Association (AEA), Texas has the fastest growing high technology industry in the country and is second only to California in the number of high technology workers. This legislation will ensure that these companies have access to highly skilled, specialized workers, in order that such businesses can continue to grow and prosper, and in doing so, create jobs and opportunity for U.S. workers.

Additionally, our bill expands work opportunities for America's retired senior citizens by removing the financial penalty which is now imposed on those who choose to continue to work while receiving Social Security and whose wages exceed specified levels. The Social Security earnings test robs senior citizens of their money, their dignity, and their right to work, and it robs our Nation of their talent and wisdom. I believe that this legislation represents a fair and effective way to address a critical need in our Nation's economy, and I hope my colleagues will quickly approve this important proposal.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, Mr. ROBB, and Mr. AKAKA):

S. 1441. A bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE RETIREMENT CONTRIBUTIONS ACT OF 1999

Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators MIKULSKI, WARNER, ROBB and AKAKA, in introducing the Federal Employee Retirement Contributions Act of 1999. This bill would return Federal employee retirement contribution rates to their 1998 levels, effective January 1, 2000.

Mr. President, in the 1997 Budget Reconciliation bill, as part of the deficit reduction effort, Congress enacted temporary increases in Federal employee retirement contribution rates. In order to meet its fiscal year 1998 reconciliation instructions, the Governmental Affairs Committee reluctantly agreed to phased-in, temporary increases in employee retirement payments of .5 percent through December 31, 2002.

The 1997 provision effectively takes retirement contribution rates under the Civil Service Retirement System (CSR) from 7 percent to 7.5 percent and under the Federal Employee Retirement System (FERS) from .8 percent to 1.3 percent. Rates are to return to 7 percent and .8 percent respectively in 2003.

Mr. President, the sole rationale for this additional tax on Federal employee income in 1997 was to achieve deficit reduction. It is important to point out that the Federal employees received no additional benefits from their increased contributions. Thus, the size of a Federal employee's retirement annuity is not greater because of their increased contributions. Instead, those increased contributions were merely one of several measures included in the Balanced Budget Act in order to raise revenues and reduce the deficit.

The goal of deficit reduction is being realized, and after 30 years of spiraling deficits the economy is now strong and the budget has been balanced. With budget surpluses projected for the near future, the rationale for increasing Federal employees' retirement contributions is no longer valid.

During the past weeks as tax cut proposals have begun moving in the Senate, I have worked to repeal the increased contributions as part of these proposals. While the Majority's tax cut packages would grant billions of dollars in tax relief over the next ten years, and even more in future years, the bill proposals fail to remove the burden that was placed on Federal employees under the Balanced Budget Act.

Mr. President, if we are going to move forward with tax reduction proposals, it is my strong view that we first make certain that Federal employees, who were singled out to bear an additional burden in the deficit reduction effort, are relieved of that burden. Federal employees should not be forced to continue to contribute more than their fair share, at a time when others are having their taxes reduced.

As of January 1, 1999, half of the .5 percent increase (.25 percent) has already taken effect. Unless action is taken to reduce Federal employee retirement contributions, Federal employees, who were singled out to bear an additional burden in the deficit reduction effort, are relieved of that burden. Federal employees should no longer be required to carry this additional burden.

Federal employees were asked to make numerous sacrifices in order to contribute to our Nation's fiscal health. In addition to the increase in retirement contributions, the Federal Government has cut approximately 330,000 employees from its rolls and delayed statutory pay raises over the last several years. Certainly, these were significant contributions to our country's economy and have helped us turn the corner toward the bright economic future that is now predicted. As we consider how to best utilize projected budget surpluses, we should first remove this burden from Federal employees who have already contributed so much. Repealing the increases in Federal employee retirement contributions is the fair thing to do.
Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Employee Retirement Contributions Act of 1999”.

SEC. 2. DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(h) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

7.7 January 1, 2000, to December 31, 2002.”;

and inserting the following:

“8 After December 31, 2002.”;

(6) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

8 After December 31, 2002.”;

and inserting the following:

“8 After December 31, 1999.”;

and inserting the following:

“8 After December 31, 1999.”;

and inserting the following:

“8 After December 31, 1999.”;

(7) in the matter relating to a United States magistrate by striking:

8 After December 31, 2002.”;

and inserting the following:

“8 After December 31, 1999.”;

(8) in the matter relating to a Court of Federal Claims judge by striking:

8 After December 31, 2002.”;

and inserting the following:

“8 After December 31, 1999.”;

(9) in the matter relating to the Capitol Police by striking:

7.5 After December 31, 2002.”;

and inserting the following:

“7.5 After December 31, 1999.”;

(10) in the matter relating to a nuclear material courier by striking:

“7.5 After December 31, 1999.”;

and inserting the following:

“7.5 After December 31, 1999.”;

and inserting the following:

“7.5 After December 31, 1999.”;

and inserting the following:

“7.5 After December 31, 1999.”;

and inserting the following:

“7.5 After December 31, 1999.”;

and inserting the following:

“(3) The applicable percentage under this paragraph for civilian service shall be as follows:

7.25 After December 31, 1999.”;

Congressional employee.

7.75 After December 31, 1999.

Member .............. 7 January 1, 1947, to December 31, 1998.
7.75 After December 31, 1999.

Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.

7.5 After December 31, 1999.

7.75 After December 31, 1999.

7.75 After December 31, 1999.


7.75 After December 31, 1999.

7.75 After December 31, 1999.

SEC. 3. CONFORMING AMENDMENTS RELATING TO MILITARY AND VOLUNTEER SERVICE UNDER FERS.

(a) MILITARY SERVICE.—Section 8422(e)(b) of title 5, United States Code, is amended to read as follows:

“(6) The percentage of basic pay under section 204 of title 37 payable under paragraph (1), with respect to any period of military service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.”;

(b) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended to read as follows:

“(4) The percentage of the readjustment allowance or stipend (as the case may be) payable under paragraph (1), with respect to any period of volunteer service performed during January 1, 1999, through December 31, 1999, shall be 3.25 percent.”.

SEC. 4. OTHER FEDERAL RETIREMENT SYSTEMS.

(a) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 659) is amended to read as follows:

“(2) INDIVIDUAL DEDUCTIONS, WITHHOLDINGS, AND DEPOSITS.—Notwithstanding section 211(a)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2022(a)(1)) beginning on January 1, 1999, through December 31, 1999, the percentage deducted and withheld from the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System shall be 7.25 percent.”.

7 January 1, 1999, to


7.7 After December 31, 1999.


7.75 December 31, 1999.

7.75 After December 31, 1999.

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7.75 After December 31, 1999.
(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2062(h)(1)(A)), is amended to read as follows:"

"(h)(1)(A) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956; except, the amount to be paid for military service performed beginning on January 1, 1999, through December 31, 1999, shall be 7.25 percent of basic pay.’’.

(b) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 700(i)(2) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 660) is amended by striking sub- paragraphs (A) and (B) and inserting the following:


(b) FOREIGN SERVICE CRIMINAL INVESTIGATION.—The Inspector General of the Office of the Inspector General, Agency for International Development.—Notwithstanding section 805(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)(2)), beginning on January 1, 1999, through December 31, 1999, the amount withheld and deducted from the basic pay of a participant in the Foreign Service Retirement and Disability System shall be 7.25 percent.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended in the table in the matter following subparagraph (B) by striking:

"January 1, 1970, 7 percent
January 1, 1971, 7 percent
January 1, 1972, 7 percent
January 1, 1973, 7 percent
January 1, 1974, 7 percent
January 1, 1975, 7 percent
January 1, 1976, 7 percent
January 1, 1977, 7 percent
January 1, 1978, 7 percent
January 1, 1979, 7 percent
January 1, 1980, 7 percent
January 1, 1981, 7 percent
January 1, 1982, 7 percent
January 1, 1983, 7 percent
January 1, 1984, 7 percent
January 1, 1985, 7 percent
January 1, 1986, 7 percent
January 1, 1987, 7 percent
January 1, 1988, 7 percent
January 1, 1989, 7 percent
January 1, 1990, 7 percent
January 1, 1991, 7 percent
January 1, 1992, 7 percent
January 1, 1993, 7 percent
January 1, 1994, 7 percent
January 1, 1995, 7 percent"

and inserting the following:

"January 1, 1970, 7 percent
January 1, 1971, 7 percent
January 1, 1972, 7 percent
January 1, 1973, 7 percent
January 1, 1974, 7 percent
January 1, 1975, 7 percent
January 1, 1976, 7 percent
January 1, 1977, 7 percent
January 1, 1978, 7 percent
January 1, 1979, 7 percent
January 1, 1980, 7 percent
January 1, 1981, 7 percent
January 1, 1982, 7 percent
January 1, 1983, 7 percent
January 1, 1984, 7 percent
January 1, 1985, 7 percent
January 1, 1986, 7 percent
January 1, 1987, 7 percent
January 1, 1988, 7 percent
January 1, 1989, 7 percent
January 1, 1990, 7 percent
January 1, 1991, 7 percent
January 1, 1992, 7 percent
January 1, 1993, 7 percent
January 1, 1994, 7 percent
January 1, 1995, 7 percent
January 1, 1996, 7 percent
January 1, 1997, 7 percent
January 1, 1998, 7 percent
January 1, 1999, 7 percent
January 1, 2000, 7 percent"

(c) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 805(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071(e)(1)) is amended to read as follows:

"(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071(e)(1)) is amended by striking all after "volunteer service;" and inserting "except, the amount to be paid for volunteer service beginning on January 1, 1999, through December 31, 1999, shall be 3.25 percent.".

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on December 31, 1999.

By Mr. REED.

S. 1442. A bill to provide for the professional development of elementary and secondary school teachers; to the Committee on Health, Education, Labor, and Pensions.

PROFESSIONAL DEVELOPMENT REFORM ACT

Mr. REED. Mr. President, I rise today to introduce the Professional Development Reform Act to strengthen and improve professional development for teachers and administrators.

I have long worked to improve the quality of teaching in America's classrooms for the simple reason that well-trained and well-prepared teachers are central to improving the academic performance and achievement of students.

Last Congress, I introduced the TEACH Act to reform the way our prospective teachers are trained. The TEACH Act sought to foster partnerships among teacher colleges, schools of arts and sciences, and elementary and secondary schools.

Such partnerships were a central recommendation of the National Commission on Teaching and America's Future to reform teacher training, and I was pleased that my legislation was included in the renewed teacher training title of the Higher Education Act Amendments of 1998.

As Congress turns to the reauthorization of the Elementary and Secondary Education Act, the focus shifts to new teachers and teachers already in the classroom.

Mr. President, the legislation I introduce today would reform professional development, which too often consists of fragmented, one-shot workshops, at which teachers passively listen to experts and are isolated from the practice of teaching.

We don't expect students to learn their "ABCs" after one day of lessons, and we shouldn't expect a one-day professional development workshop to yield the desired result.

Research shows that such professional development fails to improve or even impact teaching practice.

Moreover, a recent survey of teachers found that professional development is too short term and lacks intensity. In 1998, participation in professional development programs typically lasted from 1 to 8 hours—the equivalent of only a day or less.

As a consequence, only about 1 in 5 teachers felt very well prepared for addressing the needs of students with limited English proficiency, those from culturally diverse backgrounds, and those with disabilities, or integrating educational technology into the curriculum.

Instead, research shows that effective professional development approaches are sustained, intensive activities that focus on deepening teachers knowledge of content; allow teachers to collaborate; provide opportunities for teachers to practice and reflect upon their teaching; are aligned with standards and embedded in the daily work of the school; and involve parents and other community members.

Such high-quality professional development improves student achievement. Indeed, a 1998 study in California found that the more teachers were engaged in ongoing, curriculum-centered professional development, holding school conditions and student characteristics constant, the higher students' mathematics achievement on the state's assessment.

Community School District 2 in New York City is one district which has seen its investment in sustained, intensive professional development pay off with increases in student achievement. Professional development in District 2 is delivered in schools and classrooms and focused on system-wide instructional improvement, with intensive activities such as observation of exemplary teachers and classrooms both inside and outside the district, supervised practice, peer networks, and off-site training opportunities.

Unfortunately, a recent national evaluation of the Eisenhower Professional Development program found that the majority of professional development activities in the six districts studied did not follow such a sustained and intensive approach.

And, in a recent article in the Providence Journal, some teachers noted that professional development for them has revolved around sitting and listening to experts talk about standards, rather than working closely with teachers and students to refine new methods of teaching those standards.

Unlike the bill passed last week in the other body which would do little to address these issues or change professional development, my legislation would create a new formula program for professional development that is sustained, collaborative, content-centered, embedded in the daily work of the school, and aligned with standards and school reform efforts.

To achieve this enhanced professional development, the legislation funds the following activities: maintaining; peer observation and coaching; curriculum-based content training; dedicated time for collaborative lesson planning; opportunities for teachers to
visit other classrooms to model effective teaching practice; training on integrating technology into the curriculum addressing the specific needs of diverse students, and involving parents; professional development networks to provide a forum for interaction and exchange of information among teachers and administrators; and release time and compensation for mentors and substitute teachers to make these activities possible.

The Professional Development Reform Act also requires partnerships between elementary and secondary schools and institutions of higher education for providing training opportunities, including advanced content area courses and training to address teacher shortages. In fact, preliminary U.S. Department of Education data show that the Eisenhower Professional Development activities sponsored by institutions of higher education are most effective.

My legislation will also provide funding for skills and leadership training for principals and superintendents, as well as mentors. Indeed, ensuring that our principals have the training and support to serve as instructional leaders is critical, as is ensuring that mentors have the skills necessary to help our newest teachers and other teachers who need assistance in the classroom.

Funding is targeted to Title I schools with the highest percentages of students living in poverty, where improvements in professional development are needed most.

My legislation does not eliminate the Eisenhower program, but it does require that Eisenhower and other federal, state, and local professional development funds be coordinated and used in a more focused and efficient manner. The Professional Development Reform Act does not eliminate the Eisenhower program, but it does require that Eisenhower funds be coordinated and used in a more focused and efficient manner.

In addition, the Professional Development Reform Act offers resources to help our newest teachers and other teachers who need assistance in the classroom.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1442
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROFESSIONAL DEVELOPMENT.

(a) Short Title.—This section may be cited as the "Professional Development Reform Act."

(b) Amendments.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part E as part F; and

(2) by inserting after part D the following:

PART E—PROFESSIONAL DEVELOPMENT

"SEC. 2351. PURPOSES.

"The purposes of this part are as follows:"

"(1) To improve the academic achievement of students by providing every student with a well-prepared teacher.

"(2) To provide every new teacher with structured support, including a qualified and trained mentor, to facilitate the transition into successful teaching.

"(3) To ensure that every teacher is given the assistance, tools, and professional development opportunities, throughout the teacher's career, to help the teacher teach to the highest academic standards and help students succeed.

"(4) To provide training to prepare and support principals to serve as instructional leaders and to work with teachers to create a school climate that fosters excellence in teaching and learning.

"(5) To train in-service teachers to strengthen, and improve professional development from a fragmented, one-shot approach to sustained, high quality, and intensive activities that—"

(A) are focused, content-centered, standards-based, results-driven, and embedded in the daily work of the school;

(b) allow teachers regular opportunities to practice and reflect upon their teaching (and learning); and

(c) are responsive to teacher needs.

"SEC. 2352. DEFINITIONS.

In this part:

(1) PROFESSIONAL DEVELOPMENT.—The term 'professional development' means effective professional development that—

(A) is sustained, high quality, intensive, and comprehensive;

(B) is content-centered, collaborative, school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to achieve State school-embedded, tied to practice, focused on student work, supported by research, and aligned with and designed to achieve State standards for teaching excellence; and

(C) includes structured induction activities that provide ongoing and regular support to new teachers in the initial years of their careers; and

(D) includes sustained in-service activities to improve elementary school or secondary school teaching in the core academic subjects, to integrate technology into the curriculum, to improve understanding and the use of student assessments, to improve classroom management, to improve the retirement of approximately half of our current teaching force, and high attrition rates.

Ensuring that teachers have the training, assistance, and support to increase student achievement and sustain them throughout their careers is a great challenge. But we must meet and overcome this challenge if we are to reform education and prepare our children for the 21st Century.

The Professional Development Reform Act, by increasing our professional development investment and focusing on the kind of activities and opportunities for teachers and administrators that research shows is effective, is critical to this effort.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Elementary and Secondary Education Act.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.
"(a) Allocations to Local Educational Agencies.—Each local educational agency receiving an allotment under section 2353 for a fiscal year shall make an allocation from the allotted funds that are not reserved under section 2355 as the amount the local educational agency received under such part for the fiscal year bears to the amount of all local educational agencies in all States received under such part for the fiscal year.

"(b) Applications.—Each local educational agency described in section 2357 to carry out the local activities described in subsection (b) and the dissemination of information described in this section; and

"(c) Dissemination.—The Secretary shall make available, that—

"(1) improved student performance;

"(2) increased participation in sustained professional development; and

"(3) made significant progress toward at least 1 of the following:

"(A) Reducing the number of out-of-field placements and teachers with emergency certificates;

"(B) Improving teaching practice.

"(C) Reducing the new teacher attrition rate for the local educational agency or school;

"(D) Increasing partnerships and linkages with institutions of higher education.

"SEC. 2359. SUPPLEMENT NOT SUPPLANT.

"(a) Reservation.—The Secretary shall reserve not more than 5 percent of the amount appropriated under section 2361 for each fiscal year for the national evaluation described in subsection (b) and the dissemination activities described in subsection (c).

"(b) National Evaluation.—

"(1) In general.—The Secretary shall provide for an annual, independent, national evaluation of the activities assisted under this part not later than 3 years after the date of enactment of the Professional Development Reform Act. The evaluation shall include information on the impact of the activities assisted under this part on student performance.

"(2) State reports.—Each State receiving an allotment under this part shall submit to the Secretary the results of the evaluation described under section 2355(3).

"(3) Report to congress.—The Secretary shall submit to Congress a report that describes the information in the national evaluation and the State reports.

"(c) Dissemination.—The Secretary shall collect and disseminate broadly for information (including creating and maintaining a national database or clearinghouse) to help
States, local educational agencies, schools, teachers, and administrators of higher education levels about effective professional development policies, practices, and programs, data projections of teacher and administrator supply and demand, and available teacher and administrator opportunities.

**SEC. 2361. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated to carry out this part $1,000,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004."

By Mr. HARKIN (for himself, Mrs. LINCOLN, Mr. WELLSTONE, and Mrs. MURRAY):


**ELEMENTARY AND SECONDARY SCHOOL COUNSELING IMPROVEMENT ACT OF 1999**

Mr. HARKIN. Mr. President, in April, the nation was rocked by an unspoken act of violence at Columbine High School in Littleton, Colorado. Twelve innocent students, a heroic teacher and the two student gunmen were killed in the 8th deadly school shooting in 39 months.

Since that tragic incident, there has been a nation wide discussion on the causes of such violence and a search for solutions to prevent such occurrences in the future. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Mr. President, children today are subjected to unprecedented social stresses, including the fragmentation of the family, drug and alcohol abuse, violence, child abuse and poverty. In 1998, the Des Moines Independent School District recognized the situation confronting young students and expanded counseling services in elementary schools.

The expanded counseling program—Smother Sailing operates on the simple premise that we must get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smother Sailing began as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987–88 school year, 157 students were referred to the office for disciplinary actions. After two years of Smother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals. During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smother Sailing was making a difference so the program was expanded so there is one counselor for every 250 students in Des Moines in 1990.

Smother Sailing continues to be a success.

Smother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem.

Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

One year following the program expansion, Smother Sailing got high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

Ninety-five percent of parents surveyed said the counselor is a valuable part of my child’s educational development. Ninety-three percent said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smother Sailing with decreasing the number of student suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student: counselor ratio is more than double the recommended level—it is 331:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the program is crucially needed in elementary schools where the student to counselor ratio is greater than 1000:1.

Mr. President, Smother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

Today, along with Senators LINCOLN and WELLSTONE, I am introducing the Elementary and Secondary School Counseling Improvement Act of 1999. This legislation does three things.

First, it reauthorizes the Elementary School Counseling Demonstration Act and expands services to secondary schools.

Second, it authorizes $100 million in funding to hire school counselors, school psychologists and school social workers.

Finally, since the counselor shortage is particularly acute in elementary schools, the amendment requires that the first $60 million appropriated would go to provide grants for elementary schools.

Mr. President, in April, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence in our nation’s schools.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation’s schools.

We should heed the advice of the American people. We have a desperate need to improve counseling services in our nation’s schools and this legislation will be an important step in addressing this critical issue. I urge my colleagues to support this legislation.

This legislation is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association, the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers.

I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

**DEAR SENATOR,**

We are writing to urge your support of the “Elementary and Secondary Counseling Improvement Act” introduced by Senator Tom Harkin (D–IA). The Act would increase and expand access to much needed counseling and mental health services for children in our nation’s elementary and secondary schools.

According to the National Institute of Mental Health (NIMH), although 7.5 million children under the age of 18 require mental health services, only one in five receive them. As the tragedy of this year’s school shootings remind us, students have mental, emotional, and behavioral needs which require the services of qualified counseling professionals. Additionally, mental health services are essential to help teachers provide quality instruction and enable students to achieve to high academic standards.

Unfortunately, in schools across the nation, the supply of qualified school counselors, school psychologists and school social workers is scarce. The U.S. average student-to-counselor ratio is 513:1. In states like California and Minnesota, one counselor serves.

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more than 1,000 students, and in other states, one school counselor serves 2,300 students. Similar caseloads exist for school social workers; in one county in Georgia, one school social worker is responsible for over 4,000 students. These ratios make it nearly impossible for students to get the counseling and mental health services they need. This serious shortage of qualified professionals has undermined efforts to make schools safe, improve academic achievement, and has overly burdened teachers.

High caseloads are not the only obstacle facing students in need of help. School counselors, school psychologists, and school social workers are often charged with miscellaneous administrative or paperwork duties, and may spend almost a quarter of their time on these tasks. Providers need to be able to provide direct services to student, teachers, families, and staff in schools.

The Elementary School Counseling Demonstration Act (ESCD) was first enacted with bi-partisan support as part of the Improving America’s Schools Act in 1994. The Act provides funding to expand services provided by qualified school counselors, school psychologists, and school social workers. Senator Harkin’s “Elementary and Secondary Counseling Act” would expand the Elementary School Counseling Demonstration, and expand services to secondary schools.

The Elementary and Secondary Counseling Improvement Act would provide funding to schools to expand counseling programs and services provided by only hiring qualified school counselors, school psychologists, and social workers. The Act ensures that programs funded will be comprehensive and accountable by requiring that applicants:

- Design a program to be developmental and preventative;
- Provide in-service training for school counselors, school psychologists, and school social workers;
- Convene an advisory board composed of parents, counseling professionals, teachers, school administrators, and community leaders to oversee the design and implementation of the program; and
- Require that counseling professionals spend at least 85% of their work time providing direct services to students and no more than 15% on administrative tasks.

We urge Senator Harkin’s Elementary and Secondary Counseling Improvement Act.

Sincerely,

American Counseling Association (ACA).
American Psychological Association (APA).
National Association of School Psychologists (NASP).
National Association of Social Workers (NASW).

By Mr. GRASSLEY (for himself and Mr. BURNS):

S. 1444. A bill to amend the Internal Revenue Code of 1986 to eliminate the 60-month limit and increase the income limitation under the student loan interest deduction; to the Committee on Finance.

EXPANSION OF THE STUDENT LOAN INTEREST DEDUCTION

Mr. GRASSLEY. Mr. President, I am joined today by Senator BURNS in introducing a bill to expand the student loan interest deduction. Specifically, my bill will repeal the sixty-month payment limitation and increase the income levels qualifying students for the tax deduction for student loan interest. I previously presented the elimination of the sixty-month student loan interest deduction restriction in a bill in February. As a member of the Finance Committee, I have asked that both it and the income limit expansion I now propose be included in the Reconciliation bill that will be before the Senate this week. I am happy to report that both are in the committee reported bill.

In a move detrimental to the education of our nation’s students, the Tax Reform Act of 1986 eliminated the tax deduction for student loan interest. Deeply troubled that this important relief was no longer available to young women and men trying to start their careers, since 1987 my colleagues on both sides of the aisle and I have been working to ease the burden of paying back student loans by reinstating the tax deduction. In 1992, we succeeded in passing legislation to restore the deduction for student loan interest, only to be stymied by a veto as part of a larger bill. After ten arduous years, our persistent work on behalf of America’s students finally came to fruition when we succeeded in reinstating the deduction under the Taxpayer Relief Act of 1997. Our victory demonstrated Congress’ sincere commitment to making educational opportunities available to all students and families across the nation, and confirmed our willingness to assist young Americans in acquiring the best education possible by easing the financial hardship they face.

While our endeavors in 1997 were progressive, we were unable to go as far as we wanted to go due to financial constraints. Because the nation was still in a fiscal crisis at that time, we were constrained to limit the eligibility of student loan interest to sixty payments, and to only those taxpayers with an adjusted gross income of between $40,000 and $55,000 filing individually or between $80,000 and $75,000 for married couples. Additionally, the deduction itself was phased in at $1000, and will cap out at $2500 in 2002.

In keeping the income limits for the deduction at such low income levels, we are letting a great opportunity to assist more young Americans pass us by. Setting the income cap at the current low mark does a disservice to some of our nation’s most needy collegiate borrowers. A great number of students are forced to borrow heavily to acquire an education that will allow them to stay competitive in our global economy. The present income restriction punishes resourceful students who land jobs which pay salaries slightly above the meager cap, even though they are forced to borrow heavily to obtain their education due to limited means.

Currently, the deductibility of student loan interest is limited to a mere sixty loan payments, equivalent to five years plus time spent in forbearance on the loan. The 60-month payment limitation, like the income restriction, was put in place during our fiscal difficulties of 1997. Since we are now experiencing a great budget surplus with our booming economy, Congress now has the ability to expand on both of these areas where we were previously forced to scale back.

Fortunately, our situation today is quite different than when we made our original improvements in 1997. Now, with our robust economy and budget surplus, we have a splendid opportunity to do what we were unable to do before. As the price of going to college has continued to spiral upward, student debt has risen to appalling levels. We must not shrink from our responsibility to provide additional relief to our students. We can move beyond the sixty-month payment limitation. We should increase the income levels from $40,000 to $50,000 for single students, and, eliminating any marriage penalty, increase from $60,000 to $100,000 for married couples. The amount of the deduction would then be gradually phased out for taxpayers with incomes between $50,000 and $65,000 filing individually and between $100,000 and $115,000 for married couples. Let our actions clearly demonstrate that the United States Congress stands behind all of our nation’s students in their efforts to better their lives.

By expanding the student loan interest deduction, we will bring vital relief to some of our most deserving borrowers seeking the American dream. Rather than penalizing resourceful students who find jobs with incomes above the present cap, we will be rewarding the hard work and ingenuity of our students. We must continue to support young Americans who land jobs with salaries slightly above our current threshold yet still needing financial assistance.

Excessive student debt is a major problem for many students. As people in a position to help them, Congress must seek out more ways to be of service to our young people. In this time of economic plenty, it is our duty to invest in our students’ education. The way to do so is an investment in America’s future. A well-deducted workforce is vital to maintain competitiveness in an ever-changing global economy. By broadening the income limits to reduce the tax deduction for student loan interest, we demonstrate our commitment to education and maintaining the position of the United States at the pinnacle of the free world.

I urge my colleagues to join me in this effort to relieve the excessive burdens on those trying to better themselves and their families through education by loosening the income limits
to quality for the tax deduction for student loan interest payments and eliminating the sixty-month payment limitation.

By Mr. KOHL (for himself and Mr. REID):

S. 1445 A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Finance.

PATIENT ABUSE PREVENTION ACT

Mr. KOHL. Mr. President, I rise today to reintroduce the Patient Abuse Prevention Act. I am pleased to be joined in this effort by Senator REID, who has worked tirelessly with me on this important legislation.

This bill is the product of collaboration and work from the administration, the health care industry, patient and employee advocates—who all have the same goal I do: protecting patients in long-term care from abuse, neglect, and mistreatment.

Last fall the Department of Health and Human Services Office of Inspector General issued a report describing how easy it is for people with abusive and criminal backgrounds to find work in nursing homes. On September 14 of last year, the Senate Aging Committee held hearings on this disturbing problem, where we heard horrifying stories of elderly patients being abused by the very people who are charged with their care. While the vast majority of nursing home workers are dedicated and professional, even one instance of abuse is inexcusable. This should not be happening in a single nursing home in America.

Mr. President, it is estimated that 33 percent of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care services will continue to increase as the Baby Boom generation ages. The vast majority of nursing homes, home health agencies and hospices do an excellent job in caring for their patients. But it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. In 1997, the Milwaukee Journal-Sentinel ran a series of articles describing this problem, which led my home State of Wisconsin to pass a criminal background check law for health care workers. The legislation I introduce today follows their example and builds on their efforts.

Why is it necessary to act? Because it is just far too easy for a worker with a history of abuse to find employment and prey on the most vulnerable patients. OIG report found that 5 percent of nursing home employees in two States had prior criminal records. The OIG report found that 15–20 percent of those convicted of patient abuse had prior criminal records. It is just too easy for known abusers to find work in health care and continue to prey on patients.

Current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain registries of abusive nurse aides. But nurse aides are not the only workers involved in abuse, and other workers are not tracked at all. Even worse, there is no system to coordinate information about abusive nurse aides between States. A known abuser in Iowa would have little trouble moving to Wisconsin and continuing to work long-term care.

In addition, there is no Federal requirement that long-term care facilities conduct criminal background checks on prospective employees. People with a violent criminal background—people who have already been convicted of murder, rape, and assault—could easily get a job in a nursing home or other health care setting without their past ever being discovered.

Our legislative will go a long way toward solving this problem. First, it will create a National Registry of abusive long-term care employees. States will be required to submit information from their current State registries to the National Registry. Facilities will be required to check the National Registry before hiring a prospective worker. Any worker with a substantiated finding of patient abuse will be prohibited from working in health care.

Second, the bill provides a second line of defense to protect patients from violent criminals. If the National Registry does not contain information about a prospective worker, the facility is then required to initiate an FBI background check. Any conviction for patient abuse or a relevant violent crime would bar that applicant from working with patients.

I realize that this legislation will not solve all instances of abuse. We still need to do more to stop abuse from occurring in the first place. But this bill will ensure that those who have already abused an elderly or disabled patient, or those who have committed violent crimes against people in the past, are kept away from vulnerable patients.

Mr. President, I want to repeat that I strongly believe that most long-term care providers and their staff work hard to deliver the highest quality care. However, it is imperative that Congress act immediately to get rid of those that don’t. When a patient checks into a nursing home or hospice, or receives home health care, they should not have to give up their right to be free from abuse, neglect, or mistreatment.

Our nation’s seniors made our country what it is today. It is our obligation to make sure we treat them with the dignity, care, and respect they deserve. I look forward to continuing to work with my colleagues, the administration, and the health care industry in this effort to protect patients. Our nation’s seniors and disabled deserve nothing less than our full attention.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD. I also ask unanimous consent that a letter of support for this legislation from the National Citizens’ Coalition for Nursing Home Reform be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.

This Act may be cited as the ‘‘Patient Abuse Prevention Act.’’

SEC. 2. ESTABLISHMENT OF PROGRAM TO PREVENT ABUSE OF NURSING FACILITY RESIDENTS.

(a) NURSING FACILITY AND SKILLED NURSING FACILITY REQUIREMENTS.—

(1) MEDICAID PROGRAM.—Section 1919(b) of the Social Security Act (42 U.S.C. 1396n(b)) is amended by adding at the end the following:

'(8) The Secretary shall—

(A) BACKGROUND CHECKS ON APPLICANTS.—Subject to subparagraph (B)(ii), before hiring a nursing facility worker, a nursing facility shall—

(i) give the worker written notice that the facility is required to perform background checks with respect to applicants;

(ii) require, as a condition of employment, that such worker provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

(iii) provide a statement signed by the worker authorizing the facility to request a criminal background check on the search and exchange of criminal records;

(iv) provide any other identification information the Secretary may specify in regulation;

(v) initiate a check of the data collection system established under section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker;

and

(iv) if that system does not contain any such disqualifying information—

(i) request that the State initiate a State and national criminal background check on such worker in accordance with the provisions of subsection (e)(6); and

(ii) furnish to the State the information described in subclauses (II) through (IV) of clause (ii) more than 7 days (excluding Saturdays, Sundays, and legal public holidays) after completion of the check against the system initiated under clause (iii).

(B) PROHIBITION ON HIRING OF ABUSIVE WORKERS.—

(i) IN GENERAL.—A nursing facility may not knowingly employ any nursing facility
worker who has any conviction for a relevant crime or a finding of patient or resident abuse has been made.

(‘‘ii) Provisional Employment.—After complying with the requirements of clauses (i), (ii), and (iii) of subparagraph (A), a nursing facility may provide for a provisional period of employment for a nursing facility worker who has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility in which the facility determines that a nursing facility worker has committed an act of resident neglect or abuse or misappropriation of resident property in the course of employment by the facility.

(D) Use of Information.—

(‘‘i) In General.—A nursing facility that obtains information about a nursing facility worker pursuant to clauses (iii) and (iv) of subparagraph (A) may use such information only for the purpose of determining the suitability of the worker for employment.

(‘‘ii) Immunity from Liability.—A nursing facility that, in denying employment for an applicant (including during the period described in subparagraph (B)(ii)), reasonably relies upon information about such applicant provided by the State pursuant to subsection (e)(8) or section 1128E shall not be liable in any action brought by such applicant based on the employment determination resulting from the information.

(E) Civil Penalty.—

(‘‘i) In General.—A skilled nursing facility worker under subparagraph (C);

(‘‘ii) knowingly fails to report a nursing facility worker in violation of subparagraph (A) or (B); or

(‘‘iii) knowingly fails to report a nursing facility worker who has any conviction for a relevant crime or a finding of patient or resident abuse has been made.

(‘‘iii) Finding of Patient or Resident Abuse.—The term ‘finding of patient or resident abuse’ means any substantiated finding by a State agency under subsection (g)(1)(C) or a Federal agency that a nursing facility worker has committed—

(‘‘i) an act of patient or resident abuse or neglect or misappropriation of patient or resident property; or

(‘‘ii) such other types of acts as the Secretary may specify in regulations.

(iv) Nursing Facility.—The term ‘nursing facility worker’ means any individual (other than any volunteer) that has direct access to a patient of a nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nursing assistants, nurse aides, home health aids, and personal care workers and attendants.

(iv) Background Checks on Applicants.—

(‘‘A) Background Checks on Applicants.—Subject to subparagraph (B)(ii), before hiring a skilled nursing facility worker, a skilled nursing facility shall—

(‘‘i) provide a written statement disclosing any conviction for a relevant crime or finding of patient or resident abuse;

(‘‘ii) provide a statement signed by the worker authorizing the facility to request the search and exchange of criminal records;

(‘‘iii) provide in person a copy of the worker’s fingerprints; and

(‘‘iv) provide other identification information the Secretary may specify in regulation;

(‘‘v) initiate a check of the data collection system described in subsection (e)(6) or section 1128E in accordance with regulations promulgated by the Secretary to determine whether such system contains any disqualifying information with respect to such worker; and

(‘‘vi) if that system does not contain any such disqualifying information—

(‘‘i) request that the State initiate a background check on such worker in accordance with the provisions of subsection (e)(6); and

(‘‘ii) furnish to the State the information described in subparagraph (B) through subparagraph (D) of clause (ii) not more than 7 days excluding Saturdays, Sundays, and legal public holidays under section 613(a) of title 5, United States Code; and

(‘‘v) after consultation with representatives of long-term care providers, consumer advocates, and appropriate Federal and State officials.

(v) Disqualifying Information.—The term ‘disqualifying information’ means information about a conviction for a relevant crime or a finding of patient or resident abuse.
(II) Skilled nursing facility employees.—The term ‘skilled nursing facility employee’ means any individual (other than any volunteer) that has direct access to a patient of a skilled nursing facility under an employment or other contract, or both, with such facility. Such term includes individuals who are licensed or certified by the State to provide such services, and nonlicensed individuals providing such services, as defined by the Secretary, including nurse assistants, nurse aides, home health aids, and personal care workers and attendants.’’.

(b) State requirements.—

(1) By inserting—

(A) Expansion of state registry to collect information about nursing facility employees other than nurse aides.—Section 1128E of the Social Security Act (42 U.S.C. 1396s) is amended—

(i) in subsection (e)(2)—

(1) in the paragraph heading, by striking ‘‘NURSE AIDE REGISTRY’’ and inserting ‘‘NURSING FACILITY EMPLOYEE REGISTRY’’;

(II) in subparagraph (A)—

(aa) by striking ‘‘By not later than January 1, 1989, the’’ and inserting ‘‘The’’;

(bb) by striking ‘‘a registry of (I) all individuals’’; and

(cc) by inserting before the period ‘‘, and’’ after ‘‘individuals’’ and inserting ‘‘a registry of (I) all individuals’’; and

(dd) by striking ‘‘prior to’’ and inserting ‘‘before the period ‘‘, and’’ after ‘‘individuals’’; and

(2) OR EMPLOYEES.—An entity may not impose fees with respect to whom the State has made a finding described in subparagraph (B); and

(III) in subparagraph (B), by striking ‘‘involving an individual listed in the registry’’ and inserting ‘‘involving a nursing facility employee’’; and

(IV) in subparagraph (C), by striking ‘‘nurse aide’’ and inserting ‘‘nursing facility employee or applicant for employment’’; and

(ii) in subsection (g)(1)—

(I) in subparagraph (A)—

(aa) by striking ‘‘By not later than January 1, 1989, the’’ and inserting ‘‘The’’;

(bb) by striking ‘‘a registry of (I) all individuals’’; and

(cc) by inserting before the period ‘‘, and’’ after ‘‘individuals’’ and inserting ‘‘a registry of (I) all individuals’’; and

(dd) by striking ‘‘prior to’’ and inserting ‘‘before the period ‘‘, and’’ after ‘‘individuals’’; and

(ii) report to the nursing facility the results of such review; and

(iii) in the case of an individual with a conviction for a relevant crime, report the existence of such conviction of such individual to the database established under section 1123E.

(D) Fees for performance of criminal background checks.—

(1) Attorney General.—The Attorney General may charge a fee to any State requesting a search and exchange of records pursuant to this paragraph and subsection (b)(8) for conducting the search and providing the records. The amount of such fee shall not exceed the lesser of the actual cost of such fees or $50. Such fees shall be available to the Attorney General, or, in the Attorney General’s discretion, to the Federal Bureau of Investigation, until expended.

(ii) In paragraph (C), by striking ‘‘a nursing facility a fee for initiating the criminal background check under this paragraph and subsection (b)(8), including fees charged by the Attorney General, and for performing the review and report required by subparagraph (C). The amount of such fee shall not exceed the actual cost of such activities.’’

(E) Regulations.—

(i) In general.—In addition to the Secretary’s authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General’s responsibilities under this paragraph and subsection (b)(8), including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

(ii) Appeal procedures.—The Attorney General, in consultation with the Secretary, shall promulgate such regulations as are necessary to establish procedures by which an applicant or employee may appeal or dispute the information obtained in a background check conducted under this paragraph. Appeals shall be limited to instances in which an applicant or employee correctly identifies that the subject of the background check, or when information about the applicant or employee has not been updated to reflect changes in the individual’s or employee’s criminal record.

(F) Report.—Not later than 2 years after the date of enactment of this paragraph, the Attorney General shall submit a report to Congress:

(i) the number of requests for searches and exchanges of records made under this section;

(ii) the disposition of such requests; and

(iii) the cost of responding to such requests.

(2) Medicare program.—

(A) Expansion of state registry to collect information about skilled nursing facility employees other than nurse aides.—Section 1819 of the Social Security Act (42 U.S.C. 1395m) is amended—

(i) in subsection (e)(2)—

(I) in the paragraph heading, by striking ‘‘nurse aide registry’’ and inserting ‘‘skilled nursing care employee registry’’;

(II) in subparagraph (A)—

(aa) by striking ‘‘By not later than January 1, 1989, the’’ and inserting ‘‘The’’;

(bb) by striking ‘‘a registry of (I) all individuals’’; and

(cc) by inserting before the period ‘‘, and’’ after ‘‘individuals’’ and inserting ‘‘a registry of (I) all individuals’’; and

(dd) by striking ‘‘prior to’’ and inserting ‘‘before the period ‘‘, and’’ after ‘‘individuals’’; and

(B) Search and exchange of records by Attorney General.—Upon receipt of a submission pursuant to subparagraph (A), the Secretary shall conduct a search and exchange of records of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other positive identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the State.

(C) Reporting of information to skilled nursing facility.—Upon receipt of the information provided by the Attorney General.
General pursuant to subparagraph (B), the State shall—

(1) MEDICAID.—Section 1919(a) of the Social Security Act (42 U.S.C. 1395x et seq.) is amended by adding at the end the following:

(a) INCLUSION OF ABUSE ACTS WITHIN A LONG-TERM CARE FACILITY.—Section 1128E(g)(1)(A) of the Social Security Act (42 U.S.C. 1320a–7e(g)(1)(A)) is amended by redesignating clause (v) as clause (vi); and

(b) by inserting after paragraph (65) the following:

"(66) provide that any entity that is eligible to be paid under the State plan for providing long-term care services for which medical assistance is available under the State plan to individuals requiring long-term care complies with the requirements of subsections (b)(8) and (e)(8) of section 1919."

(2) MEDICAID.—Part D of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.) is amended by adding at the end the following:

"APPLICATION OF SKILLED NURSING FACILITY PREVENTION AND DISSEMINATION PROGRAM TO ANY PROVIDER OF SERVICES OR OTHER ENTITY PROVIDING LONG-TERM CARE SERVICES

"Sec. 1897. The requirements of subsection (b)(8) and (e)(8) of section 1919 shall apply to any provider of services or any other entity that is eligible to be paid under this title for providing long-term care services to an individual entitled to benefits under part A or B (including an individual provided with a Medicare–Choice plan offered by a Medicare–Choice organization under part C) or under a State Medicaid plan that includes a long-term care option under the provisions of section 1931 of the Social Security Act (42 U.S.C. 1396n).

(3) REGULATIONS.—

(A) IN GENERAL.—In addition to the Secretary’s authority to promulgate regulations under this title, the Attorney General, in consultation with the Secretary, may promulgate such regulations as are necessary to carry out the Attorney General’s responsibilities under this paragraph and subsection (b)(8), including regulations regarding the accuracy of the background check, the treatment of the information obtained, and the use, destruction, and dissemination of information, audits and recordkeeping, and the imposition of fees.

(B) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall be an entity that agrees to a performance standard and cooperate in the implementation of such standards.

(C) USE OF FUNDS.—Amounts received under a grant under this section shall be used to—

(1) examine ways to improve collaboration between State health care survey and provider certification agencies, long-term care ombudsman programs, and the long-term care industry, and local community members;

(2) examine patient care issues related to regulatory oversight, community involvement, and facility staffing and management, with a focus on staff training, staff stress management, and staff supervision;

(3) examine the use of patient abuse prevention training programs by long-term care entities, including the training program developed by the National Association of Attorneys General, and the extent to which such programs are funded;

(4) identify and disseminate best practices for preventing and reducing patient abuse;

(5) authorize to be appropriated such sums as may be necessary to carry out this section.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the amendments made by this section, $10,200,000 for fiscal year 2000.

"(5) DEFINITION OF LONG-TERM CARE FACILITY.—For the purposes of this section—

(A) IN GENERAL.—For the purposes of this section, "long-term care facility" means any nursing facility (as defined in section 1919(a)), a home health agency, a hospice facility, an intermediate care facility for the mentally retarded (as defined in section 1905(d)), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII or the medicaid program under title XIX.

(B) COVERAGE OF LONG-TERM CARE FACILITY EMPLOYERS.—Section 1128E(g)(2) of the Social Security Act (42 U.S.C. 1320a–7e(g)(2)) is amended by inserting ‘‘, and includes any individual as an employee of such entity, including an individual who is on leave from such facility, who will have direct access to a patient or resident of the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants).’’.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the amendments made by this section, $10,200,000 for fiscal year 2000.

"(6) LONG-TERM CARE FACILITY.—The term ‘‘long-term care facility’’ means any nursing facility (as defined in section 1919(a)) that is licensed or certified by the State to provide skilled nursing care and includes any individual as an employee of such entity, including an individual who is on leave from such facility, who will have direct access to a patient or resident of the facility (including individuals who are licensed or certified by the State to provide services at the facility, and nonlicensed individuals, as defined by the Secretary, that will provide services at the facility, including nurse assistants, nurse aides, home health aides, and personal care workers and attendants).’’.
SEC. 5. EFFECTIVE DATE.

The provisions of and amendments made by the Act shall apply, without regard to whether implementing regulations are in effect, to any individual applying for employment or hired for such employment—

(1) by any long-term care nursing facility (as defined in section 1819(a) of the Social Security Act) or any nursing facility (as defined in section 1919(a) of such Act), on or after the date which is 18 months after the date of enactment of this Act,

(2) by any home health agency, on or after the date which is 12 months after such date of enactment, and

(3) by any hospice facility, any intermediate care facility for the mentally retarded (as defined in section 1905(d) of the Social Security Act), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII of such Act or the medicaid program under title XIX of such Act, on or after the date which is 6 months after the date of enactment of this Act.

The provisions of and amendments made by the Act shall apply, without regard to whether implementing regulations are in effect, to any individual applying for employment or hired for such employment—

(1) by any long-term care nursing facility (as defined in section 1819(a) of the Social Security Act) or any nursing facility (as defined in section 1919(a) of such Act), on or after the date which is 18 months after the date of enactment of this Act,

(2) by any home health agency, on or after the date which is 12 months after such date of enactment, and

(3) by any hospice facility, any intermediate care facility for the mentally retarded (as defined in section 1905(d) of the Social Security Act), or any other facility that provides long-term care services and receives payment for such services under the medicare program under title XVIII of such Act or the medicaid program under title XIX of such Act, on or after the date which is 6 months after the date of enactment of this Act.

CONGRESSIONAL RECORD—SENATE July 27, 1999

Mr. REID. Mr. President, I rise today to join my colleague, Senator KOHL, in introducing the "Patient Abuse Prevention Act." This legislation would help protect our nation's most vulnerable citizens by keeping workers with criminal and abusive backgrounds out of our long-term care facilities.

It is simply too easy for workers with criminal or abusive histories to gain employment in long-term care facilities. A report released last year by the Office of the Inspector General at the Department of Health and Human Services (HHS) confirmed that current regulations are not sufficient to protect the frail and elderly from being placed in the hands of known abusers and criminals. If we do not take steps to keep workers with criminal and abusive backgrounds out of our long-term care facilities, the growing number of reports of abuse and theft in these facilities will only continue to increase.

The "Patient Abuse Prevention Act" would give employers the tools they need to weed out potential employees who are unfit to provide care to the elderly because of abusive or criminal backgrounds. Our bill would create a national registry of abusive workers within an existing database at HHS. It would also expand existing State nurse aide registries to include substantiated findings of abuse by all facility employees, not just nurse aides. States would submit any existing or newly acquired information contained in the State registries to the national registry. This would ensure that once an abusive employee applied to the national registry, the offender will not be able to simply cross state lines and find employment in another facility where he or she may continue to prey on the frail and elderly.

Our bill would require all long-term care facilities to initiate a search of the national registry of abusive workers when considering a potential employee. If the prospective employee is not listed on the registry, the facility would then conduct a State and national criminal background check on the individual through the Federal Bureau of Investigations.

The Inspector General for the Department of Health and Human Services reports that 46 percent of facilities believe that incidents of abuse are under-reported. Our bill would require long-term care facilities to report all instances of resident neglect, abuse, or theft by an employee to the State. This would ensure that offenders are reported to the national registry before they have the opportunity to strike again.

Over the past few years, Senator KOHL and I have worked to ensure that our frail and elderly are not placed in the hands of criminals. During the 105th Congress, we introduced similar legislation and conducted hearings through the Senate Special Committee on Aging. This bill is a culmination of our efforts to institute greater protections for all residents of long-term care facilities.

One of the most difficult times for any individual or family is when they must make the decision to rely upon the support and services of a long-term care facility. Families should not have to live with the fear that their loved one is being left in the hands of a criminal. Last year, Richard Meyer testified before the Senate Aging Committee about the sexual assault of his 92-year-old mother by a male certified nursing assistant who had previously been charged and convicted for sexually assaulting a young girl. This legislation would prevent tragedies like this one from occurring in the future.

I have visited countless long-term care facilities in my home state of Nevada. During these visits, I have always been impressed with the compassion and dedication of the staff. Most nurse aides and health care workers are professional, honest, and dedicated. Unfortunately, it only takes one abusive staff member to terrorize the lives of the residents. That is why we must work to weed out the "bad apples" who do not have the best interest of the residents in mind. I urge you to join Senator KOHL and me in our efforts to provide greater protections for all residents of long-term care facilities.

By Mr. LOTT:

S. 1446. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions; to the Committee on Finance.

STATE AND LOCAL GOVERNMENT ESSENTIAL SERVICES FINANCING LEGISLATION

Mr. LOTT. Mr. President, I rise today to introduce legislation to help state and local governments more effectively finance the cost of essential services such as schools, streets, and water and sewer systems.

By easing tax law restrictions on the refinancing of certain bonds, this proposal would allow local jurisdictions to take advantage of favorable market interest rates. Financing the essential projects of our communities is primarily a state and local government responsibility. Federal tax laws should make it easier—not more difficult—for them to lessen the burden of taxes and other governmental charges on our citizens.

The proposal would adjust tax law restrictions on the refinancing of certain bonds issued to provide services such as government-owned schools, hospitals, streets and water and sewer systems.
Under current tax rules, most state and local governments may undertake an advance refunding of bonded indebtedness only once every 10 years and are thus unable to take full advantage of periods when market interest rates are low. This legislation would allow every state and local government an additional opportunity to refinance bonded indebtedness issued to finance essential governmental projects.

Furthermore, this legislation would give state and local governments flexibility to shift power and control to local government where it belongs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

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

SECTION 1. ADDITIONAL ADVANCE REFUNDINGS OF CERTAIN GOVERNMENTAL BONDS.

(a) IN GENERAL.—Section 149(d)(3)(A)(i) of the Internal Revenue Code of 1986 (relating to advance refundings of other bonds) is amended—

(1) by striking “or” at the end of subclause (I),

(2) by adding “or” at the end of subclause (II), and

(3) by inserting after subclause (II) the following:

“(III) the 2nd advance refunding of the original bond if the original bond was issued after 1985 or the 3rd advance refunding of the original bond if the original bond was issued before 1986, if, in either case, the original bond was issued as part of an issue 90 percent or more of the net proceeds of which were used to finance governmental facilities used for I or more essential governmental functions (within the meaning of section 141(c)(2)),”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to refunding bonds issued on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

At the request of Mr. DASCHLE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 10, a bill to provide health protection and needed assistance for older Americans, including access to health insurance for 55 to 65 year olds, assistance for individuals with long-term care needs, and social services for older Americans.

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 37, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

At the request of Ms. SOWK, the name of the Senator from Tennessee (Mr. PRIEST) was added as a cosponsor of S. 71, a bill to amend title 38, United States Code, to establish a presumption of service-connection for certain veterans with Hepatitis C, and for other purposes.

At the request of Mr. LUCAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

At the request of Mr. LUCAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 76, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

At the request of Mr. LUCAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 77, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from estate taxes.

At the request of Mr. LUCAR, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 78, a bill to amend the Internal Revenue Code of 1986 to increase the gift tax exclusion to $25,000.

At the request of Mr. BURNING, the names of the Senators from Arkansas (Mrs. LINCOLN), the Senator from Connecticut (Mr. DODD), the Senator from Kentucky (Mr. McCONNELL), and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 88, a bill to amend title XIX of the Social Security Act to exempt disabled individuals from being required to enroll with a managed care entity under the medicaid program.

At the request of Mr. McCAIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

At the request of Mr. CHAFEE, the names of the Senator from Nevada (Mr. BRYAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 602, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.