that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (by request):

S. 1496. A bill to authorize activities under the Federal railroad safety laws for fiscal years 2000 through 2003, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. LAUTENBERG):

S. 1497. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

By Mr. BURNS:

S. 1498. A bill to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. MOYNIHAN, Mr. LOTT, Mr. DORGAN, Mr. ALLARD, Mr. CONRAD, Mr. ABRAHAM, Mr. COVERDELL, Mr. SESSIONS, and Mr. CRAIG):

S. Res. 172. A resolution to establish a special committee of the Senate to address the cultural crisis facing America; to the Committee on Rules and Administration.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 173. To authorize representation of the Senate Committee on Armed Services in the case of Philip Tinsley III v. Senate Committee on Armed Services; considered and agreed to.

S. Res. 174. To authorize representation of the Senate Committee on the Judiciary in the case of Philip Tinsley III v. Senate Committee on the Judiciary; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. LOTT, Mr. HELMS, Mr. GRAHAM, Mr. MACK, Mr. WELLSTONE, and Mr. WYDEN):

S. Con. Res. 50. A concurrent resolution expressing the sense of Congress concerning the continuous repression of freedom of expression and assembly, and of individual human rights, in Iran, as exemplified by the recent repression of the democratic movement of Iran; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. WYDEN):

S. 1480. A bill to amend title XVIII of the Social Security Act of assure access of Medicare beneficiaries to prescription drug coverage through the SPICE drug benefit program; to the Committee on Finance.

SENIORS PRESCRIPTION INSURANCE COVERAGE EQUITY (SPICE) ACT OF 1999

• Ms. SNOWE. Mr. President, today I am introducing the Seniors Prescription Insurance Coverage Equity (SPICE) Act along with my colleague from Oregon, Senator WYDEN. The purpose of this bill is to provide Medicare beneficiaries with access to prescription drug coverage. The program is voluntary and federal assistance will be provided to help pay for the premiums. Senator WYDEN and I believe that this bill is one solution to the lack of prescription drug coverage for America's seniors and we believe that it is a bill we could and should enact this year.

Lack of prescription drug coverage is a serious problem facing our seniors. When Medicare was created in 1965 it was based on the inpatient care system that was prevalent at that time. Today, thirty four years later, drug therapy often allows individuals to stay out of the hospital—but Medicare does not cover drugs. And the lack of coverage means that those over 65 years of age end up paying for half the costs associated with their prescriptions, while the average person under age 65 pays only a third. It also means that seniors are forgoing medication because they cannot afford it.

The SPICE Act creates a voluntary supplemental drug insurance policy that all Medicare eligible individuals can purchase. These policies will be guaranteed issue—no one can be turned down. SPICE eligibility will begin when Medicare eligibility begins. There will be a penalty for late entry, just as there is for those who make a late entry into the Medicare Part B program. The penalty fee for late entry will be waived if the late entry is based on the loss of prior drug coverage from a Medicare + Choice plan or a retiree group health plan.

All seniors will receive some premium support assistance on a sliding scale based on income. Every senior will receive at least 25% premium support. Those below 150% of the federal poverty line will receive 100% premium support. A sliding scale will phase down the premium support from 100% to 25% for those between 150% and 175% of the federal poverty line.

The federal premium support will be used to allow seniors to purchase SPICE policies from private providers, similar to the Medigap program. The policies will all meet a threshold standard developed by the SPICE Board, which includes consumers, state insurance commissioners, and insurance representatives, and will be designed with seniors needs in mind. Medicare+Choice and group health plans which provide drug coverage for Medicare eligible individuals will be able to receive the actuarial value of the drug benefit if their plans meet or exceed the SPICE Board threshold benefit plan.

Seniors will be given a choice of plans. This will ensure competition and help keep the costs down and will allow seniors to choose the plan that best meets their needs. To provide an idea of the types of choices, plans may offer coverage for different drugs (formularies), copays, deductibles, and caps. The SPICE Board will disseminate information about these choices, much like the Federal Employee Benefit Health Program (FEHBP) does.

Funding sources for the benefit will come from the on-budget surplus, which the Congressional Budget Office (CBO) estimates show to be $505 billion after the $792 billion tax cut legislation that is currently in conference. Additional funding may come from implementing the President's FY2000 budget proposal to raise the tobacco tax by 55 cents per pack in addition to enacting the 15 cent tobacco increase already in law one year earlier than originally planned.

America's seniors need help in obtaining prescription drug coverage. SPICE is a doable proposal that can be passed whether or not we are able to move forward on Medicare reform this year.•

• Mr. WYDEN. Mr. President, today Senator SNOWE and I are introducing legislation to provide seniors with insurance coverage for prescription drugs. This legislation, the Seniors Prescription Insurance Coverage Equity Act, SPICE, is the only bipartisan, market-based approach to provide seniors with choice and access to coverage that is actually paid for. It will give seniors the same kind of coverage that their member of Congress has.

The key issue for seniors around our nation, when it comes to the issue of prescription drugs, is affordability. Our proposal will assure that each and every senior who voluntarily chooses to enroll in a SPICE plan will have the bargaining power of HMOs and of the large insurers whose job it is to get the best price they can. At least 13 million seniors have no prescription drug coverage at all. Those seniors get penalized twice: they have to pay all their costs, and they pay more because they can't get the negotiated rate that the insurers and HMOs can. This bill will level the playing field for those seniors giving them affordability and access.

We know the kinds of drugs that are coming on the market now can help save lives, better the health status of an older person and, in many instances, save dollars because seniors taking their prescription drugs as they are told to by their doctor will prevent costly hospitalizations and the progression of disease. If we were to create Medicare today from scratch, there would be no questions about including prescription drug coverage. If we want to assure that Medicare beneficiaries stay healthy longer we must provide prescription drug coverage. If we want to be thoughtful, prudent purchasers of health care, we must find a way to assure seniors access to the drugs.

I believe the Snowe-Wyden proposal is that thoughtful, prudent and reasonable way. It assures a variety of options for coverage, and it assures that we bring real dollars to the table to pay for the program. There is no smoke and mirrors, no IOUs or other budget gimmicks in this plan.

The Snowe-Wyden proposal will be funded by funding from the non-Social Security on-budget surplus and a 55-cent increase in the tobacco tax. During this body's deliberations of the budget resolution, an amendment that Sen. SNOWE and I offered received 54 votes, including 12 Republican votes to do just this—fund a prescription drug benefit for seniors with an increase in the tobacco tax.

The SPICE legislation creates a senior-oriented program using the Federal Employees Benefit Program (FEHBP) as a model to provide benefits that include prescription drugs and other non-Medicare covered benefits. This benefit would be open to every beneficiary and be voluntary. However, if the senior elected coverage later rather when they were first eligible, the individual would pay incrementally more the longer he or she waited to choose a comprehensive coverage option.

The individual senior would be able to select from an array of drug policies and Medicare+Choice plans with prescription drugs coverage. This would be voluntary. No senior would have to change what their current coverage is if they do not choose to do so. All plans would be offered by private sector companies. For beneficiaries under 150 percent of the poverty level—$12,075 for a single senior and $16,275 for a couple, the federal government would pay the entire premium. For those between 150 percent and 175 percent of the federal poverty level, the amount the federal government would pay phases down from 100 percent of premium to 25 percent of the premium amount. For beneficiaries at 175 percent of poverty and over, the federal government would pay 25 percent of the premium amount.

Our SPICE benefit will be administered by a new Board that would be separate from the Health Care Financing Administration but report to the Secretary of Health and Human Services. The Board would approve plan designs and premium submissions, approve and distribute consumer education materials, develop enrollment procedures and make recommendations concerning additional funding, further ability to pay mechanisms and other steps needed to assure continuing availability of comprehensive coverage as seniors' health needs change over time.

Many of us would prefer to do an overhaul of Medicare and modernize it to include benefits like prescription drugs. However, the thirteen million Medicare beneficiaries who need coverage and the millions who have coverage that does not truly help them, need a way to get meaningful coverage today. This proposal will do that.●

By Ms. SNOWE (for herself, Mr. KERRY, Mr. MCCAIN, Mr. HOLLINGS, and Mr. BREAUX):

S. 1482. A bill to amend the National Marine Sanctuaries Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL MARINE SANCTUARIES AMENDMENTS ACT OF 1999

Ms. SNOWE. Mr. President, I rise today to introduce the National Marine Sanctuaries Amendments Act of 1999. I am pleased that Senator KERRY, Ranking Member of the Subcommittee on Oceans and Fisheries, Senator MCCAIN, Chairman of the Commerce Committee, Senator HOLLINGS, Ranking Member of the Commerce Committee, and Senator BREAUX are joining me as cosponsors on this legislation. This bill will protect our nation's valuable marine resources while facilitating their sustainable use.

One hundred years after the first national park was created, the United States made a similar commitment to preserving its valuable marine resources by establishing the National Marine Sanctuary Program in 1972. Since then, twelve areas covering a wide range of marine habitats have been designated as national marine sanctuaries. Half of these designations have occurred in the last decade.

Today, our marine sanctuaries encompass everything from kelp forests and marine mammal nursery grounds, to underwater archeological sites. Together these sanctuaries protect nearly 18,000 square miles of ocean waters, an area nearly the size of Vermont and New Hampshire combined.

Acting as a platform for better ocean stewardship, these sanctuaries offer an opportunity for research, outreach, and educational activities. The national sanctuaries are also a model for multiple use management in the marine environment.

Obviously, balancing the protection of public resources with fostering economic activities requires the cooperative efforts of the federal, state, and local governments, as well as non-governmental organizations and the public. There are many of these partnerships working together within the national marine sanctuary program. Most of the successes of the program can be attributed to these partnerships.

One of these sanctuaries is located in the Gulf of Maine. The Stellwagen Bank National Marine Sanctuary provides feeding and nursery grounds for more than a dozen types of whales, including the endangered humpback, northern right, sei, and fin whales. This has led to the development of a thriving whale watching tourist trade in the sanctuary. The area also supports diverse seabird species and other fish and shellfish such as bluefin tuna, herring, cod, flounder, lobster, and scallops. Consequently, important commercial fisheries for lobster, bluefin tuna, cod and others exist in and around the sanctuary.

Historic data strongly suggest the presence of several shipwreck sites within the sanctuary, including the recently discovered wreck of the steamship *Portland* which sunk in 1898. Seven historic shipwrecks have been identified within or adjacent to the boundaries. However, a complete inventory of historical resources has not been conducted. These traditional shipping lanes are still active today. A heavily-used vessel traffic separation lane in the sanctuary facilitates the passage of more than 2,700 commercial vessels in and out of regional ports each year.

Through careful management and cooperation, all of these diverse uses coexist in a marine sanctuary while providing protection to the marine resources. This is just one example of the diverse management strategies being utilized by the national program.

The goal of the national marine sanctuary program is quite ambitious. Unfortunately, lack of funding has hampered their success. To date, insufficient funds have been provided to keep up with the pace of expansion of the sanctuary system. As a result, the 12 existing sanctuaries are not fully operational. Nationwide, individual sanctuaries are understaffed; unable to fully implement their management plans; unable to review existing management plans every five years as required by law; and lack educational and outreach materials and facilities. Consequently, management plans that were written twenty years ago have not been updated to adapt to the changing needs of the area nor for advances in science and resource management.

Congress identified the need for these sanctuaries when we passed the original Act in 1972. It is time now to provide the funds necessary to achieve what we set out to do. This will require an increase in the authorization level. The bill we are introducing today provides $30 million in FY 2000 and increases the annual authorization level by $2 million a year to $38 million in FY 2004.

It is time to move beyond fundamental planning and reach full implementation of the national program. This bill focuses the sanctuary program on making the existing sanctuaries fully operational before the formal designation process can begin for additional sanctuaries. It is our intention that management plans be developed in an open and participatory process so that partnerships between resource protection and compatible uses are given every chance to succeed. Further, management plans must be reviewed and updated in a timely manner

so that we can prioritize our objectives and respond to the changing needs of the resources and the people who utilize them.

A large part of the implementation process is the development of enforcement capabilities. It is one thing to plan resource protection, it is another thing to actually provide it. At the Subcommittee on Oceans and Fisheries hearing on reauthorization of the National Marine Sanctuaries Act, it was disappointing to hear about the overwhelming lack of enforcement in our marine sanctuaries. This bill encourages the development and implementation of meaningful enforcement plans, including partnerships with the states and other authorized entities. This will now become a part of the management plan review process. Further, the Administration will need to demonstrate that effective enforcement plans exist for the current sanctuaries before beginning the formal designation process for additional sanctuaries.

The National Marine Sanctuaries Act expires at the end of Fiscal Year 1999. This bill gives us the opportunity to realize the goals first laid out by Congress in 1972. There can be no doubt that this revitalization of the sanctuary program is long overdue.

Mr. President, this is a strong and much-needed bill that enjoys bipartisan support on the Commerce Committee. I look forward to moving this bill at the earliest opportunity.

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. 1482

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 ''National Marine Sanctuaries Amendments Act of 1999''.

SEC. 2. AMENDMENT OF NATIONAL MARINE SANCTUARIES ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).

SEC. 3. CHANGES IN FINDINGS, PURPOSES, AND POLICIES.

(a) AMENDMENT OF FINDINGS.—Section 301(a) (16 U.S.C. 1431(a)) is amended—

(1) by striking ''research, educational, or aesthetic'' in paragraph (2) and inserting ''scientific, educational, cultural, archaeological, or aesthetic'';

(2) by inserting ''ecosystem'' after ''comprehensive'' in paragraph (3);

(3) by striking ''wise use'' in paragraph (5) and inserting ''sustainable use'';

(4) by striking ''and'' after the semicolon in paragraph (5);

(5) by striking ''protection of these'' in paragraph (6) and inserting ''protecting the biodiversity, habitats, and qualities of such''; and

(6) by inserting ''and the values and ecological services they provide'' in paragraph (6) after ''living resources''.

(b) AMENDMENT OF PURPOSES AND POLICIES.—Section 301(b) (16 1431(b)) is amended—

(1) by striking ''significance;'' in paragraph (1) and inserting ''significance and to manage these areas as the National Marine Sanctuary System;'';

(2) by striking paragraph (3) and inserting the following:

''(3) to maintain natural biodiversity and biological communities, and to protect, and where appropriate, restore, and enhance natural habitats, populations, and ecological processes;'';

(3) by striking ''understanding, appreciation, and wise use of the marine environment;'' in paragraph (4) and inserting ''understanding, and appreciation of the natural, historical, cultural, and archaeological resources of national marine sanctuaries;'';

(4) by redesignating paragraphs (5) through (9) as paragraphs (6) through (10), and inserting after paragraph (4) the following:

''(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;'';

(5) by striking ''areas;'' in paragraph (8), as redesignated, and inserting ''areas, including the application of innovative management techniques; and'';

(6) by striking ''marine resources; and'' in paragraph (9), as redesignated, and inserting ''marine and coastal resources.''; and

(7) by striking paragraph (10), as redesignated.

SEC. 4. CHANGES IN DEFINITIONS.

Section 302 (16 U.S.C. 1432) is amended—

(1) by striking ''304(a)(1)(C)(v)'' in paragraph (1) and inserting ''304(a)(2)(A)'';

(2) by striking '' 'Magnuson'' in paragraph (2) and inserting '' 'Magnuson-Stevens'';

(3) by striking ''and'' after the semicolon in subparagraph (B) of paragraph (6);

(4) by striking ''resources;'' in subparagraph (C) of paragraph (6) and inserting ''resources; and'';

(5) by inserting after paragraph (6)(C) the following:

''(D) the cost of curation and conservation of archaeological, historical, and cultural sanctuary resources;'';

(6) by striking ''injury;'' in paragraph (7) and inserting ''injury, including enforcement activities related to any incident;''

(7) by striking ''educational, or '' in paragraph (8) and inserting ''educational, cultural, archaeological,'';

(8) by striking ''and'' after the semicolon in paragraph (8);

(9) by striking ''Magnuson Fishery Conservation and Management Act.'' in paragraph (9) and inserting ''Magnuson-Stevens Act;''; and

(10) by adding at the end thereof the following:

''(10) 'system' means the National Marine Sanctuary System established by section 303; and

''(11) 'person' has the meaning given that term by section 1 of title 1, United States Code, but includes a department, agency, and instrumentality of the government of the United States, a State, or a foreign Nation.''.

SEC. 5. CHANGES IN SANCTUARY DESIGNATION STANDARDS.

Section 303 (16 U.S.C. 1433) is amended—

(1) by striking the section caption and inserting the following:

SEC. 303. NATIONAL MARINE SANCTUARY SYSTEM.

(2) by striking subsection (a) and inserting the following:

''(a) ESTABLISHMENT OF SYSTEM.—There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.'';

(3) by striking paragraph (3) of subsection (b), and redesignating paragraphs (1) and (2) as paragraphs (2) and (3);

(4) by striking so much of subsection (b) as precedes paragraph (2), as redesignated, and inserting the following:

''(b) SANCTUARY DESIGNATION STANDARDS.—

''(1) IN GENERAL.—Before designating an area of the marine environment as a national marine sanctuary, the Secretary shall find that—

''(A) the area is of special national significance due to its—

''(i) biodiversity;

''(ii) ecological importance;

''(iii) archaeological, cultural, or historical importance; or

''(iv) human-use values;

''(B) existing State and Federal authorities should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

''(C) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (B); and

''(D) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.'';

(5) by striking ''subsection (a)'' in paragraph (2), as redesignated, and inserting ''paragraph (1)'';

(6) by redesignating subparagraphs (E) through (I) of paragraph (2), as redesignated, as paragraphs (F) through (J), and inserting after paragraph (D) the following:

''(E) the areas's scientific value and value for monitoring as a special area of the marine environment;'';

(7) by redesignating subparagraphs (H), (I), and (J), as redesignated, as subparagraphs (I), (J), and (K) and by inserting after subparagraph (G), as redesignated, the following:

''(H) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses;'';

(8) by striking ''vital habitats, and resources which generate tourism;'' in subparagraph (I), as redesignated, and inserting ''and vital habitats;'';

(9) by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L), and inserting after subparagraph (I) the following:

''(J) the value of the area as an addition to the System;''; and

(10) by striking ''Merchant Marine and Fisheries'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''Resources'';

(11) by inserting after ''Administrator'' in subparagraph (B) of paragraph (3), as redesignated the following: ''of the Environmental Protection Agency,''; and

(12) by adding at the end of subsection (b) the following:

''(4) REQUIRED FINDINGS.—

''(A) NEW DESIGNATIONS.—Before beginning the designation process for any sanctuary that is not a designated sanctuary before January 1, 2000, the Secretary shall make, and submit to the Congress, a finding that each designated sanctuary has—

''(i) an operational level of facilities, equipment, and employees;

''(ii) a list of priorities it considers most urgent and a strategy to address those priorities;

''(iii) a plan and schedule to complete site characterization studies to inventory existing sanctuary resources, including cultural resources; and

''(iv) a plan for enforcement of the Act within its boundaries, including partnerships with adjacent States or other authorities.

''(B) EXCEPTION.—Subparagraph (A) does not apply to any draft management plan, draft environmental impact statement, or proposed regulation for a Thunder Bay National Marine Sanctuary.''.

SEC. 6. CHANGES IN PROCEDURES FOR DESIGNATION AND IMPLEMENTATION.

(a) CHANGES IN NOTICE REQUIREMENTS.—Section 304(a) (16 U.S.C. 1434(a)) is amended—

(1) by striking paragraph (1)(C) and inserting the following:

''(C) on the same day the notice required by subparagraph (A) is submitted to the Office of the Federal Register, the Secretary shall submit a copy of the notice and the draft sanctuary designation documents prepared under paragraph (2) to the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), and inserting the following after paragraph (1):

''(2) SANCTUARY DESIGNATION DOCUMENTS.—The Secretary shall prepare sanctuary designation documents on the proposal that include the following:

''(A) A draft environmental impact statement under paragraph (3).

''(B) A management plan document, which the Secretary shall make available to the public, containing—

''(i) the terms of the proposed designation;

''(ii) proposed mechanisms to coordinate existing regulatory and management authorities within the area;

''(iii) the proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources, including innovative approaches such as marine zoning, interpretation and education, research, monitoring and assessment, resource protection, restoration, and enforcement (including surveillance activities for the area);

''(iv) an evaluation of the advantages of cooperative State and Federal management if all or part of a proposed marine sanctuary is within the territorial limits of a State, or is superjacent to the subsoil and seabed within the seaward boundary of a State (as established under the Submerged Lands Act (43 U.S.C. 1301 et seq.);

''(v) an estimate of the annual cost to the Federal government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education; and

''(vi) the regulations proposed under paragraph (1)(A).

''(C) Maps depicting the boundaries of the proposed sanctuary.

''(D) A statement of the basis for the findings made under section 303(b)(2).

''(E) An assessment of the considerations under section 303(b)(1).

''(F) A resource assessment that includes—

''(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

''(ii) a discussion, prepared after consultation with the Secretary of the Interior, of any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisidiction of the Department of the Interior; and

''(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary.''.

(b) OTHER NOTICE-RELATED CHANGES.—Section 304(a) (16 U.S.C. 1434(a)) is further amended—

(1) by striking ''as provided by'' in subparagraph (A) of paragraph (3), as redesignated, and inserting ''under'';

(2) by inserting ''cultural, archaeological,'' after ''educational,'' in paragraph (4), as redesignated;

(3) by striking ''only by the same procedures by which the original designation is made.'' in paragraph (4), as redesignated, and inserting ''by following the applicable procedures of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and chapter 5 of title 5, United States Code.'';

(4) by inserting ''this Act and'' after ''objectives of'' in the second sentence of paragraph (6), as redesignated; and

(5) by striking ''Merchant Marine and Fisheries Resources'' in paragraph (7), as redesignated, and inserting ''Resources''.

(c) OTHER CHANGES.—Section 304 (16 U.S.C. 1434) is amended—

(1) by inserting ''or the national system'' in subsection (b)(2) after ''sanctuary'';

(2) by striking ''management techniques,'' in subsection (e) and inserting ''management techniques and strategies,''; and

(3) by striking ''title.'' in subsection (e) and inserting ''title. This review shall include a prioritization of management objectives.''

SEC. 7. CHANGES IN ACTIVITIES PROHIBITED.

Section 306 (16 U.S.C. 1436) is amended—

(1) by striking ''sell,'' in paragraph (2) and inserting ''offer for sale, sell, purchase, import, export,''; and

(2) by striking paragraph (3) and inserting the following:

''(3) interfere with the enforcement of this title by—

''(A) refusing to permit any authorized officer to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purpose of conducting a search or inspection in connection with the enforcement of this title;

''(B) assaulting, resisting, opposing, impeding, intimidating, or interfering with any authorized officer in the conduct of any search or inspection under this title;

''(C) submitting false information to the Secretary or any officer authorized by the Secretary in connection with any search or inspection under this title; or

''(D) assaulting, resisting, opposing, impeding, intimidating, harassing, bribing, or interfering with any person authorized by the Secretary to implement the provisions of this title; or''.

SEC. 8. CHANGES IN ENFORCEMENT PROVISIONS.

Section 307 (16 U.S.C. 1437) is amended—

(1) by redesignating paragraphs (1) through (5) of subsection (b) as paragraphs (2) through (6), and inserting before paragraph (2) the following:

''(1) arrest any person, if there is reasonable cause to believe that the person has committed an act prohibited by section 306(3);'';

(2) by redesignating subsections (c) through (j) as subsections (d) through (k), and inserting after subsection (b) the following:

''(c) CRIMINAL OFFENSES.—

''(1) IN GENERAL.—Violation of section 306(3) is punishable by a fine under title 18, United States Code, imprisonment for not more than 6 months, or both.

''(2) AGGREVATED VIOLATIONS.—If a person in the course of violating section 306(3)—

''(A) uses a dangerous weapon,

''(B) causes bodily injury to any person authorized to enforce this title or to implement its provisions, or

''(C) causes such a person to fear imminent bodily injury,

then the violation is punishable by a fine under title 18, United States Code, imprisonment for not more than 10 years, or both.'';

(3) by redesignating subsections (e) through (k), as redesignated, as subsections (f) through (l), respectively, and by inserting after subsection (d), as redesignated, the following:

''(e) JUDICIAL CIVIL PENALTIES.—The Secretary may bring an action to access and collect any civil penalty for which a person is liable under paragraph (d)(1) in the United States district court for the district in which the person from whom the penalty is sought resides, in which such person's principal place of business is located, or where the incident giving rise to civil penalties under this section occurred.'';

(4) by inserting ''electronic files,'' after ''books,'' in subsection (h), as redesignated; and

(5) by redesignating subsections (i) through (l), as designated, as subsections (j) through (m), and by inserting after subsection (h), as redesignated, the following:

''(i) NATIONWIDE SERVICE OF PROCESS.—In any action by the United States under this chapter, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.''.

SEC. 9. ADDITIONAL REGULATIONS AUTHORITY ADDED.

Section 308 (16 U.S.C. 1439) is amended to read as follows:

''SEC. 308. REGULATIONS AND SEVERABILITY.''

''(a) REGULATIONS.—The Secretary may issue such regulations as may be necessary to carry out this title.

''(b) SEVERABILITY.—If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this title and of the application of that provision to other persons and circumstances shall not be affected.''.

SEC. 10. CHANGES IN RESEARCH, MONITORING, AND EDUCATION PROVISIONS.

Section 309 (16 U.S.C. 1440) is amended to read as follows:

''SEC. 309. RESEARCH, MONITORING, AND EDUCATION PROGRAMS AND INTERPRETIVE FACILITIES.

''(a) IN GENERAL.—The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs necessary and reasonable to carry out the purposes and policies of this title.

''(b) RESEARCH AND MONITORING.—The Secretary may support, promote, and coordinate appropriate research on, and long-term monitoring of, the resources and human uses of marine sanctuaries, as is consistent with the purposes and policies of this title. In carrying out this subsection the Secretary may consult with Federal agencies, States, local governments, regional agencies, interstate

agencies, or other persons, and coordinate with the National Estuarine Research Reserve System.

''(c) EDUCATION AND INTERPRETIVE FACILITIES.—The Secretary may establish facilities or displays—

''(1) to promote national marine sanctuaries and the purposes and policies of this title; and

''(2) either solely or in partnership with other persons, under an agreement under section 311.''.

SEC. 11. CHANGES IN SPECIAL USE PERMIT PROVISIONS.

Section 310 (16 U.S.C. 1441) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), and by inserting after subsection (a) the following:

''(b) PUBLIC NOTICE REQUIRED.—The Secretary shall provide appropriate public notice before identifying any activity subject to a special use permit under subsection (a).'';

(2) by striking ''insurance'' in paragraph (4) of subsection (c), as redesignated, and inserting ''insurance, or post an equivalent bond,'';

(3) by striking ''resource and a reasonable return to the United States Government.'' in paragraph (2)(C) of subsection (d), as redesignated, and inserting ''resource.'';

(4) by redesignating paragraph (3) of subsection (d), as redesignated, as paragraph (4), and by inserting after paragraph (2) thereof the following:

''(3) WAIVER OR REDUCTION OF FEES.—The Secretary may waive or reduce fees under this subsection, or accept in-kind contributions in lieu of fees under this subsection, for activities that do not derive profit from the access to and use of sanctuary resources or that the Secretary considers to be beneficial to the system.''; and

(5) by striking ''designating and'' in paragraph (4)(B) of subsection (d), as redesignated.

SEC. 12. CHANGES IN COOPERATIVE AGREEMENTS PROVISIONS.

Section 311 (16 U.S.C. 1442) is amended—

(1) by adding at the end of subsection (a) the following: ''Notwithstanding any other provision of law to the contrary, the Secretary may apply for, accept, and use grants from Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.''; and

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), and inserting after subsection (a) the following:

''(b) USE OF STATE AND FEDERAL AGENCY RESOURCES.—The Secretary may, whenever appropriate, use by agreement the personnel, services, or facilities of departments, agencies, and instrumentalities of the government of the United States or of any State or political subdivision thereof on a reimbursable or non-reimbursable basis to assist in carrying out the purposes and policies of this title.''.

SEC. 13. CHANGES IN PROVISIONS CONCERNING DESTRUCTION, LOSS, OR INJURY.

(a) LIABILITY.—Section 312 (16 U.S.C. 1443(a)) is amended—

(1) by striking ''used to destroy, cause the loss of, or injure'' in subsection (a)(2) and inserting ''that destroys, causes the loss of, or injures'';

(2) by inserting ''or vessel'' after ''person'' in subsection (a)(4);

(3) by inserting ''(as defined in section 302(11))'' after ''damages'' in subsection (b)(2);

(4) by striking ''vessel who'' in subsection (c) and inserting ''vessel that'';

(5) by striking ''person may'' in subsection (c) and inserting ''person or vessel may'';

(6) by inserting ''by the Secretary'' after ''used'' in subsection (d); and

(7) by adding at the end of subsection (d) the following:

''(4) STATUTE OF LIMITATIONS.—An action for response costs and damages under subsection (c) may not be brought more than 2 years after the date of completion of the relevant damage assessment and restoration plan prepared by the Secretary.''.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 313 (16 U.S.C. 1444) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

''(1) $30,000,000 for fiscal year 2000;

''(2) $32,000,000 for fiscal year 2001;

''(3) $34,000,000 for fiscal year 2002;

''(4) $36,000,000 for fiscal year 2003; and

''(5) $38,000,000 for fiscal year 2004.''.

SEC. 15. CHANGES IN U.S.S. MONITOR PROVISIONS.

Section 314 (16 U.S.C. 1445) is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

SEC. 16. CHANGES IN ADVISORY COUNCIL PROVISIONS.

Section 315 (16 U.S.C. 1446) is amended by striking ''provide assistance'' in subsection (a) and inserting ''advise and make recommendations''.

SEC. 17. CHANGES IN THE SUPPORT ENHANCEMENT PROVISIONS.

Section 316 (16 U.S.C. 1447) is amended—

(1) by striking ''use'' in subsection (a)(4) and inserting ''manufacture, reproduction, or other use'';

(2) by striking ''sanctuaries;'' in subsection (a)(4) and inserting ''sanctuaries or by persons that enter cooperative agreements with the Secretary under subsection (f);'';

(3) by striking ''symbols'' in subsection (a)(6) and inserting ''symbols, including sale of items bearing the symbols,'';

(4) striking ''Secretary; and'' in paragraph (3) of subsection (f), as redesignated, and inserting ''Secretary, or without prior authorization under subsection (a)(4); or''; and

(5) by adding at the end thereof the following:

''(f) AUTHORIZATION FOR NON-PROFIT ORGANIZATION TO SOLICIT SPONSORS.—

''(1) IN GENERAL.—The Secretary may enter into an agreement with a non-profit organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit organization to solicit persons to be official sponsors of the national marine sanctuary program or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

''(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.—Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.''.

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

S. 1483. A bill to amend the National Defense Authorization Act for fiscal Year 1998 with respect to export controls on high performance computers; to the Committee on Banking, Housing, and Urban Affairs.

ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS

Mr. REID. Mr. President, on July 1, 1999, President Clinton announced that the Commerce Department would implement changes to the United States export controls on high performance computers. By changing the limits on high performance computers, we will be increasing our national security and easing outdated regulations that are currently imposed on the thriving high tech industry and on government itself.

Mr. President, as you may know, I have followed this issue closely for the last eight months since the inception of the high-tech working group that I chair. I have met with many company leaders, both large and small, to discuss the issue of export controls on computers. I am convinced that if we don't immediately act to ease export controls, many American jobs may be at risk. Each day that our nations's companies can't compete in foreign markets, we are losing market share and eventually will be giving up our world dominance in the high-tech sector.

The bill that I am offering today reduces the review period from 180 days to 30 days to complement the Administration's easing of export restrictions by amending the National Defense Authorization Act of 1998.

Mr. President. In closing, I would like to share with you an example of how outdated today's restrictions are. I was recently at a meeting where Michael Dell, President of Dell Computers, stood up and pulled his pager from his hip holster. He held it up and said that under current export controls, his little pager that is smaller than a computer mouse, cannot be exported to many countries because it is considered a ''super computer.''

Mr. President. These controls need to be changed as the Administration has made clear, but it needs to be done sooner rather than later. In short, these controls need to be eased yesterday.

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. 1483

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

SECTION 1. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50

U.S.C. App. 2404 note) is amended in the second sentence by striking ''180'' and inserting ''30''.

By Mr. SPECTER:

S. 1484. A bill entitled ''Random Selection of Judges Act of 1999''; to the Committee on the Judiciary.

RANDOM SELECTION OF JUDGES ACT OF 1999

Mr. SPECTER. Mr. President, I will speak very briefly on the introduction of legislation for the random selection of judges. I had thought when cases were assigned in the Federal courts they were assigned in a random fashion, unless they were related to some other case where a specific judge had jurisdiction and that judge would have the case by a related case assignment.

During the course of the past week there has come to light a situation in the District of Columbia where the chief judge assigned specific judges to two very high-profile cases, one involving Mr. Webster Hubbell as a defendant and the other involving Mr. Charlie Trie as a defendant.

My understanding of the practice has been that cases would be assigned on a random basis. In checking the specifics, I have found that the Judicial Conference, which is the policy-making body for the Federal Judiciary, only recommends that Federal courts randomly assign cases. It has not become a mandate to do so. I believe that public policy warrants having it as a mandate.

It is customary for the Congress to legislate on matters of administration. For example, Congress has set a time limit under the speedy trial rule in the criminal courts. For another example, Congress has established time limits on Federal court habeas corpus cases where death penalty cases are appealed into the Federal courts.

This is not a matter where we are talking about the discretion or judgment of an individual judge on how to decide a case, where judicial independence mandates that nobody make any suggestion to the judge as to how an individual case is to be decided. But as a matter of administrative policy it is entirely appropriate for the Congress to set the rules, one of which I think should be the random assignment of judges.

In March of this year the Judicial Conference even rescinded its 28-year-old policy that recommended giving the chief judges, the assigning judge, latitude to make special assignments of ''protracted, difficult, or wildly publicized cases,'' so such latitude is no longer recommended by the Judicial Conference.

The chief judge of the District of Columbia has responded to the Associated Press article in a letter to the Washington Times dated August 2. I ask unanimous consent to have printed in the RECORD a copy of the newspaper article from the Washington Times, together with a copy of the response by the chief judge to the newspaper article.

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

JUDGES FRET OVER ASSIGNING OF CASES

FELLOW JURISTS ARE CONCERNED THAT TRIALS OF CLINTON FRIENDS WENT TO HIS APPOINTEES

(By Pete Yost)

The chief judge of the U.S. District Court bypassed the traditional random assignment system to send criminal cases against presidential friends Webster Hubbell and Charlie Trie to judges President Clinton appointed, court officials said.

U.S. District Judge Norma Holloway Johnson's decision to abandon the longtime random computer assignment for high-profile cases has raised concerns among several other judges, the officials said in interviews.

The judges also raised concerns about an appearance of possible conflicts of interest, because judges assigned the cases were friendly with key players—presidential confidant Vernon Jordan and defense lawyer Reid Weingarten—and made rulings that handicapped prosecutors.

Half a dozen judges, Republicans and Democrats, said they have high regard for the ethics they have high regard for the ethics and work of the two judges involved, Paul L. Friedman and James Robertson, and do not believe they were improperly influenced.

But the judges, who spoke on condition for anonymity, said they have discussed among themselves the public perception of ignoring the random draw—used in almost all cases—and passing over more experienced judges appointed by presidents of both parties.

One judge said his colleagues have discussed whether assigning cases directly rather than using the random lottery raises ''an appearance problem at least'' and ''whether there has been impartial administration of justice.''

The airing of the behind-the-scenes controversy provides a rare window into a court process sealed from public view.

Judges Johnson, Friedman and Robertson all declined repeated requests for interviews.

Judge Johnson, an appointee of President Carter, assigned:

Judge Friedman to the Trie case, the first major prosecution from the Justice Department probe of Democratic fund raising. Mr. Clinton nominated Judge Friedman, a former president of the local bar, in 1994.

Judge Robertson was handed the Hubbell tax case, independent counsel Kenneth Starr's first prosecution in Washington. Judge Robertson is an ex-president of the local bar and a former partner at the law firm of former White House counsel Lloyd Cutler.

Mr. Clinton nominated him in the last days of Mr. Cutler's tenure as counsel in 1994. Judge Robertson had donated $1,000 to Mr. Clinton's 1992 presidential bid and has said he ''worked on the periphery'' of that campaign.

Judge Robertson on two occasions dismissed felony charges against Hubbell. He dismissed the tax case against Hubbell, who eventually pleaded guilty to a misdemeanor when an appeals court reinstated the case.

Judge Johnson allowed a later indictment—charging Hubbell with lying to federal regulators—be assigned at random by computer. By coincidence, the computer picked Judge Robertson, who threw out the central felony count in the case. Judge Robertson, who threw out the central felony count in the case. Hubbell pleaded guilty to that same felony count June 30, after an appeals court reversed Judge Robertson.

One politically sensitive aspect of the Hubbell tax evasion indictment was a reference to a $62,500 consulting arrangement that Mr. Jordan helped obtain for Hubbell, making Mr. Jordan a potential witness.

Judge Robertson and Mr. Jordan are friends from their days in the civil rights movement. Mr. Jordan did not return repeated calls seeking comment.

[Judge Robertson, who was highly critical of Mr. Starr's tactics in the Hubbell case, also dealt major setbacks to Donald Smaltz, the independent counsel who investigated former Agriculture Secretary Mike Espy.

[In one instance, the judge granted a new trial to a Tyson Foods Inc. executive, Jack L. Williams, who had been convicted on two counts of making false statements to federal investigators.

[Last September, Judge Robertson overturned the conviction of Tyson lobbyist Archie Schaeffer III for giving illegal gifts to Mr. Espy. A federal appeals court reinstated that conviction July 23.]

Judge Johnson assigned the Trie case and two subsequent cases against Democratic fund-raisers to Judge Friedman, who tossed out various charges.

After one of Judge Friedman's rulings was overturned on appeal, Trie agreed to plead guilty.

Judge Friedman and Mr. Weingarten, the defense lawyer in two of three fund-raising cases before Judge Friedman, are longtime friends.

''He's a professional friend, but he's a judge now,'' Mr. Weingarten said. ''These relationships change when somebody goes to the bench.''

When Judge Johnson bypassed the random draw for these cases, 12 full-time judges were on the federal court, seven of them Clinton appointees. Four were Republican appointees. The court also has a number of senior judges who work part-time.

Judge Johnson garnered headlines for her rulings against Mr. Clinton in the Monica Lewinsky scandal, rejecting privilege claims by the president and ordering White House lawyer Bruce Lindsey and Secret Service personnel to testify.

Experts said the assignments to Clinton-nominated judges did not violate any rules but could shake public confidence.

''As far as assigning a recently appointed judge of the same party, it's dangerous, it's risky, it's hazardous because the outcome might support the cynical view that the judge did not decide the matter on the merits even though that may be the furthest thing from the truth,'' Columbia University law professor H. Richard Uviller said.

New York University law professor Stephen Gillers said, ''If the case is high-profile, that should increase the presumption in favor of random selection.''

The assignments were confirmed to AP by several court officials with access to parts of the court computer system not available to the public.

Local court rules give Judge Johnson the right to assign ''protracted'' cases to specific judges, although nearly all the cases in U.S. District Court here are assigned by lottery, court officials said.

The Judicial Conference, the policy-making body for the federal judiciary, recommends that federal courts randomly assign cases. In March, the conference rescinded its 28-year-old policy that recommended giving chief judges latitude to

make special assignments of ''protracted, difficult or widely publicized cases.''

Actual practice varies from court to court.

In the Southern District of New York, which has more than two dozen full-time judges, Court Executive Clifford P. Kirsch said, ''It's all been by a blind draw . . . so it doesn't appear anyone is preselecting or favoring one judge over another judge.''

U.S. DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA,
Washington, DC, August 2, 1999.

EDITOR,
The Washington Times,
Washington, DC.

As I firmly believe that justice is best served in the courts of law and not on the front page of a newspaper, it has long been my policy not to discuss my judicial decision-making with members of the press. However, I feel compelled to make an exception to that policy in order to correct the disturbing misimpression left by a recent story circulated by the Associated Press and published in your paper as well as several other news outlets. [This A.P. article alleges that I ''bypassed the traditional random assignment system'' to assign certain criminal cases to judges appointed by President Clinton, singling out the criminal case against Yah Lin ''Charlie'' Trie, which was assigned to Judge Paul L. Friedman, and the criminal case against Webster Hubbell, which was assigned to Judge James Robertson. The article implies that these cases were assigned to these judges based on political motivations. This unsubstantiated assertion could not be further from the truth.] Moreover, it does a significant disservice to the perception of impartial justice that I believe all of the judges on our Court strive mightily to maintain. Contrary to the false perception left by the A.P. story, these cases were assigned to highly capable federal judges. Politics was not and is never a factor in our case assignments.

In order to set the record straight, the circumstances leading to these routine ''special assignments'' are quite simple. For years, Local Rule 403(g) of the Rules of the District Court for the District of Columbia has authorized the Chief Judge to specially assign protracted or complex criminal cases to consenting judges when circumstances warrant. My predecessors and I have used this assignment system to enable our Court to expeditiously handle high profile criminal cases with their unique demands on judicial resources. For example, criminal cases arising from Watergate and the Iran-Contra affair were handled through special assignment. In both those instances of overwhelming media scrutiny and complexity, the special assignment system well served our needs. In addition to these highly publicized criminal cases, special assignment has also been a valuable tool in addressing multiple defendant narcotics conspiracy cases. It is the responsibility of the Chief Judge to move the docket as expeditiously as possible. That is all that was intended by these assignments.

Finally, I must note that the A.P. article irresponsibly impugns the reputation of two fine federal judges by suggesting conflicts of interest in their handling of these cases. Neither judge had any obligation to recuse himself from the cases to which he was assigned, for neither faced a conflict of any sort. A judge's prior affiliations and acquaintances, alone, do not require recusal or disqualification. Indeed, many judges on this Court know many lawyers and public officials in Washington. If recusal were required on the basis of these innocuous connections, it would wreak havoc on case scheduling.

In the future, I suggest that before your newspaper prints a story that impugns the integrity of two outstanding members of the federal judiciary, you offer more evidence of an actual conflict than the slender reed of innuendo which supports these current allegations. Such an unsubstantiated and unsupportable attack does your publication little credit and the truth much harm.

Sincerely,

NORMA HOLLOWAY JOHNSON,
Chief Judge.

Mr. SPECTER. In the reply, the chief judge says this:

> This A.P. article alleges that I ''bypassed the traditional random assignment system'' to assign certain criminal cases to judges appointed by President Clinton, singling out the criminal case against Yah Lin ''Charlie'' Trie, which was assigned to Judge Paul L. Friedman, and the criminal case against Webster Hubbell, which was assigned to Judge James Robertson. The article implies that these cases were assigned to these judges based on political motivations. The unsubstantiated assertion could not be further from the truth.

Now, I do not question the statements made by the chief judge in denying any portion of partiality or impropriety, but I do believe that when this case is called to widespread public attention the Congress ought to act. That is why I am introducing this legislation today on behalf of myself and Senator HATCH, chairman of the Judiciary Committee.

The reasons for this legislation are articulated by Columbia University law professor H. Richard Uviller, who said:

> As far as assigning a recently appointed judge of the same party, it's dangerous, it's risky, it's hazardous because the outcome might support the cynical view that the judge did not decide the matter on the merits even though that may be the furthest thing from the truth.

A similar statement was made by New York University law professor Steven Gillers, who said:

> If the case is high-profile, that should increase the presumption in favor of random selection.

This issue of random selection is one that I feel particularly strongly about based on my experience as district attorney in the Philadelphia criminal courts. When high-profile or politically-tinged cases were filed in the criminal courts of Philadelphia during my tenure as district attorney, I routinely asked for a jury trial because I wanted the facts decided by an impartial fact finder. At the outset of that tenure in January of 1966, the Commonwealth was a party to the proceeding and, like the defendant, had a right to demand a jury trial. I did demand jury trials because I found that the assignment to specific judges was not random and did on some occasions have inappropriate motivations.

During the course of my tenure as district attorney, the State supreme court made a change in the criminal rules and took away the right of the district attorney to demand a jury trial. That was recently reinstated by a constitutional amendment so that the experience I have seen requires a very heavy emphasis on the random selection.

During my tenure as district attorney, we reformed the entire minor judiciary of Philadelphia known as magistrates because of widespread corruption and inappropriate practices in that judicial system. While this in no way reflects upon the Federal courts of the United States, which I think are of uniformly high quality, I do believe that the principle of random selection of judges is a very important principle. I do believe there ought to be an exception if there is a related case; that is, where a judge was assigned a case on a random basis and another matter comes in where there are very similar, if not identical, questions of fact and questions of the parties. But this legislation removes at least the appearance and the question that there may be some collateral motivation.

To reiterate, I seek recognition today to introduce the Random Selection of Judges Act of 1999, a bill which will require that cases in Federal court be assigned to judges randomly, by means of a computer program. I believe that only the random assignment of cases to judges will ensure blind justice in our courts.

This power to assign cases creates the potential for abuse. An assigning judge who is so inclined could attempt to alter the outcome of a case by assigning it to a judge who, in the opinion of the chief judge, holds a ''correct'' view on the issue at hand.

A story recently in the news clearly demonstrates the potential for abuse under the current system. Over the weekend, the Associated Press reported that Judge Norma Holloway Johnson, Chief Judge of the District Court for the District of Columbia, bypassed the traditional random computer assignment system in her court and instead directly assigned criminal cases against certain presidential friends to judges appointed by President Clinton. Specifically, the campaign finance case against Charlie Trie was assigned to Judge Paul L. Friedman, and the tax cases against Webster Hubbell were assigned to Judge James Robertson. According to the news reports, Judge Johnson's decision to abandon random assignment in these high profile cases raised concerns among several other judges on her court. It was also reported that these judges raised concerns because Judge Robertson is friends with Vernon Jordan, who played a role in the Hubbell affair, and Judge Friedman is friends with Reid Weingarten, who represents the defendants in two fundraising cases before Friedman.

According to the Associated Press article, it has been asserted by some that

Judge Johnson assigned these cases to Clinton appointees because they would be more sympathetic to the President and his friends than Republican appointees who may have gotten the cases through random assignment. Judge Johnson has denied any political or other improper motive in a letter to the Washington Times. The fact is that Judge Johnson herself issued a number of rulings against President Clinton, including her rulings rejecting privilege claims by White House lawyer Bruce Lindsey and the Secret Service. But no matter what Judge Johnson's motives, her actions make quite clear that, under the current system, the potential for abuse does exist.

Currently, the Judicial Conference, which is the policymaking body for the federal judiciary, recommends that Federal courts randomly assign cases. In fact, in March the conference even rescinded its 28-year-old policy that recommended giving chief judges latitude to make special assignments of ''protracted, difficult, or widely publicized cases.'' But there is still no requirement that Federal courts randomly assign cases. The problem with mere recommendations is that they can be ignored. If we believe that cases should be randomly assigned, then we must require that cases be randomly assigned.

My bill imposes such a requirement. Under my bill, the chief judges of the Federal district and circuit courts must assign cases by means of an automated random assignment program. Recognizing that there are some instances in which it would serve the interests of efficiency to allow the chief judges to directly assign cases to specific judges, my bill includes two important exceptions to the random assignment requirement. First, chief judges will be permitted to directly assign a case to a judge who has already heard a related case. A related case is defined as one which involves substantially the same facts, individuals and/or property as a case previously before the court. For instance, a case against a defendant in a bank robbery could be directly assigned to a judge who already heard the case against another defendant in the same bank robbery.

Secondly, chief judges will be permitted to directly assign a technical case to a judge who is already familiar with the subject matter at issue. Technical cases are defined as those which involve specialized, unusually complex facts or subject matter and which would demand a great deal of time to master. For example, an asbestos liability case could be directly assigned to a judge who has already developed an expertise in handling asbestos liability cases.

While Congress should not micromanage the Courts, the legislation I introduce today is reasonable, limited, and well within our power. Article 1, Section 8, Clause 9 of the Constitution gives Congress the power to ''constitute Tribunals inferior to the supreme Court.'' Pursuant to this power, Congress established the Federal circuits and originally assigned Supreme Court justices to ride these circuits. Under this power, Congress eventually established the Federal district courts and outlined their jurisdiction. The sections of the Federal Code I seek to amend today—which permit the assignment of judges in accordance with court rules—were themselves Congressional enactments. Even in recent years, Congress has imposed restrictions on the procedures of the courts. For example, the Anti-Terrorism Bill of 1996 contained a provision I authored to reform habeas corpus. This provision imposes strict time limits on both the filing of habeas corpus petitions and the response by the courts to such petitions. Likewise, many bills we pass include requirements that certain cases be heard by the Courts on an expedited basis.

Mr. President, I feel strongly that my bill should not become a partisan issue. As I mentioned before, one's opinion of Judge Johnson and her actions is entirely beside the point. Judge Johnson's reported actions merely make us aware of the potential for abuse in our current system and the need to rectify it. I hope my colleagues will join me in supporting this necessary, common-sense legislation.

I ask unanimous consent that the bill be printed.

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

S. 1484

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

SECTION 1. SHORT TITLE.

(A) SHORT TITLE.—This act may be cited as the ''Random Selection of Judges Act of 1999.''

SECTION 2. ASSIGNMENT OF CASES IN DISTRICT COURT.

Title 28, United States Code is amended—

(1) in section 137 as follows:

(A) By adding the words, ''Except as provided below,'' at the beginning of the first paragraph.

(B) By deleting the words ''and assign in cases'' in the middle of the second paragraph.

(C) By inserting the following new paragraphs at the end of the section:

''Except as provided below, the chief judge of the district court shall assign all cases by means of an automated random assignment program provided by the Administrative Office of the United States Courts.

''Notwithstanding the foregoing, the chief judge of the district court may directly assign related cases and technical cases to a specific judge without using the automated random assignment program. The chief judge may directly assign a related case only to a judge who is hearing or has heard a case or cases to which the new case relates. The chief judge may directly assign a technical case only to a judge who has significant experience with the subject matter at issue.

''For purposes of this section, a 'related case' is a case which involves substantially the same facts, individuals, and/or property as a case previously or contemporaneously before the court.

''For purposes of this section, a 'technical case' is a case which involves specialized, unusually complex facts or subject matter and which would demand a significant investment of time for a judge to master.''

SECTION 3. ASSIGNMENT OF CASES IN CIRCUIT COURT.

Title 28, United States Code is amended—

(1) in section 46 as follows:

(A) By adding the words, ''in accordance with the procedures outlined in Section 46(e),'' at the end of Section 46(a).

(B) By adding the words, ''In accordance with the procedures outlined in Section 46(e)'' at the beginning of Section 46(b).

(C) By inserting the following new Section 46(e) at the end of the section:

''Except as provided below, the chief judge of the circuit court shall assign all cases by means of an automated random assignment program provided by the Administrative Office of the United States Courts.

''Notwithstanding the foregoing, the chief judge of the circuit court may directly assign related cases and technical cases to a specific judge or judges without using the automated random assignment program. The chief judge may directly assign a related case only to a judge or judges who are hearing or have heard a case or cases to which the new case relates. The chief judge may directly assign a technical case only to a judge or judges who have significant experience with the subject matter at issue.

''For purposes of this section, a 'related case' is a case which involves substantially the same facts, individuals, and/or property as a case previously or contemporaneously before the court.

''For purposes of this section, a 'technical case' is a case which involves specialized, unusually complex facts or subject matter and which would demand a significant investment of time for a judge to master.''

By Ms. LANDRIEU (for Mr. NICKLES (for himself, Ms. LANDRIEU, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. CHAFEE, Mr. COCHRAN, Mr. CRAIG, Mr. DEWINE, Mr. EDWARDS, Mr. GRASSLEY, Mr. HOLLINGS, Mr. INHOFE, Mr. KENNEDY, Mr. LEVIN, Mr. LOTT, Mr. ROCKEFELLER, and Mr. SMITH of Oregon)):

S. 1485. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; to the Committee on the Judiciary.

ADOPTED ORPHANS CITIZENSHIP ACT

Ms. LANDRIEU. Mr. President, I am proud to join the Senator from Oklahoma, Mr. DON NICKLES, and a number of my colleagues, including Senators ASHCROFT, BOND, BROWNBACK, CHAFEE, COCHRAN, CRAIG, DEWINE, EDWARDS, GRASSLEY, HOLLINGS, INHOFE, KENNEDY, LEVIN, LOTT, ROCKEFELLER, and GORDON SMITH in introducing a very important piece of legislation called the Adopted Orphans Citizenship Act.

As you can see from this long list of distinguished Members, the Adopted Orphans Citizenship Act is an important piece of legislation and one I hope, by introducing it today, we could actually have some committee and floor action on in the weeks and months ahead. I commend Senator NICKLES for his leadership. We have presented this bill on behalf of the 15,000 children who are adopted into our country each year through the process of international adoption.

A few weeks ago, I had the great privilege to join Senator LEVIN and others to travel to Romania and had the opportunity to see firsthand the institutions and orphanages. Over 100,000 children of Romania call these places home, but they in fact do not look much like homes, as you can imagine. The staff at these homes try very hard to give the children in their care the love and support they need as they grow and mature, yet the fact is they are living in these institutions. Nothing can really supplant or take the place of a family or home to call your own.

Not only in Romania but in many places in the world, American families are building their families through the process of international adoption. Last year alone, 15,000 families opened their homes and their hearts to adopt a child from another country, and 85,000 families adopted children from within the United States. But this bill is directed at the families who are bringing children from other parts of the world to come and be part of an American family and become American citizens. What people may not realize is that now, when the adoption process is final, when all the paperwork has been done, after all the time and energy and in some cases a considerable amount of financial expense that is associated with these particular adoptions, under our current law, these children and these families still have to go through a citizenship process.

This bill will basically make that process automatic and would, as the other parts of our law, recognize no difference between a child who is a biological child and a child who is an adopted child. It simplifies our law, it reduces paperwork, it reduces heartaches, reduces headaches, and really is something we should have done years ago. I am proud to join my colleagues today to introduce this legislation that, if passed, will make it automatic that children who are adopted into families in the United States will receive, with their adoption finalization, automatic citizenship, to be citizens of the United States of America.

I think this change is long overdue. I can say, as the mother of two beautiful adopted children, obviously there is no difference between biological and adopted children. Both are wonderful ways to build families. Through the adoption process, many families in the United States are able to provide homes for children who were not fortunate enough to have them the first time around. So I am happy to join my colleagues to introduce this bill.

I send it to the desk and ask it be referred to the proper committee, and I ask unanimous consent the bill be printed in the RECORD.

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

S. 1485

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 ''Adopted Orphans Citizenship Act''.

SEC. 2. ACQUISITION OF UNITED STATES CITIZENSHIP BY CERTAIN ADOPTED CHILDREN.

(a) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 301 of the Immigration and Nationality Act (8 U.S.C. 1401) is amended—

(1) by striking ''and'' at the end of subsection (g);

(2) by striking the period at the end of subsection (h) and inserting ''; and''; and

(3) by adding at the end the following:

''(i) an unmarried person, under the age of 18 years, born outside the United States and its outlying possessions and thereafter adopted by at least one parent who is a citizen of the United States and who has been physically present in the United States or one of its outlying possessions for a period or periods totaling not less than 5 years prior to the adoption of the person, at least 2 of which were after attaining the age of 14 years, if—

''(1) the person is physically present in the United States with the citizen parent, having attained the status of an alien lawfully admitted for permanent residence;

''(2) the person satisfied the requirements in subparagraph (E) or (F) of section 101(b)(1); and

''(3) the person seeks documentation as a United States citizen while under the age of 18 years.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to persons adopted before, on, or after the date of enactment of this Act.

By Mr. GORTON:

S. 1486. A bill to establish a Take Pride in America Program; to the Committee on Energy and Natural Resources.

TAKE PRIDE IN AMERICA VOLUNTEER RECOGNITION ACT OF 1999

Mr. GORTON. Mr. President, I am delighted to introduce the Take Pride in America Volunteer Recognition Act of 1999, legislation which will revitalize and expand an important program created in the 1980's to enhance the legacy of the Great Outdoors.

Each American is part owner of an incredible asset—millions and millions of acres of national parks, national forests, national wildlife refuges and other public lands. These wonderful places are part of the legacy each of us shares, whether we live in my state of Washington or on the other side of the nation. We visit these places often and for a variety of reasons. Together, federal lands attract nearly two billion visits annually. Americas' Great Outdoors is a place for active fun—for skiing and fishing, camping and whitewatersports—as well as for quite time away from our cities, jobs and commutes.

Years ago, an important initiative was launched to encourage Americans to enjoy this legacy, and take responsibility for protecting it for future generations. The program was called Take Pride in America and had three components. The first portion was a public awareness campaign, designed to emphasize the importance of caring for federal lands and water. The second portion was an environmental education program for school children and for visitors to public lands. The third portion was a volunteer recruitment and recognition effort.

The Take Pride in America program received the support of a great number of well-known Americans. Public Service Announcements and appearances were contributed by Clint Eastwood and Linda Evans, Lou Gossett and Charles Bronson, Gerald McRainey and even ALF. The Oak Ridge Boys wrote and recorded to Take Pride in America theme song, and donated all royalties to the program. Forty-seven governors initiated Take Pride programs within their states, recognizing outstanding volunteers ranging from young children to seniors. Volunteers from across the nation came to Washington for an annual national recognition event at the White House and similar prominent locations. The Ad Council obtained professional support for the program and donated placements for PSA's—in fact, some of the elements of this campaign continue to run.

The results were good. Volunteerism for America's Great Outdoors surged and vandalism decline. Agencies such as the National Park Service, the Bureau of Land Management, the Forest Service and the Corps of Engineers were given a new tool to recruit and recognize Americans who invested their time and energy into enhancing our shared wealth of parks and forests.

Other priorities have put the Take Pride in America Program on hold in recent years. It is time to take this tool out and put it to good use once again.

Our public lands have maintenance and enhancement needs that exceed our ability to fund through general appropriations. We are now experimenting with new recreation fees and other mechanisms to attack a deferred maintenance backlog amounting to more than one billion dollars.

My legislation would restore and expand the program created by Congress in 1990, recommitting us to all three parts of the original program. It would

also strengthen the program to reflect a special opportunity associated with the National Fee Demonstration Program created in 1996, which provides nearly $200 million annually in additional resources to four key federal land systems. The legislation would strengthen our volunteer programs in several ways, including the establishment of a special pass to recognize volunteers who serve 50 hours or more on federal public lands.

In my state, the Forest Service has done a tremendous job of organizing and utilizing the skills and enthusiasm of volunteers committed to improving our forests. The volunteer programs in the Northwest vary from forest to forest. Typically, groups like the Student Conservation Association, Mountaineers, Mazamas, and Backcountry Horsemen of Washington contract with the National Forest Service to complete specific projects designed to improve the health of the forests and enhance recreational opportunities. Individuals within these associations can earn passes for free access at national forest trailheads in the Pacific Northwest. I think this program is outstanding, and I want the Forest Service to continue accommodating and encouraging the efforts of volunteers. This bill is designed to encore these types of volunteer programs in other regions of the National Forest Service, the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service. In addition, I want to recognize the special efforts of volunteers who contribute over 50 hours of work on federal lands. The legislation directs the Department of Interior and Department of Agriculture to recognize these individuals with a pass to recreation areas throughout the federal system.

I look forward to exploring appropriate means for recognition of volunteers as this legislation is considered in the hearing process. We need to consider carefully the relationship between the special Take Pride in America Pass and other passes, including the Golden Eagle and Golden Age passes.

This legislation also will serve as a catalyst for expanding the scope of volunteer programs on federal lands. Too often in the past, our expectations for volunteer projects have focused on projects requiring shovels or paint brushes and requiring high levels of physical exertion. The truth is that important volunteer projects that can protect and enhance America's Great Outdoors are far more diverse. We need skills senior Americans have developed during a lifetime of living and learning, from research in libraries to teaching. We need those with special talents and gifts, from architects to web page designers, from attorneys—yes, even attorneys—to masons. We need to have meaningful projects for those with just a few hours to contribute as well as for those who are prepared to make an ongoing commitment of their time. Some of the projects can even be undertaken off-site. We need a good directory of needed volunteer undertakings that is widely available long before a volunteer shows up at a forest or park headquarters.

To the hundreds of thousands of Americans who already spend time protecting and enhancing America's public lands—covering nearly one in three acres of the nation—I give my thanks and ask for help in devising a system that recognizes the wonderful contribution you make and inspires millions of others to join in your important work. I also ask for the support of the Department of Interior and the Department of Agriculture for this legislation and its goal of taking better care of America's Great Outdoors.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mrs. MURRAY, Mr. INOUYE, and Mr. KERREY):

S. 1487. A bill to provide for excellence in economic education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXCELLENCE IN ECONOMIC EDUCATION ACT OF 1999

Mr. AKAKA. Mr. President, I rise to speak about the Excellence in Economic Education Act of 1999, a bill I am introducing today with my friends, Senators COCHRAN, MURRAY, INOUYE, and KERREY.

With each passing day, the need for increased economic literacy becomes more and more apparent. The rise of Internet commerce, market globalization, advances in technology, growth of online investment services, and the increase in the number of Americans who invest in the stock market serve to highlight the importance of economic literacy for citizens of every age and professional background. I am convinced that more education about basic economic concepts such as money, personal finance, and inflation—starting from a young age—could help people make decisions about their financial situation, so that they can better prepare for and endure our changing economy.

We need to help young people better understand economic implications of their actions: they can't always get what they want; they need to be more responsible with money; and, they are learning fiscal habits now that will stay with them for the rest of their lives.

In addition to teaching our youth how to make good financial decisions, we must help them become productive and well-informed citizens. It has been shown that a lack of knowledge about fundamental economics can have negative effects on our economy and lead to divisions and polarization in our communities. Economic education can have profound long-term effects for all of us.

We must educate our country's future workforce about what effects the retirements of our ''baby boom generation'' will have on them. Currently, Social Security reform is one of the biggest issues that is before us. We are working to ensure that Social Security will remain solvent well into the next century.

As we know, the number of people receiving Social Security will surge from 44 million now to 75 million in 2020. Even if we achieve a truly bipartisan solution on Social Security, our young people will still feel the impact from this tremendous future demographic shift, and they should learn how to prepare themselves for security in retirement. Economic education can help them.

Mr. President, I would like to comment on the results of a basic economics test given nationally by the National Council on Economic Education, which provides further evidence of the need for increased economic education. Taken by 1,010 adults and 1,085 high school students, the test's findings are striking:

(1) half of adults and two-thirds of high school students failed, while only six percent of adults and three percent of high school students got an ''A'';

(2) on average, adults received a grade of 57 percent and high school students a grade of 48 percent;

(3) students and adults alike lacked a basic understanding about the concepts of money, inflation and scarcity of resources—core economic concepts;

(4) a sizeable number of students—35 percent—admitted that they simply do not know what the effect of an increase in interest rates would be; and

(5) only a little more than half of adults, 54 percent, and less than one in four students, 23 percent, know that a budget deficit occurs when the Federal Government's expenditures exceed its revenues for that year.

However, amid these disappointing results, the study found that 96 percent believe basic economics should be taught in high school. Currently, 38 states have adopted guidelines for teaching economics in their schools, but only 13 states require that students take economics in order to graduate. Clearly, people see the need for improved economic education, and this need exists in many States.

This brings me to a brief description of what the Excellence in Economic Education Act would do. My bill would ensure that a majority of total funds appropriated under the Act would be distributed to state councils on economic education and economic education centers based at universities to support the work that these entities are performing. It would support the National Council on Economic Education in economic literacy activities

that it conducts. It would also fund the creation of new councils and centers in states without a council or center.

The goals of the bill are to increase student knowledge of and achievement in economics; strengthen teachers' understanding of and ability to teach economics; encourage related research and development, dissemination of instructional materials, and replication of best practices and programs; help States measure the impact of economic education; ensure a strong presence of the nationwide network in every State; and leverage and increase private and public support for economic education partnerships at all levels.

Support for economic education is in the Goals 2000: Educate America Act which lists economics as a national core subject area.

My bill encourages the National Council and state councils and centers to work with local businesses and private industry as much as possible, particularly in obtaining matching funds.

Mr. President, we need to improve economic literacy for our children, just as we need to ensure reading literacy, writing aptitude, math and science comprehension, and an understanding of history and the arts. Economics is a fundamental, practical building block that should round out our children's education. I hope that my colleagues will join me in cosponsoring the Excellence in Economic Education Act.

For more specific details on the grants my bill creates, one-fourth of funds would be provided to the National Council, so that the council may strengthen and expand its nationwide economic education network, support and promote teacher training in coordination with current Eisenhower Professional Development activities, support related research, and develop and disseminate appropriate materials.

The remaining funds will be distributed by the National Council to state councils or centers, which will work in partnership with the private sector, state educational agencies, local educational agencies, institutions of higher education or other organizations that promote economic development or educational excellence. With this money, councils and centers will be able to fund teacher training programs, resources to school districts that want to incorporate economics into curricula, evaluations of the impact of economic education on students, related research, school-based student activities to promote consumer and personal finance education and to encourage awareness and student achievement in economics, interstate and international student and teacher exchanges, and replication of best practices to promote economic literacy.

The National Council runs an International Economics Exchange Program which is authorized in the Elementary and Secondary Education Act. This program assists with economic education in transition countries of the former Soviet Union, and enjoys broad support. My bill would boost the domestic component of the National Council's activities.

In addition, my bill puts increased emphasis on economics by adding it to the list of subject areas in Elementary and Secondary Education Act programs, such as National Teacher Training Project, Star Schools, Magnet Schools, Fund for the Improvement of Education, and Urban and Rural Education Assistance.

We are looking for ways to better educate our young people on how to manage their resources, be better workers, make wise investments, and prepare for a secure financial future. My bill provides the flexibility needed so that this may happen through practical means and make economics come alive for students. It is important to start working on this now. Before we know it, current eighth graders will have gone through high school, possibly college, and entered the workforce.

One again, I thank Senators COCHRAN, INOUYE, MURRAY, and KERREY for becoming original cosponsors of this bill, and I urge my colleagues to join us in cosponsoring the Excellence in Economic Education Act.

Mr. President, I ask unanimous consent that a copy 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. 1487

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

SECTION 1. EXCELLENCE IN ECONOMIC EDUCATION.

(a) AMENDMENT.—Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—EXCELLENCE IN ECONOMIC EDUCATION

"SEC. 10995. SHORT TITLE; FINDINGS.

"(a) SHORT TITLE.—This part may be cited as the "Excellence in Economic Education Act of 1999".

"(b) FINDINGS.—Congress makes the following findings:

"(1) The need for economic literacy in the United States has grown exponentially in the 1990's as a result of rapid technological advancements and increasing globalization, giving individuals in the United States more numerous and complex economic and financial choices than ever before as members of the workforce, managers of their families' resources, and voting citizens.

"(2) Individuals in the United States lack essential economic knowledge, as demonstrated in a 1998–1999 test conducted by the National Council on Economic Education, a private nonprofit organization. The test results indicated the following:

"(A) Students and adults alike lack a basic understanding of core economic concepts such as scarcity of resources and inflation, with less than half of those tested demonstrating knowledge of those basic concepts.

"(B) A little more than ⅓ of those tested realize that society must make choices about how to use resources.

"(C) Only ⅓ of those tested understand that active competition in the marketplace serves to lower prices and improve product quality.

"(D) Slightly more than ½ of adults in the United States and less than ¼ of students in the United States know that a Federal budget deficit is created when the Federal Government's expenditures exceed its revenues in a year.

"(E) Overall, adults received a grade of 57 percent on the test and secondary school students received a grade of 48 percent on the test.

"(F) Despite those poor results, the test pointed out that individuals in the United States realize the need for understanding basic economic concepts, with 96 percent of adults tested believing that basic economics should be taught in secondary school.

"(3) A range of trends points to the need for individuals in the United States to receive a practical economics education that will give the individuals tools to make responsible choices about their limited financial resources, choices which face all people regardless of their financial circumstances. Examples of the trends are the following:

"(A) The number of personal bankruptcies in the United States continued to rise and set new records in the 1990's, despite the longest peacetime economic expansion in United States history. One in every 70 United States households filed for bankruptcy in 1998. Rising bankruptcies have an impact on the cost and availability of consumer credit which in turn negatively affect overall economic growth.

"(B) Credit card delinquencies in the United States rose to 1.83 percent in 1998, which is a percentage not seen since 1992 when the effects of a recession were still strong.

"(C) The personal savings rate in the United States over the 5 years ending in 1998 averaged only 4.5 percent. In the first quarter of 1999, the personal savings rate dropped to negative 0.4 percent. A decline in savings rates reduces potential investment and economic growth.

"(D) By 2030, the number of older persons in the United States will grow to 70,000,000, more than twice the number of older persons in the United States in 1997. The additional older persons will add significantly to the population of retirees in the United States and require a shift in private and public resources to attend to their specific needs. The needs will have dramatic, long-term economic consequences for younger generations of individuals in the United States workforce who will need to plan well in order to support their families and ensure themselves a secure retirement.

"(4) The third National Education Goal puts economics forth as 1 of 9 core content areas in which teaching, learning, and students' mastery of basic and advanced skills must improve.

"(5) The National Council on Economic Education presents a compelling case for doing more to meet the need for economic literacy. While an understanding of economics is necessary to help the next generation to think, choose, and function in a changing global economy, economics has too often been neglected in schools.

"(6) States' requirements for economic and personal finance education are insufficient

as evidenced by the fact that, while 39 States have adopted educational standards (including guidelines or proficiencies) in economics—

''(A) only 13 of those States require all students to take a course in economics before graduating from secondary school;

''(B) only 25 States administer tests to determine whether students meet the standards; and

''(C) only 27 States require that the standards be implemented in schools.

''(7) Improved and enhanced national, State, and local economic education efforts, conducted as part of the Campaign for Economic Literacy led by the National Council on Economic Education, will help individuals become informed consumers, conscientious savers, prudent investors, productive workforce members, responsible citizens, and effective participants in the global economy.

''(8)(A) Founded in 1949, the National Council on Economic Education is the preeminent economic education organization in the United States, having a nationwide network that supports economic education in the Nation's schools.

''(B) This network supports teacher preparedness in economics through—

''(i) inservice teacher education;

''(ii) classroom-tested materials and appropriate curricula;

''(iii) evaluation, assessment, and research on economics education; and

''(iv) suggested content standards for economics.

''(9) The National Council on Economic Education network includes affiliated State Councils on Economic Education and more than 275 university or college-based Centers for Economic Education. This network represents a unique partnership among leaders in education, business, economics, and labor, the purpose of which is to effectively deliver economic education throughout the United States.

''(10) Each year the National Council on Economic Education network trains 120,000 teachers, reaching more than 7,000,000 students. By strengthening the Council's nationwide network, the Council can reach more of the Nation's 50,000,000 students.

''(11) The National Council on Economic Education conducts an international economic education program that provides information on market principles to the world (particularly emerging democracies) through teacher training, materials translation and development, study tours, conferences, and research and evaluation. As a result of those activities, the National Council on Economic Education is helping to support educational reform and build economic education infrastructures in emerging market economies, and reinforcing the national interest of the United States.

''(12) Evaluation results of economics education activities support the following conclusions:

''(A) Inservice education in economics for teachers contributes significantly to students' gains in economic knowledge.

''(B) Secondary school students who have taken economics courses perform significantly better on tests of economic literacy than do their counterparts who have not taken economics.

''(C) Economics courses contribute significantly more to gains in economic knowledge than does integration of economics into other subjects.

''(13) Through partnerships, the National Council on Economic Education network leverages support for its mission by raising $35,000,000 from the private sector, universities, and States.

''SEC. 10996. EXCELLENCE IN ECONOMIC EDUCATION.

''(a) PURPOSE.—The purpose of this part is to promote economic literacy among all United States students in kindergarten through grade 12 by enhancing national leadership in economic education through the strengthening of a nationwide economic education network and the provision of resources to appropriate State and local entities.

''(b) GOALS.—The goals of this part are—

''(1) to increase students' knowledge of and achievement in economics to enable the students to become more productive and informed citizens;

''(2) to strengthen teachers' understanding of and competency in economics to enable the teachers to increase student mastery of economic principles and their practical application;

''(3) to encourage economic education research and development, to disseminate effective instructional materials, and to promote replication of best practices and exemplary programs that foster economic literacy;

''(4) to assist States in measuring the impact of education in economics, which is 1 of 9 national core content areas described in section 306(c) of the Goals 2000: Educate America Act (20 U.S.C. 5886(c));

''(5) to extend strong economic education delivery systems to every State; and

''(6) to leverage and expand private and public support for economic education partnerships at national, State, and local levels.

''SEC. 10997. GRANT PROGRAM AUTHORIZED.

''(a) GRANTS TO THE NATIONAL COUNCIL ON ECONOMIC EDUCATION.—

''(1) IN GENERAL.—The Secretary is authorized to award a grant to the National Council on Economic Education (referred to in this section as the 'grantee'), which is a nonprofit educational organization that has as its primary purpose the improvement of the quality of student understanding of economics through effective teaching of economics in the Nation's classrooms.

''(2) USE OF GRANT FUNDS.—

''(A) ONE-QUARTER.—The grantee shall use ¼ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year—

''(i) to strengthen and expand the grantee's nationwide network on economic education;

''(ii) to support and promote training, of teachers who teach a grade from kindergarten through grade 12, regarding economics, including the dissemination of information on effective practices and research findings regarding the teaching of economics;

''(iii) to support research on effective teaching practices and the development of assessment instruments to document student performance;

''(iv) to develop and disseminate appropriate materials to foster economic literacy; and

''(v) to coordinate activities assisted under this section with activities assisted under title II.

''(B) THREE-QUARTERS.—The grantee shall use ¾ of the funds made available through the grant and not reserved under subsection (f) for a fiscal year to award grants to State economic education councils, or in the case of a State that does not have a State economic education council, a center for economic education (which council or center shall be referred to in this section as a 'recipient'). The grantee shall award such a grant to pay for the Federal share of the cost of enabling the recipient to work in partnership with 1 or more of the entities described in paragraph (3) for 1 or more of the following purposes:

''(i) Collaboratively establishing and conducting teacher training programs that use effective and innovative approaches to the teaching of economics.

''(ii) Providing resources to school districts that want to incorporate economics into the curricula of the schools in the districts.

''(iii) Conducting evaluations of the impact of economic education on students.

''(iv) Conducting economic education research.

''(v) Creating and conducting school-based student activities to promote consumer, economic, and personal finance education, such as saving, investing, and entrepreneurial education, and to encourage awareness and student achievement in economics.

''(vi) Establishing interstate and international student and teacher exchanges to promote economic literacy.

''(vii) Encouraging replication of best practices to encourage economic literacy.

''(C) ADDITIONAL REQUIREMENTS AND TECHNICAL ASSISTANCE.—The grantee shall—

''(i) meet such other requirements as the Secretary determines to be necessary to assure compliance with this section; and

''(ii) provide such technical assistance as may be necessary to carry out this section.

''(3) PARTNERSHIP ENTITIES.—The entities referred to in paragraph (2)(B) are the following:

''(A) A private sector entity.

''(B) A State educational agency.

''(C) A local educational agency.

''(D) An institution of higher education.

''(E) Another organization promoting economic development.

''(F) Another organization promoting educational excellence.

''(4) ADMINISTRATIVE COSTS.—The grantee and each recipient receiving a grant under this section for a fiscal year may use not more than 25 percent of the funds made available through the grant for administrative costs.

''(b) TEACHER TRAINING PROGRAMS.—

''(1) IN GENERAL.—In carrying out the teacher training programs described in subsection (a)(2)(B) a recipient shall—

''(A) train teachers who teach a grade from kindergarten through grade 12;

''(B) conduct programs taught by qualified teacher trainers who can tap the expertise, knowledge, and experience of classroom teachers, private sector leaders, and other members of the community involved, for the training; and

''(C) encourage teachers from disciplines other than economics to participate in such teacher training programs, if the training will promote the economic understanding of their students.

''(2) RELEASE TIME.—Funds made available under this section for the teacher training programs described in subparagraphs (A) and (B) of subsection (a)(2) may be used to pay for release time for teachers and teacher trainers who participate in the training.

''(c) INVOLVEMENT OF BUSINESS COMMUNITY.—In carrying out the activities assisted under this part the grantee and recipients are encouraged to—

''(1) include interactions with the local business community to the fullest extent possible, to reinforce the connection between economic education and economic development; and

''(2) work with private businesses to obtain matching contributions for Federal funds

and assist recipients in working toward self-sufficiency.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost described in subsection (a)(2)(B) shall be 50 percent. The Federal share of the cost of establishing a State council on economic education or a center for economic education under subsection (f), for 1 fiscal year only, shall be 75 percent.

''(2) NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind, fairly evaluated, including plant, equipment, or services.

''(e) APPLICATIONS.—

''(1) GRANTEE.—To be eligible to receive a grant under this section, the grantee shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

''(2) RECIPIENTS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a recipient shall submit an application to the grantee at such time, in such manner, and accompanied by such information as the grantee may require.

''(B) REVIEW.—The grantee shall invite the individuals described in subparagraph (C) to review all applications from recipients for a grant under this section and to make recommendations to the grantee regarding the funding of the applications.

''(C) INDIVIDUALS.—The individuals referred to in subparagraph (B) are the following:

''(i) Leaders in the fields of economics and education.

''(ii) Such other individuals as the grantee determines to be necessary.

''(f) SPECIAL RULE.—For each State that does not have a recipient in the State, as determined by the grantee, not less than the greater of 1.5 percent or $100,000 of the total amount appropriated under subsection (i), for 1 fiscal year, shall be made available to the State to pay for the Federal share of the cost of establishing a State council on economic education or a center for economic education in partnership with a private sector entity, an institution of higher education, the State educational agency, and other organizations.

''(g) SUPPLEMENT AND NOT SUPPLANT.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local funds expended for the purpose described in section 10996(a).

''(h) REPORT.—The Secretary shall prepare and submit to the appropriate committees of Congress a report regarding activities assisted under this section not later than 2 years after the date funds are first appropriated under subsection (i) and every 2 years thereafter.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

(b) RELATED AMENDMENTS.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 2103(a)(2)(I) (20 U.S.C. 6623(a)(2)(I)), by inserting ''economics,'' after ''civics and government,'';

(2) in section 3206(b)(4) (20 U.S.C. 6896(b)(4)), by inserting ''economics,'' after ''history,'';

(3) in section 5108(b) (20 U.S.C. 7208(b)), by inserting ''economics,'' after ''history,'';

(4) in section 10101(b)(1)(A)(iii) (20 U.S.C. 8001(b)(1)(A)(iii)), by striking ''and social studies'' and inserting ''social studies, and economics,'';

(5) in section 10963(b)(4) (20 U.S.C. 8283(b)(4))—

(A) in subparagraph (E), by striking ''and'' after the semicolon;

(B) in subparagraph (F), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following:

''(G) economic education and other programs designed to enhance economic literacy and personal financial responsibility;''; and

(6) in section 10974(a)(8)(H) (20 U.S.C. 8294(a)(8)(H)), by striking ''local rural entrepreneurship'' and inserting ''promoting economic literacy, local rural entrepreneurship,''.

By Mr. BIDEN:

S. 1489. A bill to amend title 38, United States Code, to provide for the payment to States of pilot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

VETERANS' PLOT ALLOWANCE EQUITY

● Mr. BIDEN. Mr. President, today I am introducing legislation which provides equity for a group of veterans at their final moment: those veterans who are buried in State-owned veterans' cemeteries.

For a number of years, the amount of space in national veterans' cemeteries has been rapidly declining. With the strong encouragement of the Federal government, the States have undertaken to develop their own veterans' cemeteries. When certain categories of veterans are buried without charge in these State veterans' cemeteries, the Federal government pays the State a $150 ''plot allowance'' for the burial space. However, only limited categories of veterans are covered by this payment: those who were discharged for disability or who were receiving disability-related compensation; those who died in a veterans hospital; and those indigent veterans whose bodies were unclaimed after death.

For the many other veterans who don't fall into one of these few categories, the federal government will pay nothing for their burial space if they are buried in a State veterans' cemetery. By contrast, if any of these veterans were buried in a national veterans' cemetery, for which they are eligible, the federal government picks up the cost of the burial space. This disparity seems inexplicable, a final insult to the dedicated service of men and women who unselfishly served their country.

My bill removes this inequity by stating that, for any veteran who is eligible for burial in a national veterans' cemetery but who is interred in a State veterans' cemetery, the federal government will pay the State a $150 plot allowance for the burial space. That's it. No ifs, ands, or buts. No exceptions.

The government promised these veterans that they would be taken care of in their final passage, and it must live up to this vow. Regardless of whether veterans are buried in a State cemetery or in a national cemetery, their service in the armed forces benefitted all of us, and we should stop quibbling about whether the location of the grave has anything to do with the dignity and selflessness of the service to the country.

Mr. President, I urge my fellow Senators to support this bill in the name of fairness and in recognition of the service to the country of all our veterans in their final hour.●

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 1490. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes; to the Committee on Finance.

DEDUCTIBILITY OF STATE SALES TAXES

● Mr. THOMPSON. Mr. President, I rise today to introduce legislation that will address an inequity in the tax code that affects the citizens of my state and citizens of the other states that do not have a state income tax. Tennesseans are discriminated against under federal tax laws simply because our state chooses to raise revenue primarily through a sales tax instead of an income tax. My bill would end this inequity by allowing taxpayers to deduct either their state and local sales taxes or their state and local income taxes on their federal tax forms, but not both. I am joined today by my colleague from Tennessee, Senator FRIST.

Under current law, individuals who itemize their deductions for federal tax purposes are only permitted to deduct state and local income taxes and property taxes paid. State and local sales taxes are not deductible. Therefore, residents of nine states are treated differently from residents of states with an income tax. Seven states—Texas, Florida, Alaska, Wyoming, Washington, South Dakota and Nebraska—have no state income tax. Two states—Tennessee and New Hampshire—only impose an income tax on interest and dividends, but not wages.

Prior to 1986, taxpayers were permitted to deduct all of their state and local taxes paid (including income, sales and property taxes) when computing their federal tax liability. The ability to deduct all state and local taxes is based on the principle that levying a tax on a tax is unfair.

In 1986, however, Congress made dramatic changes to the tax code. The Tax Reform Act of 1986 significantly reduced federal tax rates on individuals. In exchange for these lower rates, Congress broadened the base of income that is taxed by eliminating many of the deductions and credits that previously existed in the code, including the deduction for state and local sales taxes.

Mr. President, I believe that our federal tax laws should be neutral with respect to the treatment of state and

local taxes. As I have said, that is not the case now. The current tax code is biased in favor of states that raise revenue through an income tax. I strongly support comprehensive reform of the tax code that will address issues such as neutrality, fairness and simplicity. As we work to reform the overall tax code, restoring equality in this area should be a part of the discussion.●

By Mr. MACK (for himself, Mr. ABRAHAM, Mr. ALLARD, Mr. BENNETT, Mr. BROWNBACK, Mr. HAGEL, Mr. HELMS, and Mr. SHELBY):

S. 1492. A bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ECONOMIC GROWTH AND PRICE STABILITY ACT OF 1999

● Mr. MACK. Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1492

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 ''Economic Growth and Price Stability Act of 1999''.

SEC. 2. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) during periods of inflation, the United States has experienced a deterioration in its potential economic growth;

(2) a decline in inflation has been a crucial factor in encouraging recent robust economic growth;

(3) stable prices facilitate higher sustainable levels of economic growth, investment, and job creation;

(4) the multiple policy goals of the Full Employment and Balanced Growth Act of 1978 cause confusion and ambiguity about the appropriate role and aims of monetary policy, which can add to volatility in economic activity and financial markets, harming economic growth and costing workers jobs;

(5) recognizing the dangers of inflation and the appropriate role of monetary policy, political leaders in countries throughout the world have directed the central banks of those countries to institute reforms that focus monetary policy on the single objective of price stability, rather than on multiple policy goals;

(6) there is a need for the Congress to clarify the proper role of the Board of Governors of the Federal Reserve System in economic policymaking, in order to achieve the best environment for long-term economic growth and job creation; and

(7) because price stability is a key condition for maintaining the highest possible levels of productivity, real incomes, living standards, employment, and global competitiveness, price stability should be the primary long-term goal of the Board of Governors of the Federal Reserve System.

(b) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) the principal economic responsibilities of the Government are to establish and ensure an environment that is conducive to both long-term economic growth and increases in living standards, by establishing and maintaining free markets, low taxes, respect for private property, and the stable, long-term purchasing power of the United States currency; and

(2) the primary long-term goal of the Board of Governors of the Federal Reserve System (hereafter in this Act referred to as the ''Board'') should be to promote price stability.

SEC. 3. MONETARY POLICY.

(a) AMENDMENT TO THE FEDERAL RESERVE ACT.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended to read as follows:

''SEC. 2A. MONETARY POLICY.

''(a) PRICE STABILITY.—The Board and the Federal Open Market Committee (hereafter in this section referred to as the 'Committee') shall—

''(1) establish an explicit numerical definition of the term 'price stability'; and

''(2) maintain a monetary policy that effectively promotes long-term price stability.

''(b) CONGRESSIONAL CONSULTATION.—Not later than February 20 and July 20 of each year, the Board shall consult with the Congress at semiannual hearings before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, about the objectives and plans of the Board and the Committee with respect to achieving and maintaining price stability.

''(c) CONGRESSIONAL OVERSIGHT.—The Board shall, concurrent with each semiannual hearing required by subsection (b), submit a written report to the Congress containing—

''(1) numerical measures to help assess the extent to which the Board and the Committee are achieving and maintaining price stability in accordance with subsection (a);

''(2) a description of the intermediate variables used by the Board to gauge the prospects for achieving the objective of price stability; and

''(3) the definition, or any modifications thereto, of 'price stability' established in accordance with subsection (a)(1).''.

(b) COMPLIANCE ESTIMATE.—

(1) IN GENERAL.—Concurrent with the first semiannual hearing required by section 2A(b) of the Federal Reserve Act (as amended by subsection (a) of this section) following the date of enactment of this Act, the Board shall submit to the Congress a written estimate of the length of time it will take for the Board and the Committee to fully achieve price stability. The Board and the Committee shall take into account any potential short-term effects on employment and output in complying with the goal of price stability.

(2) DEFINITIONS.—For purposes of this section—

(A) the term ''Board'' means the Board of Governors of the Federal Reserve System; and

(B) the term ''Committee'' means the Federal Open Market Committee.

SEC. 4. REPEAL OF OBSOLETE PROVISIONS.

(a) FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978.—The Full Employment and Balanced Growth Act of 1978 (15 U.S.C. 3101 et seq.) is repealed.

(b) EMPLOYMENT ACT OF 1946.—The Employment Act of 1946 (15 U.S.C. 1021 et seq.) is amended—

(1) in section 3 (15 U.S.C. 1022)—

(A) in the section heading, by striking ''and short-term economic goals and policies'';

(B) by striking ''(a)''; and

(C) by striking ''in accord with section 11(c) of this Act'' and all that follows through the end of the section and inserting ''in accordance with section 5(c).'';

(2) in section 9(b) (15 U.S.C. 1022f(b)), by striking '', the Full Employment and Balanced Growth Act of 1978,'';

(3) in section 10 (15 U.S.C. 1023)—

(A) in subsection (a), by striking ''in the light of the policy declared in section 2'';

(B) in subsection (e)(1), by striking ''section 9'' and inserting ''section 3''; and

(C) in the matter immediately following paragraph (2) of subsection (e), by striking ''and the Full Employment and Balanced Growth Act of 1978'';

(4) by striking section 2;

(5) by striking sections 4 through 8; and

(6) by redesignating sections 3, 9, 10, and 11 as sections 2 through 5, respectively.

(c) CONGRESSIONAL BUDGET ACT OF 1974.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended—

(1) in section 301—

(A) in subsection (b), by striking paragraph (1) and redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(B) in subsection (d), in the second sentence, by striking ''the fiscal policy'' and all that follows through the end of the sentence and inserting ''fiscal policy.'';

(C) in subsection (e)(1), in the second sentence, by striking ''as to short-term and medium-term goals''; and

(D) by striking subsection (f) and inserting the following:

''(f) [Reserved.]''; and

(2) in section 305—

(A) in subsection (a)(3), by inserting before the period at the end '', as described in section 2 of the Economic Growth and Price Stability Act of 1999'';

(B) in subsection (a)(4)—

(i) by striking ''House sets forth the economic goals'' and all that follows through ''designed to achieve,'' and inserting ''House of Representatives sets forth the economic goals and policies, as described in section 2 of the Economic Growth and Price Stability Act of 1999,''; and

(ii) by striking ''such goals,'' and all that follows through the end of the paragraph and inserting ''such goals and policies.'';

(C) in subsection (b)(3), by inserting before the period at the end '', as described in section 2 of the Economic Growth and Price Stability Act of 1999''; and

(D) in subsection (b)(4)—

(i) by striking ''goals (as'' and all that follows through ''designed to achieve,'' and inserting ''goals and policies, as described in section 2 of the Economic Growth and Price Stability Act of 1999,''; and

(ii) by striking ''such goals,'' and all that follows through the end of the paragraph and inserting ''such goals and policies.''.●

By Mr. SPECTER (for himself and Mr. SANTORUM):

S. 1493. A bill to establish a John Heinz Senate Fellowship Program to advance the development of public policy with respect to issues affecting senior citizens; to the Committee on Rules and Administration.

THE JOHN HEINZ SENATE FELLOWSHIP PROGRAM

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill

reauthorizing the John Heinz Senate Fellowship Program. This Congressional fellowship program, created in 1992, is a fitting tribute to my late colleague and dear friend, United States Senator John Heinz. Senator Heinz dedicated his life and much of his Congressional career to improving the lives of senior citizens. He believed that Congress has a special responsibility to serve as a guardian for those who cannot protect themselves. This fellowship program, which focuses on aging issues, honors the life and continues the legacy of Senator John Heinz.

During his 20 years in the Congress, John Heinz compiled an enviable record of accomplishments. While he was successful in many areas, he built a national reputation for his strong commitment to improving the quality of life of our nation's elderly. Pennsylvania, with nearly 2 million citizens aged 65 or older—over 15% of the population—houses the second largest elderly population nationwide. As John traveled throughout the state, he listened to the concerns of this important constituency and came back to Washington to address their needs through policy and legislation.

Senator Heinz led the fight against age discrimination by championing legislation to eliminate the requirement that older Americans must retire at age 65, and by ensuring full retirement pay for older workers employed by factories forced to close. During his Chairmanship of the Senate Special Committee on Aging from 1981–1986 and his tenure as Ranking Minority Member from 1987–1991, Senator Heinz used his position to improve health care accessibility and affordability for senior citizens and to reduce fraud and abuse within Federal health care programs. Congress enacted his legislation to provide Medicare recipients a lower cost alternative to fee-for-service medicine, as well as his legislation to add a hospice benefit to the Medicare program.

John also recognized the great need for nursing home reforms. He was successful in passing legislation mandating that safety measures be implemented in nursing homes and ensuring that nursing home residents cannot be bound and tied to their beds or wheelchairs.

Mr. President, the John Heinz Senate Fellowship Program will help continue the efforts of Senator Heinz to give our nation's elderly the quality of life they deserve. The program encourages the identification and training of new leadership in aging policy by awarding fellowships to qualified candidates to serve in a Senate office or with a Senate Committee staff. The goal of this program is to advance the development of the public policy in issues affecting senior citizens. Administered by the Heinz Family Foundation in conjunction with the Secretary of the Senate, the program allows fellows to bring their firsthand experience in aging issues to the work of Congress. Heinz fellows who are advocates for aging issues spend a year to help us learn about the effects of Federal policies on our elderly citizens, those who are social workers help us find better ways to protect our nation's elderly from abuse and neglect, and those who are health care providers help us to build a strong health care system that addresses the unique needs of our seniors.

As fellows, senior citizen advocates and aging policy experts not only have the opportunity to use their expertise to facilitate national debate about issues concerning senior citizens, they also prepare themselves to make future contributions to their local communities. The Heinz fellowship enables us to train new leaders in senior citizen advocacy and aging policy. The fellows return to their respective careers with a new understanding about how to work effectively with government, so they may better fulfill their goals as senior citizen advocates.

The John Heinz Fellowship Program has been a valuable tool for Congress and our communities since its establishment in 1992. The continuation of this vital program will signal a sustained commitment to our nation's elderly. I urge my colleagues to join me in cosponsoring this resolution, and urge its swift adoption. I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1493

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 ''John Heinz Senate Fellowship Program''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Senator John Heinz believed that Congress has a special responsibility to serve as a guardian for those persons who cannot protect themselves.

(2) Senator Heinz dedicated much of his career in Congress to improving the lives of senior citizens.

(3) It is especially appropriate to honor the memory of Senator Heinz through the creation of a Senate fellowship program to encourage the identification and training of new leadership in aging policy and to bring experts with firsthand experience of aging issues to the assistance of the Congress in order to advance the development of public policy in issues that affect senior citizens.

SEC. 3. FELLOWSHIP PROGRAM.

(a) IN GENERAL.—In order to encourage the identification and training of new leadership in issues affecting senior citizens and to advance the development of public policy with respect to such issues, there is established a John Heinz Senate Fellowship Program.

(b) SENATE FELLOWSHIPS.—The Heinz Family Foundation, in consultation with the Secretary of the Senate, is authorized to select Senate fellowship participants.

(c) SELECTION PROCESS.—The Heinz Family Foundation shall—

(1) publicize the availability of the fellowship program;

(2) develop and administer an application process for Senate fellowships; and

(3) conduct a screening of applicants for the fellowship program.

SEC. 4. COMPENSATION; NUMBER OF FELLOWSHIPS; PLACEMENT.

(a) COMPENSATION.—The Secretary of the Senate is authorized, from funds made available under section 5, to appoint and fix the compensation of each eligible participant selected under this Act for a period determined by the Secretary.

(b) NUMBER OF FELLOWSHIPS.—No more than 2 fellowship participants shall be so employed. Any individual appointed pursuant to this Act shall be subject to all laws, regulations and rules in the same manner and to the same extent as any other employee of the Senate.

(c) PLACEMENT.—The Secretary of the Senate, after consultation with the Majority Leader and Minority Leader of the Senate, shall place eligible participants in positions in the Senate that are, within practical considerations, supportive of the fellowship participants' areas of expertise.

SEC. 5. FUNDS.

The funds necessary to compensate eligible participants under this Act for fiscal year 1999 shall be paid from the contingent fund of the Senate. Such funds shall not exceed, for fiscal year 1999, $71,000. There are authorized to be appropriated $71,000 for each of the fiscal years 2000 through 2004 to carry out the provisions of this Act.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, Ms. SNOWE, and Ms. MIKULSKI):

S. 1494. A bill to ensure that small businesses throughout the United States participate fully in the unfolding electronic commerce revolution through the establishment of an electronic commerce extension program at the National Institutes of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

ELECTRONIC COMMERCE EXTENSION ESTABLISHMENT ACT OF 1999

Mr. BINGAMAN. Mr. President, today I'm very pleased to be joined by Senators ROCKEFELLER, SNOWE, and MIKULSKI in introducing the ''Electronic Commerce Extension Establishment Act of 1999.'' The purpose of this bill is simple—to ensure that small businesses in every corner of our nation fully participate in the electronic commerce revolution unfolding around us by helping them find and adopt the right e-commerce technology and techniques. It does this by authorizing an ''electronic commerce extension'' program at the National Institute of Standards and Technology modeled on NIST's existing, highly successful Manufacturing Extension Program.

Everywhere you look today, e-commerce—the buying, selling, and even the delivery of goods and services via computer networks—is starting a revolution in American business. Being so new, precise e-commerce numbers are

hard to come by, but by one estimate business to business and business to consumer e-commerce sales in 1998 were $100 billion. If you add in the hardware, software, and services making those sales possible, the number rises to $300 billion. That's comparable to adding another entire automobile industry to the economy in the last few years. Another estimate has business to business e-commerce growing to $1.3 trillion by 2003. Whatever the exact numbers, an amazing change in our economy has begun.

But the shift to e-commerce is about more than new ways to sell things; it's about new ways to do things. It promises to transform how we do business—how we design products, manage supply chains and inventories, advertise and distribute goods, et cetera—and thereby boost productivity, the root of long term improvements in our standard of living. A recent Washington Post piece on Cisco Systems, a major supplier of Internet hardware, notes that Cisco saved $500 million last year by selling its products and buying its supplies online. On sales of $8.5 billion, that helped make for some nice profits. Imagine the productivity and economic growth spurred when more firms get efficiencies like that. And that's the point of this bill, to make sure that small businesses get those benefits too.

Electronic commerce is a new use of information technology and the Internet. Many people, including Alan Greenspan, suspect information technology is the major driver behind the productivity and economic growth we've been enjoying. The crucial verb here is ''use.'' It is the widespread use of a more productive technology that sustains accelerated productivity growth. It was steam engine, not its sales, that powered the industrial revolution. In 1899, only about 5 percent of factory horsepower came from electric motors, even though the technologies had been around for two decades. But by 1920, when electric motors finally accounted for more than half of factory horsepower, they created a surge in industrial productivity as more efficient factory designs became common.

Closer to today, in 1987, Nobel Prize winning economist Robert Solow quipped, ''We see the computer age everywhere but in the productivity statistics.'' Well, it looks like the computer has started to show up because more people are using them in more ways, like e-commerce. Information technology producers, companies like Cisco Systems who are, notably, some of the most sophisticated users of IT, are 8 percent of our economy; from 1995 to 1998 they contributed 35 percent of our economic growth. There are also some indications that IT is now improving productivity among companies that only use IT, though economists continue to debate that.

But here's the real point. If we are going to sustain this productivity and economic growth, if this is to be more than a one time boost that dies out, we have to spread sophisticated uses of information technology like e-commerce beyond the high tech sector and companies like Cisco Systems and into every corner of the economy, including small businesses. Back in the 1980s we used to debate if it mattered if we made money selling ''potato chips or computer chips.'' But here's the real difference: consuming a lot of potato chips isn't good for you; consuming a lot of computer chips is.

I emphasize all this because too often our discussions of government policy, technology, and economic growth dwell on the invention and sale of new technologies, which are crucial, but shortchange the all important, but not terribly glamorous topic of their adoption and use. Extension programs, like the electronic commerce extension program in this bill, are policy aimed at precisely spreading the adoption and use of more productive technology by small businesses.

Now, with that in mind, the e-commerce revolution creates both opportunities and challenges for small businesses. On the one hand, it will open new markets to them and help them be more efficient. Many of us have seen that cartoon with a dog in front of a computer saying, ''On the Internet no one knows you're a dog.'' Well, on the web, the garage shop can look as good as IBM or GM. On the other hand, the high fixed costs, low marginal costs, and technical sophistication that can sometimes characterize e-commerce, when coupled with a good brand name, may allow larger, more established e-commerce firms to quickly move from market to market. Amazon.com, perhaps the archetype e-commerce firm, has done such a wonderful job of making a huge variety of books widely available that it's been able to expand to CDs, to toys, to electronics, to auctions. Moreover, firms in more rural or isolated areas have suddenly found sophisticated, low cost, previously distant businesses entering their market, and competing with them. Thus, there is considerable risk that many small businesses be left behind in the shift to e-commerce. That would not be good for them, nor for the rest of us, because we all benefit when everyone is more productive and everyone competes.

The root of this problem is the fact that many small firms have a hard time identifying and adopting new technology. They're hard pressed and hard working, but they just don't have the time, people, or money to understand all the different technologies they might use. And, they often don't even know where to turn for help. Thus, while small firms are very flexible, they can be slow to adopt new technology, because they don't know which to use or what to do about it. That's why we have extension programs. Extension programs give small businesses low cost, impartial advice on what technologies are out there and how to use them.

Extension programs have a long, solid pedigree. They started in 1914, with the Department of Agriculture's Cooperative Extension Service to ''extend'' the benefits of agricultural research to the farmer. That extension service has played no small part in making the American farmer the most productive in the world. More recently, the competitiveness crisis of the 1980's prompted the creation of the Manufacturing Extension Program, or MEP, at NIST to help small manufacturers find and use the technology they need. NIST has done a good job building and managing MEP's network of more than 70 non-profit centers, in all 50 states, with 2000 experts on call, that has helped over 60,000 manufacturers.

Today, the United States is the international leader in e-commerce, but other nations are working to catch up, just like they did in manufacturing. Thus, the time is ripe to solidify our lead in e-commerce and extend it to every part of our economy in every corner of the nation. An electronic commerce extension program will help us do that.

So, what might such a program do? Imagine you're a small specialty foods retailer in rural New Mexico and you see e-commerce as a way to reach more customers. But your specialty is chiles, not computers; imagine all the questions you'd have. How do I sell over the web? Can I buy supplies that way too? How do I keep hackers out of my system? What privacy policies should I follow? How do I use encryption to collect credit card numbers and guarantee customers that I'm who I say I am? Can I electronically integrate my sales orders with instructions to shippers like Federal Express? How might I handle orders from Japan or Holland? Should I band together with other local producers to form a chile cybermall? What servers, software, and telecommunications will I need and how much will it cost? Can I do this via satellite links? Your local e-commerce extension center would answer those questions for you. And, you could trust their advice, because you'd know they were impartial and had no interest in selling you a particular product.

This bill will lead to the creation of a high quality, nationwide network of non-profit organizations providing that kind of expert advice, analogous to the MEP network NIST runs today, but with a focus on e-commerce and on firms beyond manufacturers. NIST, as part of the Department of Commerce, is a logical choice to run an e-commerce extension program because it's about promoting commerce via technology and standards; recall that the Internet is based on standards for how computers can talk to each other. But

the best reason for NIST to do this is that MEP shows they can do it well; that expertise will prove invaluable in getting this new network up and running.

Similarly, this bill is directly modeled on the MEP authorization. It retains the key features of MEP: a network of centers run by non-profits; strict merit selection; cost sharing where the federal government's share decreases from one half to one third over time; and periodic independent review of each center. In addition, it emphasizes serving small businesses in rural or more isolated areas, so that those businesses can get a leg up on e-commerce too. In short, this legislation takes an approach that has already been proven to work.

Practically speaking, if this bill becomes law, I assume NIST, together with its headquarters organization, the Technology Administration, would begin by leveraging their MEP management expertise to start a few e-commerce extension centers and then gradually build out a network separate from MEP. They could also use the study of e-commerce extension resulting from my amendment to the Commerce, State, Justice Appropriations bill the other week. I also want to note that this is a new, separate authorization for an e-commerce extension program because it will have a different focus than MEP and because I do not want it to displace MEP in any way. MEP is a great program. Let's keep it going strong while we build this new e-commerce extension system.

Mr. President, I hope my colleagues will join me in supporting this important, timely, and practical piece of legislation. Just as a strong agricultural sector called for an agricultural extension service, and a strong industrial sector called for manufacturing extension, our shift to an information economy calls for electronic commerce extension.

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

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

S. 1494

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 ''Electronic Commerce Extension Establishment Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The United States economy is in the early stages of a revolution in electronic commerce—the ability to buy, sell, and even deliver goods and services through computer networks. Estimates are that electronic commerce sales in 1998 were around $100,000,000,000 and could rise to $1,300,000,000,000 by 2003.

(2) Electronic commerce promises to spur tremendously United States productivity and economic growth—repeating a historical pattern where the greatest impetus toward economic growth lies not in the sale of new technologies but in their widespread adoption and use.

(3) Electronic commerce presents an enormous opportunity and challenge for small businesses. Such commerce will give such businesses new markets and new ways of doing businesses. However, many such business will have difficulty in adopting appropriate electronic commerce technologies and practices. Moreover, such businesses in more rural areas will find distant businesses entering their markets and competing with them. Thus, there is considerable risk many small businesses will be left behind in the shift to electronic commerce.

(4) The United States has an interest in ensuring that small businesses in all parts of the United States participate fully in the electronic commerce revolution, both for the sake of such businesses and in order to promote productivity and economic growth throughout the entire United States economy.

(5) The Federal Government has a long history of successfully helping small farmers with new agricultural technologies through the Cooperative Extension System at the Department of Agriculture, founded in 1914. More recently, the National Institute of Standards and Technology has successfully helped small manufacturers with manufacturing technologies though its Manufacturing Extension Program, established in 1988.

(6) Similarly, now is the time to establish an electronic commerce extension program to help small businesses throughout the United States identify, adapt, and adopt electronic commerce technologies and business practices, thereby ensuring that such businesses fully participate in the electronic commerce revolution.

SEC. 3. PURPOSE.

The purpose of this Act is to establish an electronic commerce extension program focused on small businesses at the National Institute of Standards and Technology.

SEC. 4. ESTABLISHMENT OF ELECTRONIC COMMERCE EXTENSION PROGRAM AT NATIONAL INSTITUTES OF STANDARDS AND TECHNOLOGY.

(a) ESTABLISHMENT.—The National Bureau of Standards Act (15 U.S.C. 271 et seq.) is amended by inserting after section 25 (15 U.S.C. 278k) the following new section:

''REGIONAL CENTERS FOR THE TRANSFER OF ELECTRONIC COMMERCE TECHNOLOGY

''SEC. 25A. (a)(1) The Secretary, through the Undersecretary of Commerce for Technology and the Director and in consultation with other appropriate officials, shall provide assistance for the creation and support of Regional Centers for the Transfer of Electronic Commerce Technology (in this section referred to as 'Centers').

''(2) The Centers shall be affiliated with any United States-based nonprofit institution or organization, or group thereof, that applies for and is awarded financial assistance under this section in accordance with the program established by the Secretary under subsection (c).

''(3) The objective of the Centers is to enhance productivity and technological performance in United States electronic commerce through—

''(A) the transfer of electronic commerce technology and techniques developed at the Institute to Centers and, through them, to companies throughout the United States;

''(B) the participation of individuals from industry, institutions of higher education, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities;

''(C) efforts to make electronic commerce technology and techniques usable by a wide range of United States-based small companies;

''(D) the active dissemination of scientific, engineering, technical, and management information about electronic commerce to small companies, with a particular focus on reaching those located in rural or isolated areas; and

''(E) the utilization, when appropriate, of the expertise and capability that exists in State and local governments, institutions of higher education, the private sector, and Federal laboratories other than the Institute.

''(b) The activities of the Centers shall include—

''(1) the establishment of electronic commerce demonstration systems, based on research by the Institute and other organizations and entities, for the purpose of technology transfer; and

''(2) the active transfer and dissemination of research findings and Center expertise to a wide range of companies and enterprises, particularly small companies.

''(c)(1) The Secretary may provide financial support to any Center created under subsection (a) in accordance with a program established by the Secretary for purposes of this section.

''(2) The Secretary may not provide to a Center more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain the Center.

''(3)(A) Any nonprofit institution, or group thereof, or consortia of nonprofit institutions may, in accordance with the procedures established by the Secretary under the program under paragraph (1), submit to the Secretary an application for financial support for the creation and operation of a Center under this section.

''(B) In order to receive financial assistance under this section for a Center, an applicant shall provide adequate assurances that it will contribute 50 percent or more of the estimated capital and annual operating and maintenance costs of the Center for the first three years of its operation and an increasing share of such costs over the next three years of its operation.

''(C) An applicant shall also submit a proposal for the allocation of the legal rights associated with any invention which may result from the activities of the Center proposed by the applicant.

''(4)(A) The Secretary shall subject each application submitted under this subsection to merit review.

''(B) In making a decision whether to approve an application and provide financial support for a Center under this section, the Secretary shall consider at a minimum—

''(i) the merits of the application, particularly the portions of the application regarding technology transfer, training and education, and adaptation of electronic commerce technologies to the needs of particular industrial sectors;

''(ii) the quality of service to be provided;

''(iii) geographical diversity and extent of service area; and

''(iv) the percentage of funding and amount of in-kind commitment from other sources.

''(5)(A) Each Center receiving financial assistance under this section shall be evaluated during the third year of its operation by an evaluation panel appointed by the Secretary.

''(B) Each evaluation panel under this paragraph shall be composed of private experts, none of whom shall be connected with the Center involved, and with appropriate Federal officials. An official of the Institute shall chair each evaluation panel.

''(C) Each evaluation panel under this paragraph shall measure the performance of the Center involved against the objectives specified in this section and under the arrangement between the Center and the Institute.

''(6) The Secretary may not provide funding for a Center under this section for the fourth through the sixth years of its operation unless the evaluation regarding the Center under paragraph (5) is positive. If such evaluation for a Center is positive, the Secretary may provide continued funding for the Center through the sixth year of its operation at declining levels.

''(7)(A) After the sixth year of operation of a Center, the Center may receive additional financial support under this section if the Center has received a positive evaluation of its operation through an independent review conducted under procedures established by the Institute. Such independent review shall be undertaken for a Center not less often than every two years commencing after the sixth year of its operation.

''(B) The amount of funding received by a Center under this section for any fiscal year of the Center after the sixth year of its operation may not exceed an amount equal to one-third of the capital and annual operating and maintenance costs of the Center in such fiscal year under the program.

''(8) The provisions of chapter 18 of title 35, United States Code, shall (to the extent not inconsistent with this section) apply to the promotion of technology from research by Centers under this section except for contracts for such specific technology extension or transfer services as may be specified by statute or by the Director.

''(d)(1) In addition to such sums as may be appropriated to the Secretary and Director for purposes of the support of Centers under this section, the Secretary and Director may accept funds from other Federal departments and agencies for such purposes.

''(2) The selection and operation of a Center under this section shall be governed by the provisions of this section, regardless of the Federal department or agency providing funds for the operation of the Center.

''(e) In this section, the term 'electronic commerce' means the buying, selling, and delivery of goods and services, or the coordination or conduct of economic activities within and among organizations, through computer networks.''.

(b) DESCRIPTION OF PROGRAM.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a proposal for the program required by section 25A(c) of the National Bureau of Standards Act, as added by subsection (a).

(2) The proposal for the program under paragraph (1) shall include—

(A) a description of the program;

(B) procedures to be followed by applicants for support under the program;

(C) criteria for determining qualified applicants under the program;

(D) criteria, including the criteria specified in paragraph (4) of such section 25A(c), for choosing recipients of financial assistance under the program from among qualified applicants; and

(E) maximum support levels expected to be available to Centers for the Transfer of Electronic Commerce Technology under the program in each year of assistance under the program.

(3) The Secretary shall provide a 30-day period of opportunity for public comment on the proposal published under paragraph (1).

(4) Upon completion of the period referred to in paragraph (3), the Secretary shall publish in the Federal Register a final version of the program referred to in paragraph (1). The final version of the program shall take into account public comments received by the Secretary under paragraph (3).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Commerce each fiscal year such amounts as may be required during such fiscal year for purposes of activities under section 25A of the National Bureau of Standards Act, as added by subsection (a).

By Mr. DEWINE:

S. 1495. A bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness; to the Committee on Health, Education, Labor, and Pensions.

THE ICCVAM AUTHORIZATION ACT OF 1999

• Mr. DEWINE. Mr. President, I rise today to introduce a bill that would authorize the Interagency Coordinating Committee on the Validation of Alternative Methods, otherwise known as ''ICCVAM.'' This bill would permanently establish ICCVAM, which currently only exists as a ''standing'' committee—so, it could be dismantled at any time. This bill would make it more permanent, thus giving companies and Federal agencies a sense of certainty, and encourage them to make the long term research investments that are required to develop alternative animal toxicology test methods for ICCVAM to review. This will decrease, and may ultimately lead to the end of, the use of animals in testing cosmetics, shampoos, detergents, and other products.

ICCVAM was created pursuant to the 1993 National Institutes of Health Revitalization Act's mandate that the National Institute of Environmental Health Sciences (NIEHS) recommend new processes for Federal agencies' acceptance of alternative toxicology tests using animals. ICCVAM is composed of representatives of 13 Federal agencies that use animals in toxicology research.

ICCVAM evaluates and recommends improved testing methods and makes it possible for more uniform testing to be adopted across Federal agencies. This legislation maintains the current practice of leaving the ultimate decision of whether or not to adopt the new test method up to each individual Federal agency. For example, a new lab test using a skin substitute has been evaluated and accepted by ICCVAM so that potentially toxic substances can first be tested on this ''substitute skin'' rather than on an animal. The test is a measure of the ability of a chemical to burn the skin. If the substance tests positive (i.e., burns or irritates the ''substitute skin''), then it could be considered to produce skin burns and no animal would be used in further testing. If the substance does not irritate the ''artificial skin,'' then the substance might then be tested on an animal. Ultimately, ICCVAM streamlines the test method validation and approval process by evaluating methods of interest to multiple agencies. By having the same method in place in multiple agencies, it aids in reducing the need to perform multiple animal tests to meet the requirements of various federal agencies. This bill and ICCVAM do not apply to regulations related to medical research. This bill is supported by the Humane Society of the United States, the Doris Day Animal League, Procter & Gamble, the American Humane Association, Colgate-Palmolive Company, the Gillette Company, and the Massachusetts Society for the Prevention of Cruelty to Animals.•

By Mrs. BOXER (for herself, Mr. SMITH of Oregon, and Mr. LAUTENBERG):

S. 1497. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

INTERNATIONAL TUBERCULOSIS CONTROL ACT OF 1999

Mrs. BOXER. Mr. President, today I am pleased to be joined by my colleague on the Foreign Relations Committee, Senator SMITH of Oregon, and by Senator LAUTENBERG in introducing the International Tuberculosis Control Act.

This bill speaks to the growing international problem of tuberculosis. That is a disease we thought we had eliminated—and in fact, in the Western World, we largely did with the development of antibiotics in the 1950s. But the disease is making a comeback. As the World Health Organization (WHO) notes on the back cover of its most recent report on TB, ''The tuberculosis epidemic is growing larger and more dangerous each year.''

According to the WHO, last year, nearly 2 million people died of tuberculosis-related conditions. And—get this—the WHO estimates that one-third of the entire world's population is infected with TB.

Like so many other diseases, it impacts women disproportionately. TB is the world's leading killer of women between the ages of 15 and 44. For women in the primes of their lives, more than twice as many die of tuberculosis than because of war. TB kills three times as many women aged 15–44 as HIV/AIDS,

and three times as many as heart disease.

And it is a leading cause of children becoming orphans.

But this is not just a growing international problem. Because of its persistence abroad, it is having a tremendous impact here at home.

TB is an airborne disease. You can get it when someone coughs or sneezes. And with the increased immigration and travel to the United States—as well as the homeless population, the rate of incarceration, and HIV/AIDS—we are seeing it re-emerge in many of our communities. Nearly 40 percent of the TB cases in the United States are attributable to foreign-born individuals.

We have seen it in my state of California, where local public health officials never thought they would have to worry about TB again. But they are. In 1997, nearly 20,000 TB cases were reported to the Centers for Disease Control. And over 4000 of them—20 percent of all TB cases in the United States—were in California.

The headline on the March 25 editorial in ''The Oakland Tribune'' said it best: ''We ignore TB at our peril.'' Public health officials acknowledge that the key to controlling TB at home is to control TB abroad.

Fortunately, the experts know what to do—and it works. TB can be treated and cured. We have seen that in this country.

But in many other countries where this disease persists, there are numerous barriers that are facing public health officials. For example, the process for screening, detecting, and treating tuberculosis is very lengthy and labor intensive. Also, there is a lack of trained personnel and medicine in those nations with a high incidence of TB.

The United States Agency for International Development (USAID) and the World Health Organization have begun implementing a program to eliminate these barriers and to treat and control tuberculosis. So far, they have had some success. But the resources are, quite frankly, inadequate.

And they may become even more inadequate in the near future. The WHO is currently developing a global action plan to combat tuberculosis. That plan should be finalized and ready for implementation early in the year 2001. But unless there is a greater global investment of resources, we may have an action plan that does not see much action.

So the purpose of our bill is two-fold. First, we must raise awareness that TB is still a problem. I suspect that few Americans realize that the disease persists—not only in other countries, but also right here in the United States. And fewer still realize how easily it can be transmitted.

Second, we must increase the resources available to fight this disease in foreign countries.

This year, USAID will spend about $12 million on fighting tuberculosis abroad. Under the Foreign Operations Appropriations bill, as passed by the Senate, there should be enough funding for USAID to increase that to about $14 million next year.

I wanted to increase that even more, and I offered an amendment to the Foreign Operations bill. My amendment, which was accepted, says that if more money overall is provided for foreign aid programs before the appropriations bill becomes law, a top priority should be to provide more money for the infectious disease control program, especially tuberculosis.

But, Mr. President, I am not sure that will happen, and even if it does, I do not believe it will be enough. So our bill would authorize $60 million for fiscal year 2001—a five-fold increase over current funding levels—so that USAID can expand the work it has begun.

Make no mistake, we cannot do this alone. That is why this legislation calls on USAID to coordinate its efforts with the WHO and other organizations and why the bill adopts detection- and cure-rate goals based on the goals established by WHO. This must be a global effort with contributions and participation from nations around the world. But it is also an opportunity for the United States to provide global leadership.

Mr. President, this bill is supported by the American Lung Association, Results, the Global Health Council, and Princeton Project 55, an organization formed specifically to fight the international TB problem. I ask unanimous consent that the statements of support from these groups be included in the RECORD.

I am pleased to have their support, and I am pleased to have the cosponsorship of my colleagues from Oregon and New Jersey. I hope others will join us in this important bipartisan effort.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

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 ''International Tuberculosis Control Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the development of antibiotics in the 1950s, tuberculosis has been largely controlled in the United States and the Western World.

(2) Due to societal factors, including growing urban decay, inadequate health care systems, persistent poverty, overcrowding, and malnutrition, as well as medical factors, including the HIV/AIDS epidemic and the emergence of multi-drug resistant strains of tuberculosis, tuberculosis has again become a leading and growing cause of adult deaths in the developing world.

(3) According to the World Health Organization—

(A) in 1998, about 1,860,000 people worldwide died of tuberculosis-related illnesses;

(B) one-third of the world's total population is infected with tuberculosis; and

(C) tuberculosis is the world's leading killer of women between 15 and 44 years old and is a leading cause of children becoming orphans.

(4) Because of the ease of transmission of tuberculosis, its international persistence and growth pose a direct public health threat to those nations that had previously largely controlled the disease. This is complicated in the United States by the growth of the homeless population, the rate of incarceration, international travel, immigration, and HIV/AIDS.

(5) With nearly 40 percent of the tuberculosis cases in the United States attributable to foreign-born persons, tuberculosis will never be controlled in the United States until it is controlled abroad.

(6) The means exist to control tuberculosis through screening, diagnosis, treatment, patient compliance, monitoring, and ongoing review of outcomes.

(7) Efforts to control tuberculosis are complicated by several barriers, including—

(A) the labor intensive and lengthy process involved in screening, detecting, and treating the disease;

(B) a lack of funding, trained personnel, and medicine in virtually every nation with a high rate of the disease;

(C) the unique circumstances in each country, which requires the development and implementation of country-specific programs; and

(D) the risk of having a bad tuberculosis program, which is worse than having no tuberculosis program because it would significantly increase the risk of the development of more widespread drug-resistant strains of the disease.

(8) Eliminating the barriers to the international control of tuberculosis through a well-structured, comprehensive, and coordinated worldwide effort would be a significant step in dealing with the increasing public health problem posed by the disease.

SEC. 3. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following:

''(4)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those nations that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

''(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations toward the development and implementation of a comprehensive tuberculosis control program; and

''(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, in those countries in which the agency has established development programs, by December 31, 2010.

''(B) There are authorized to be appropriated to the President, $60,000,000 for fiscal

year 2001 to be used to carry out this paragraph. Funds appropriated under this subparagraph are authorized to remain available until expended.''.

AMERICAN THORACIC SOCIETY,
August 4, 1999.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: On behalf of the American Lung Association and its medical section, the American Thoracic Society, I want to express our strong support for your legislation, the International Tuberculosis Control Act 1999. This bill will provide needed resources to combat the threat that tuberculosis poses the world and to the United States.

The American Lung Association was founded in 1904 as the National Association for the Study of Prevention of Tuberculosis. While the American Lung Associations and its medical section, the American Thoracic Society has made steady progress over the past 90 years, much has changed in the area of U.S. tuberculosis control. The two biggest changes have been the development of multidrug resistant tuberculosis and the growth of foreign-born cases of TB in the U.S.

Multi-drug resistant tuberculosis (MDR–TB) is a form of tuberculosis that is resistant to two or more of the primary drugs used to treat TB. A strain of MDR–TB develops when a case of a drug susceptible TB is improperly treated. MDR–TB is more expensive to treat and more likely to kill. MDR–TB is on the rise, both in the U.S., and throughout the world. Unless we quickly develop and implement an effective global response to TB, deadly strains of MDR–TB will continue to spread.

Tuberculosis will kill almost two million people this year. Eight million people will become sick with the disease. Today nearly 40% of TB cases in the U.S. are in foreign-born individuals. We can't stop TB from entering the country. But through our continued support of global TB programs we can reduce the impact of the disease around the world and at home.

The U.S. Agency for International Development has taken initial steps towards coordinating an international response to the global TB epidemic. Your legislation will provide the U.S. Agency for International Development the resources needed to plan and implement a cooperative global TB control strategy. With direction from Congress and your leadership we are confident that U.S. can lead the way to controlling TB globally.

Sincerely,

FRAN DUMELLE,
Deputy Managing Director.

PRINCETON PROJECT 55 INC.,
TUBERCULOSIS INITIATIVE,
Washington, DC, August 3, 1999.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER, The Princeton Project 55 Tuberculosis Initiative (TBI) would like to express its support for your sponsorship of the ''International Tuberculosis Control Act of 1999,'' aimed at increasing funding for international TB control. At a time when funding for tuberculosis is severely inadequate, it is important that additional monies be allocated to fight the world's second leading infectious disease killer.

The TBI commends your leadership in calling attention to the TB threat and your work to increase funding for the international fight against tuberculosis. In order to control TB within the United States, it is crucial that we control TB internationally.

As you know, although TB is an easily preventable and 100% curable disease, over one third of the world's population is infected with TB and many international TB control programs are poorly managed and underfunded. It has been proven that TB treatment is cost-effective and saves both money and lives. Yet only 16% of TB patients receive the recommended Directly Observed Therapy (DOTS) regimen. The risk of multidrug resistant TB, a strain of TB that is often incurable, has become more widespread as a result of the poorly organized TB control programs.

Your bill's proposed $60 million for U.S. Agency for International Development (USAID) to support tuberculosis control would expand funding to develop country-specific plans for TB control programs for nations with the highest prevalence of TB. Many of these nations face major barriers to effective TB control programs, including lack of funds, trained personnel, and drug supply. The $60 million would also increase support to develop an integrated global tuberculosis control program in coordination with Centers for Disease Control (CDC), National Institutes of Health (NIH), World Health Organization (WHO), and private voluntary organizations.

The Princeton Project 55 Tuberculosis Initiative has worked tirelessly with you and other health organizations to increase awareness of the need for increased international tuberculosis funding. Your bill aims to control TB internationally now, before the problem is uncontrollable. The bill also brings needed attention to an often forgotten disease.

The TBI congratulates your efforts to fight TB and looks forward to working with you in the future, to ensure the passage of your TB bill in the coming legislative session.

Sincerely,

GORDON DOUGLAS,
Project Manager.
RALPH NADER,
Steering Committee.

GLOBAL HEALTH COUNCIL,
August 4, 1999.

Senator BARBARA BOXER,
112 Hart Office Building,
Washington, DC

DEAR SENATOR BOXER. On behalf of the Global Health Council, a private, not-for-profit membership organization consisting of over 2000 individual and organizational members world-wide, I would like to thank you for your support and leadership on the issue of tuberculosis control. Your bill, the ''International Tuberculosis Control Act of 1999,'' is an important step in the prevention of and fight against tuberculosis.

I would especially like to commend you on your recognition of the increase of tuberculosis internationally and the problem of the development of multiple drug resistant strains of the disease. World wide, more people die of tuberculosis than at any other time in our history—between two to three million deaths per year. Projections indicate that left unchecked, the death toll for this disease could reach as high as 30 million in the next decade.

The problem of Multiple Drug Resistant Tuberculosis—100 times more expensive to treat—is emerging in communities around the world. Inappropriate treatment regimens, self-medication, the proliferation of inferior drugs, and interruptions in patient treatment all give TB the opportunity to become resistant to one or more drugs over times, making the disease more expensive and difficult to cure.

As we move towards a global economy—economic trade policy, improved transportation and tourism, voluntary and forced migration have collectively changed the pattern and spread of infectious diseases. Last year, more than 19,000 people came down with this disease in the U.S.—more than 4,000 in California.

A 1998 General Accounting report highlights the new reality: the world now has tools and the know-how to vastly improve the health of the four billion humans living in poverty in the developing world. It also makes clear that there are enormous benefits to the American people, both in terms of health and of economics that will come from improving the health of others.

Your legislation is another step towards achieving this new reality. It sets achievable goals that will work to control the threat of tuberculosis in our nation and in our world. Thank you again for your commitment to this cause. we look forward to working with you to assure global health for all.

Sincerely,

NILS DAULAIRE, MD, MPH,
President & CEO.

RESULTS HAILS SENATOR BOXER'S EFFORTS TO CONTROL TB'S SPREAD: TUBERCULOSIS IS ON THE RISE AROUND THE WORLD—KILLING AS MANY AS 2 MILLION PEOPLE EACH YEAR.

WASHINGTON, D.C.—Senator Boxer (D–CA), along with Senator Smith (R–OR) and Senator Lautenberg (D–NJ) introduced legislation today which would control the growing problem of tuberculosis internationally. The bill calls for the investment of $60 million next year to jump-start tuberculosis control programs in some of the countries of the world with the highest TB rates.

Senator Barbara Boxer, a leading health advocate in Congress, is also a member of the Foreign Relations Committee. Her bill sets out to address the fact that despite the existence of an extremely cost-effective TB treatment (according to the World Bank, an investment of between $20–$100 can save a life), only 16 percent of those with active TB, actually have access to it.

The fact that millions of victims are not being treated for TB, combined with its highly infectious nature, has resulted in two million people dying every year from this disease. TB kills more women than any cause of maternal mortality and is the biggest killer of people with AIDS. In addition, with the rise in global travel and with forty percent of TB cases here in the United States attributable to foreign born persons, tuberculosis will never be eliminated in this country until it is controlled worldwide. Multi drug resistant TB, the result of poor treatment programs, threaten to render this disease incurable unless we act now.

RESULTS Executive Director, Lynn McMullen, praised Boxer for her leadership. ''Thanks to the efforts of Senator Boxer and her colleagues, TB will not be allowed to spread unchecked around the world. Her commitment to controlling this plague will mean millions of lives saved.''

RESULTS is a citizens grassroots advocacy organization which works to end hunger and the worst aspects of poverty.

Mr. SMITH of Oregon. Mr. President, I am pleased to join my colleague Senator BOXER in introducing this legislation to help control a deadly and easily

communicable disease—tuberculosis (TB). I, like many of you, thought we had this scourge under control since the development of antibiotics more than 40 years ago.

However, TB is a real problem here and abroad. It is a disease that knows no borders—because of the ease of transmission of TB, its growth abroad poses a real public health threat to nations like the United States that had previously controlled TB.

Our bill will authorize $60 million in FY 2001 to help control this deadly disease. This bill calls for a coordinated effort to wipe out this disease and sets goals for the detection and cure.

The statistics surrounding tuberculosis are terrifying. TB kills almost 2 million people abroad every year. The rate of infection abroad is increasing each year and TB is transmitted as easily as the common cold. Every second someone is infected with TB. Further, TB is the leading killer of women, more than any single cause of maternal mortality. This has an enormous impact on families and the very social fabric of a society. TB is the leading cause of death among HIV-positive individuals. It accounts for almost one-third of AIDS deaths worldwide.

Many TB cases are easily treatable by a six-month antibiotic regimen. Tragically, this regimen is only used in 15% of TB cases worldwide. An untreated person with active TB will infect 10–15 people per year. TB control programs are underfunded and poorly organized in many countries. Since millions of people travel between the U.S. and other nations daily, we must develop stable country-specific programs that will control this disease.

I believe that our bill is a good strong step towards ending TB here and abroad and I look forward to working with my colleague from California on this legislation. I ask all my colleagues in the Senate to support his important legislation.

Mr. LAUTENBERG. Mr. President, I rise as a proud cosponsor of legislation the Senator from California, Senator BOXER, is introducing today, the ''International Tuberculosis Act of 1999.'' This bill seeks to control the growing international problem of tuberculosis.

Mr. President, we cannot stand idly by while tuberculosis kills more people worldwide than AIDS and malaria combined, and yet still receives substantially less attention and aid dollars.

Although the introduction of antibiotics in the 1950's led to the near eradication of tuberculosis, it still plagues many nations throughout the world. In 1993 the World Health Organization declared tuberculosis to be a public health emergency, with an estimated 1,700 million people, or nearly one third of the world's population, infected with the tubercle bacillus. The World Health Organization estimates that eight million people get TB every year, and an estimated 3 million die from the disease annually.

Mr. President, the registered number of new cases of TB worldwide roughly correlates with economic conditions: the highest incidences are seen in those countries of Africa, Asia, and Latin America with the lowest gross national products. We must now face the realization that without much needed aid, most of the countries with a high burden of TB will not be able to reach the targets for TB control established by the World Health Assembly for the year 2000. In human terms, this means that each year millions of lives could be lost due to a preventable and curable disease.

Thankfully, Mr. President, efforts to combat this terrible disease have been largely successful inside U.S. borders. In my own State of New Jersey, the number of people with active tuberculosis has declined each year for the past six years. But the problem still persists. Each year over 25,000 people in the United States contract TB. The treat of infection here in America still looms large for anyone who travels abroad or comes into contact with those who have recently traveled outside the United States. This disease does not discriminate: People of all ages, all nationalities and all incomes can get tuberculosis.

An airborne disease that can be spread through a simple cough, TB can be carried around the world in a matter of hours on a transcontinental flight. Nearly 40 percent of TB cases in the U.S. are attributable to foreign-born persons. Until TB is eradicated worldwide, no person—no American—will ever be safe from its affliction.

Only small steps have been taken to eradicate TB outside the United States. Medical experts estimate that over $1 billion is necessary to control TB. This money will allow scientists and doctors to take the necessary steps to wipe out this disease, much like the world community has already done with malaria and small pox. The longer we wait, the larger the TB population will be. This translates into higher costs to eradicate this debilitating disease. International organizations note that for every dollar spent on prevention, a nation saves between three and four dollars in treatment.

Mr. President, TB control efforts have received approximately $12 million a year for the last two fiscal years under USAID's Infectious Disease Initiative to create a TB Global Action Plan. However, this is not enough; an increase in funding is critical if tuberculosis is to be vanquished. The U.S. must do its part.

An increase in funding to $60 million for TB would help expedite global action, and give aid officials the necessary resources to develop and implement country specific plans for control programs for nations with a high prevalence of TB. Once a plan is implemented, it is necessary to formulate a systematic program to avoid increases of drug resistant strains of TB.

A plan, coordinated with the World Health Organization, the Centers for Disease Control, the National Institutes of Health and other organizations, will expand and provide a framework for enhanced direction and coordination of worldwide tuberculosis research activities, translate research results into efficient and effective TB control practices which are applicable to all environments, and engage society and government control programs more quickly and widely.

The American Lung Association, American Thoracic Society and International Union Against Tuberculosis and Lung Disease and other renowed organizations support an increase in funding for TB prevention.

Mr. President, a global TB prevention effort makes sense. The benefits outweigh the costs. Given the importance of a global plan to eradicate TB, and its potential in saving lives, I urge the Senate to approve this bill.

Mr. President, tuberculosis is a global problem. We will never control TB in this country until we control it worldwide, since infectious diseases do not stop at the border. I commend the Senator from California for introducing this important and timely legislation to address tuberculosis effectively now. I hope and believe this bill will gain the support of the full Senate.

I yield the floor.

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 343

At the request of Mr. BOND, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 343, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals.

S. 391

At the request of Mr. KERREY, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 391, a bill to provide for payments to children's hospitals that operate graduate medical education programs.