The legislation expands the charitable deduction to encourage businesses to donate equipment, materials, transportation services, facilities, and staff time to public schools and child care providers. In short, it creates the opportunity for companies to make an investment in their future, by becoming involved in child care.

I have divided the ''Caring for America's Children Act'' into four smaller, more narrowly focused bills, which I also am introducing today. The ''Tax Relief for Families with Children Act'' combines all of the tax provisions (Title I and Subtitle A of Title II) of the ''Caring for America's Children Act.''

The ''Child Care Construction and Renovation Act'' focuses exclusively on the financing of child care facilities contained in Title VII of the larger bill. ''The ''Federal Employees Child Care Act'' deals exclusively with ensuring the safety and quality of child care facilities operated for employees of the federal government.

The ''Creating Healthy Opportunities and Improving Child Education'' or ''CHOICE'' Act combines the remainder of the ''Caring for America's Children Act.'' It focuses on improving the quality of child care, expanding non-school hours care for older children, increasing professional development for child care providers, and helping low-income families who will not benefit from the tax provisions.

As we all know, quality child care costs money. It costs money to parents who bear the biggest burden for the expense of child care. It costs businesses both through the direct assistance that they provide to employees to help with the expense of child care, and through their ability to hire and retain a skilled workforce. It costs government through existing tax provisions, direct spending, and discretionary spending targeted at child care.

But we must remember that the costs of not making this investment are even higher. Those costs can be measured in the expense of remedial education, the cost of having an unskilled labor force, the increase in prison populations, and most importantly, the blunted potential of millions of children.

Not only must we engage in a public debate on ''who cares for our children,'' but we also must take action to better support families in doing their most important work——raising our nation's children. Last year, child care legislation held a prominent place on the Congressional agenda. This year, little has been said, although the needs have not diminished. I hope that these bills can put child care back on the Congressional agenda where it belongs—-because our children and families cannot wait much longer.

As I said on Tuesday night during the debate on the Budget Resolution, I am not going to let the issue of child care go away. All of us here today, and all of the co-sponsors of this legislation are committed to whatever it takes to help our children maximize their opportunities. That is what this legislation is about—Opportunities.

I urge my colleagues to join with me and Senators DODD, LANDRIEU, KENNEDY, and KOHL, as well as with Congressman GILMAN and his House colleagues, in co-sponsoring and supporting this important legislation. To do nothing to improve the quality of child care and provide parents with more opportunities to choose the best care for their children is grossly unfair to the children and far too costly for our nation.

I ask unanimous consent that a section by section description of the ''Caring for America's Children Act'' be placed in the CONGRESSIONAL RECORD.

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

THE ''CARING FOR AMERICA'S CHILDREN'' ACT

Title I: Tax Benefits for Families with Children

Section 101: Increases the Dependent Care Tax Credit (DCTC) by (a) increasing the amount of allowable expenses to $3,600 for one dependent; $6,000 for two or more; (b) increasing the maximum percentage of the allowable expenses to 40 percent; (c) increases the adjusted gross income level receiving the maximum percentage to $50,000; (d) reduces the allowable percentage by 1 percent for each $2,000 over $50,000, not reduced below 10 percent; (d) permiting educational programs and third party transportation costs to be counted as allowable expenses.

Section 102: Increases the Child Tax Credit from $500 per year to $900 per year.

Section 103: Makes changes in the Dependent Care Assistance Program (DCAP) by (a) Increasing the dollar contribution limit to $7,000 a year for two or more dependents; (b) Permiting contributions to DCAP accounts during pregnancy, usable for one year after the birth of a child; (c) permiting DCAP funds to be used to pay a spouse or grandparent to care for a pre-school aged child at home; and (d) establishing a DCAP for federal employees.

Section 104: Permits parents to choose between the Dependent Care Tax Credit, Child Tax Credit, and the Dependent Care Assistance Program for each dependent child (each tax benefit mutually exclusive for each child).

Section 105: Expands the Home Office tax deduction to permit parents to care for a dependent child within the home office space and maintain the ''exclusive use'' designation for the home office tax deduction.

Section 106: Requires states to include the cost of child care in the calculation of child support orders.

Estimated cost of Title I is $35.1 billion over 5 years.

Title II: Activities to Improve the Quality of Child Care

Subtitle A—Encouraging Business Involvement in Child Care

Section 201: Creates a child care tax credit for employers up to $150,000 a year ($250,000 a year with respect to three or more company child care facilities in different locations) in allowable employee-related child care expenses such as the construction or renovation of facilities and employee subsidies. CBO estimate $500 million over 5 years.

Section 202: Expands the business charitable tax deduction to include the contribution of scientific and computer equipment, transportation services, qualified employee volunteer time, and the use of facilities and equipment to public schools and child care providers.

Subtitle B—Child Care Quality Improvement Incentive Program

Section 211: Definition Section

Section 212: Establishes a state grant program to fund activities designed to improve the quality of child care.

Section 213: Allocates funds to the states based on the Child Care and Development formula, with a small state minimum.

Section 214: To receive grant funds, (a) states must certify that the state has not reduced the scope of state child care requirements since 1995, must be in compliance with the provisions of the Child Care and Development Block Grant, and has expended at least 80 percent of the funds allocated to the state for TANF child care matching funds; (b) there is a 10 percent state match requirement for the use of the funds, such match funds can be state or local public or private funds.

Section 215: Grant funds may be used for a variety of activities designed to improve the quality of child care within the state. This section identifies some of the allowable activities including supplementing child care provider salaries, assistance to small businesses desiring to provide child care assistance to employees, expansion of resource and referral services, educational and training scholarship for child care providers, increasing subsidies for recipients of Child Care and Development Block Grant recipients, subsidizing child care for special needs children, conducting background checks and increasing the monitoring of child care providers; State grant program authorized for $200 million a year.

Subtitle C—Increased Enforcement of State Health and Safety Standards

Section 221: Amends the Child Care and Development Block Grant (CCDBG) to encourage states to improve the enforcement of existing state laws and regulations regarding the inspection of child care facilities; provides a bonus for states which effectively enforce existing state law and a decrease in CCDBG administrative funds for states which do not adequately enforce state child care inspection requirements.

Subtitle D—Distribution of Information About Quality Child Care

Section 231: Authorizes $15 million to the Department of Health and Human Services to (a) provide technical assistance and the disseminate information on high quality child care to parents, local governments, child care organizations, and child care providers; (b) conduct a public awareness campaign promoting quality child care; (c) develop a mechanism for the collection and dissemination of information on the supply and demand for child care services; and (d) assist existing child care credentialing and accreditation entities in improving their procedures and methods.

Title III: Expanding Professional Development Opportunities

Section 301: Creates a child care training infrastructure utilizing the Internet and existing distance learning resources to provide

high quality, interactive skills training for child care providers.

Section 302: Sets aside at least 10 percent of the authorized funds, within the child care training infrastructure, to establish and operate a revolving loan funds to enable child care providers to purchase computers and other equipment to access the child care training infrastructure through no-interest loans. Authorization for Title III—$50 million a year.

Title IV: Expanding Youth Development Opportunities During the Non-School Hours

Section 401: Establishes youth development focused programs that provide care for school-aged children during the non-school hours.

Section 402: Definition Section.

Section 403: Establishes a state grant program to expand and create quality non-school hours programs for school-aged children and youth which meet the child care needs of the parents as well and the goals of positive youth development; the federal share of this program is 80 percent, state and local matching funds may be in cash or in-kind.

Section 404: Allocates funds to states based on the number of youth aged 5 through 17 who reside in the state and the number of children in the state qualifying for free or reduced-price school lunches. There is a small state minimum allocation of .5 percent of the total appropriated amount for the program.

Section 405: States submit an application to the Secretary of HHS in order to receive funds and designate the administrative regions or political subdivisions which will be used in the distribution of the funds in the state.

Section 406: The state will allocate funds to administrative regions or political subdivisions within the state based on the number of 5 to 17 year olds and the number of children qualifying for free or reduced-price school lunches in the region or subdivision; the state will award grants on a competitive basis to entities within each region or subdivision up to the amount of the regional allocation; preference for grants will be given to activities which remove barriers to the availability of non-school hours child care and coordinate public and private resources.

Section 407: Entities desiring to receive grant funds will submit an application to the state.

Section 408: Grant funds will be used for activities that meet the child care needs of working parents during the non-school hours including before- and after-school, weekends, school holidays, vacation periods and other non-school hours; activities will promote at least two youth development competencies (social, physical, emotional, moral or cognitive) and be designed to increase youth protective factors and reduce risk factors; a broad range of activities can be funded including leadership development, delinquency prevention, sports and recreation, arts and cultural activities, character development, tutoring and academic enrichment, mentoring, and other locally determined programs; and at least 50 percent of the funds made available to an entity must be used to subsidize the cost of participation in the non-school hours program for low-income youth.

Section 409: The Assistant Secretary for HHS establishes mechanisms for monitoring and evaluating the effectiveness of funded activities; coordinates the grant program with similar activities in other federal agencies; provides appropriate training and technical assistance to states and local entities; and can terminate funding for States or entities which fail to comply with the requirements of the Act.

Section 410: The Governor of each State designates an entity to administer the grant activities, including monitoring compliance with rules and regulations, providing technical assistance, and providing information on grant activities to HHS.

Section 411: Ensures that activities funded under this Title will be coordinated, at the local level, with activities receiving funds from the Safe and Drug-Free Schools and Communities Act and the 21st Century Community Learning Centers Act.

Section 412: Authorizes the grant program for: $500 million for FY 00, $600 million for FY 01, $700 million for FY 02, $800 million for FY 03, and $1 billion for FY 04.

Title V: Child Care in Federal Facilities

Section 501: Short title, ''Federal Employees Child Care Act''.

Section 502: Definition section.

Section 503: Child care centers located in federal executive and judicial facilities have to meet a standard no less stringent than those required of other child care facilities in the same geographical area within six months and within three years meet the standards established by a child care accreditation entity; establishes procedures to be followed if the child care center is not in compliance with these rules including plans to correct deficiencies, closing the affected portion of a child care center if a situation is life threatening or poses a risk of serious bodily harm and is not corrected within two business days, and the disclosure of violations to parents and facility employees; legislative facilities have to obtain and maintain accreditation from a child care accreditation entity within one year or the appropriate congressional administrative entity will issue regulations to ensure the safety and quality of care for children in the legislative facility; the Administrator of GAO may provide technical assistance to other agencies and conduct studies and reviews at the request of federal agencies; and an interagency council is established to facilitate cooperation and coordinate policies; authorizes $900,000 for General Services Administration to carry out this Title.

Section 504: Authorizes an evaluation of federal child care services.

Section 506: Authorizes federal agencies to utilize appropriated funds to subsidize or otherwise assist lower income federal employees meet the costs of child care provided through contract or on-site.

Section 507: Re-authorizes the Trible Amendment which permits federal facilities to provide on-site child care services; authorizes federal agencies to conduct pilot projects on innovative approaches to providing employee child care services; and requires criminal background checks for employees of child care facilities located in federal facilities.

Title VI: Expanding Child Care Subsidy for Low-Income Families

Section 601: Changes the authorization for the Child Care and Development Block Grant Act (CCDBG) from $1 billion to $2 billion.

Section 602: Changes the CCDBG Act a) assuring that the use of automated payment systems will not limit parental choice and will facilitate the prompt, accurate payment of child care providers; changing to 70 percent (from ''a substantial portion'') the use of CCDBG funds for low-income families who are not TANF qualified recipients of child care subsidies; requiring states to better support parental choice of child care providers by establishing separate subsidy rates dependent upon the age of the child, the setting of the child care services (home, center, group), special needs, and geographic location; and applying any required parental copayment to be reduced by the amount of the difference between the child care subsidy provided and 85 percent of the state established market rate for that child.

Title VII: Construction and Renovation of Child Care Facilities

Subtitle A—Community Development Block Grants

Section 701: Permits use of Community Development Block Grant funds to renovate or construct child care facilities. (No cost)

Subtitle B—Mortgage Insurance For Child Care Facilities

Section 711: Amends Title II of the National Housing Act to provide insurance for mortgages on new and rehabilitated child care facilities.

Section 712: Amends the National Housing Act to provide mortgage insurance for the purchase or refinancing of existing child care facilities; Authorized for $30 million for FY 01, to remain available until expended.

Section 713: Authorizes the Secretary of the Treasury to conduct a study of the secondary mortgage markets to determine whether markets exist for purchase of mortgages eligible for insurance under the National Housing Act, whether the market will affect the availability of credit for development of child care facilities and the extent to which the market will provide credit enhancement for loans for child care facilities.

Section 714: Establishes a competitive grant program to provide technical and financial assistance to child care providers for the renovation, construction, and purchase of child care facilities; Authorized for $10 million a year for FY00–04.

Mr. KENNEDY. Mr. President, today Senator JEFFORDS, Senator DODD, Senator LANDRIEU, and I are proposing legislation to expand and improve quality child care across the country. The provisions are intended to support the full range of child care choices that parents make, including the decision to provide stay-at-home care.

Child care is one of the most pressing challenges facing the nation. The need to improve the affordability, accessibility, and quality of child care is indisputable. Across the country, 13 million children under age 6 spend all or part of their day in child care.

Every child deserves high quality care. We know that child development, especially in the early years, is dependent on safe, reliable care that offers stable relationships and intellectually stimulating activities. Child care that fulfills these goals can make all the difference in enabling children to learn, grow, and reach their full potential. This bill will help improve the quality and safety of care by establishing a competitive grant program to help states improve the quality of their care.

The bill also gives new incentives to businesses to assist in the care of their employees' children and to strengthen the quality of care. Businesses will be

permitted a tax deduction for donations of equipment, materials, transportation services, facilities, and staff time to public schools and care providers. Employers who contribute to the child care arrangements of their employees will receive a tax credit of 50 percent of their expenses up to $150,000 a year ($250,000 a year with respect to three or more facilities in different locations) in allowable employee-related child care expenses such as the construction or renovation of facilities and employee subsidies.

The quality of care can also be improved by giving the public more information about the caliber of the programs in their community. Working parents deserve to know that their children are not just safe, but well cared for. Our bill will provide that reassurance by improving parents' access to the information they need to make informed decisions about the selection of child care. Establishing a more effective system for distributing public information will make it easier for parents to select care with confidence, and will also encourage care providers to improve their services.

Raising children is expensive, in and of itself, and families who place their children in out-of-home care face the additional burden of obtaining quality child care. Millions of families cannot afford the child care they need in order to raise, protect, and teach their children. Full-day care can easily cost up to $10,000 per year—often as much as college tuition for an older child. Too often, the high cost of quality care puts it out of reach for many working families, particularly those earning low wages. These parents—working parents—constantly must choose between paying the rent or mortgage, buying food, and providing the quality care their child needs.

Our bill provides support to all families with children, whether they rely on out-of-home care or not. It increases the Dependent Care Tax Credit (DCTC) by raising the amount of allowable expenses to $3,600 for one dependent and $6,000 for two or more, and by permitting educational programs and third party transportation to count as allowable expenses.

Affordable child care is in particularly short supply for young children and for children who need care during nontraditional hours, such as during the late afternoon and evening. As more and more parents leave welfare for work, the demand for this type of care will continue to increase. The General Accounting Office estimates that under the welfare reform rules requiring more parents to work, the supply of child care will meet only 25 percent of the demand in many urban areas. We must ensure that the necessary support systems, such as child care and health care, are in place so that low-income parents can successfully move from welfare to self-sufficiency.

Our bill addresses these concerns by increasing the authorization of the Child Care and Development Block Grant (CCDBG) Act from $1 billion to $2 billion a year. It requires states to improve the way in which subsidy rates are determined. Parents will have a choice of child care providers, not just the least expensive care. Seventy percent of the CCDBG funds are set aside for non-welfare-related low-income working parents. The bill also contains a new state grant program to encourage the development of quality child care programs during non-school hours.

It is long past time for Congress to give child care the high priority it deserves. This bipartisan bill addresses the serious challenges confronting millions of families with children, and I urge my colleagues to join us in supporting this significant initiative.

Mr. President, an excellent column in yesterday's Washington Post by Judy Mann eloquently analyzed the hardships facing families seeking adequate child care. I believe her analysis will be of interest to all of us concerned about the issue, and I ask unanimous consent that it be printed in the RECORD.

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

[From The Washington Post, April 14, 1999]

THE SLOW EVOLUTION OF CHILD CARE

(By Judy Mann)

I first started worrying about child care more than 30 years ago when I became a single working parent with a 1-year old child. We didn't call it child care back then, because it didn't really exist.

We called it baby-sitting.

Some women took children into their homes and baby-sat them all day. They were a godsend to that first cohort of women who—out of choice or necessity—went into the paid workforce. But out of these homes also came some horror stories of crowding, of children stuck in front of TV sets all day, of germs being passed around with such alacrity that mothers lost jobs because they missed so many workdays having to care for sick children.

So how far have we come in 30 years? It's not overly harsh to say; not that far. We have licensed family day-care centers, school-based child care, child care centers in office parks and churches, and we have corporations that run child care centers across the country. The federal government subsidizes child care with vouchers for some low-income families and by allowing people to shelter some money spent on child care from income tax.

But for most working parents, child care remains an enormous source of financial stress and emotional anxiety. Even people who can afford live-in nannies aren't spared that bad apple who abuses children or disappears without warning.

At best, we have a patchwork of child care that is woven together by a common thread: The people who take care of our children are woefully underpaid and under-trained. Turnover ranges from 25 percent to 50 percent as they succumb to the lure of better-paying jobs. The median income for child care providers is $6.12 an hour; for parking lot attendants, it is $6.38. We pay $6.90 an hour to people who walk our dogs. What do we value most—our kids, our cars, our pets?

We are the most prosperous nation on earth, with an economy that is booming like the end of the ''1812 Overture.'' We are also the only modern industrial nation that does not have an organized, affordable, reliable system of child care for the people creating those economic success.

Child care advocates have been working for more than 20 years to try to get this country to understand that child care isn't just about baby-sitting. It's about giving youngsters a good start in life and reducing stress on working parents. We have lacked the national will to make good child care one of our central responses to the changes in family life for one simple reason: Working parents are so busy trying to survive day-to-day that they have no time or energy for political action.

This may be changing, thanks in part to a ''Caring for Kids'' public affairs campaign that Lifetime Television has undertaken with the National Council of Women's Organizations. Begun in March of last year, the campaign now involves about 150 nonprofit organizations. The coalition is targeting April as ''Childcare Month,'' and about 1,500 community campaigns are going to be held to support its central message: Make child care a priority in the 2000 election.

Putting technology to good use, the campaign has collected more than 2,000 personal child care stories from families across the country who have faxed, phoned or visited the campaign's Web site at www.lifetimetv.com. These stories have been delivered to Congress, and some have been used in a documentary produced by Lee Grant that will premiere on Lifetime on April 20. ''Confronting the Crisis: Childcare in America'' is the most powerful hour of film on the nation's child care problem that I have ever seen.

One of its great sources of strength is in showing that child care is no longer a woman's problem: It now involves fathers as well, and fathers play a starring role in the documentary. We meet Jeff, a widower, and one of 2 million single fathers, who quit a well-paid night job because there was no night-time child care available. He now works days, and he and his sister share child care responsibilities. ''Everything's rushed,'' he said—as apt a description of the working parent culture as you could find.

We meet women in the welfare-to-work programs that 10,000 companies are participating in, Chicora is up at 4 a.m. to get her child to day care so she can go to work. Her mother died, so she is raising her 15-year-old sister as well. She earns $9.50 an hour and is able to make it because she gets a child care voucher. When that runs out, she will face child care costs of about $6,000 a year. ''Education's first,'' she says, and she holds all the hope in the world for her child. She doesn't need a miracle to make it: That she is still in the game is the miracle. What she needs is for that voucher to continue until she can get on her feet financially.

We go to France, where child care is ''part of the culture,'' in Grant's words. And we meet Sheriff Pat Sullivan, of Arapahoe County, Colo., a leader of ''Fight Crime: Invest in Kids,'' an organization of law enforcement officials who believe before-school and after-school programs are critical to preventing youth violence. Sullivan is a conservative Republican. The question, he says, is where to put tax dollars. The answer is not

in more jails, he says, but in child care, and that includes programs that keep adolescents busy. Idle minds are the devil's playground.

Voices from across the political spectrum, from law enforcement to social workers, from brain researchers to pediatricians, are calling for a vastly improved system of child care. Neglect, whether in infancy or adolescence, is the breeding ground of despair, and that, in turn, is the breeding ground for antisocial behavior. The hope here is that the ''Caring for Kids'' campaign and Lifetime's documentary can help galvanize the nation into action.

Ms. LANDRIEU. Mr. President, I rise today with my distinguished colleague from Vermont and other members of this body in strong support of legislation that takes a much needed step on behalf of our Nation's children. I am very sad to say, however, that Louisiana ranks among the worst when it comes to providing for its children. By providing access to quality child care that is both safe and affordable the Caring for America's Children Act will improve the lives of children in Louisiana and across the Nation.

As a professional with two young children, I am well aware of the challenges that face working parents as they balance their children's needs with the demands of their careers. I also know first hand how expensive quality child care is, costing anywhere from over $3,000 per year to over $10,000 per year, depending upon where a family resides. For the parents of some 800,000 children in Louisiana who spend most of their day outside their parent's care, these costs are prohibitive. It is especially difficult for over 50 percent of Louisiana families who need child care, but whose incomes fall below the Federal poverty level.

To address this dilemma, this legislation would increase the child care and development block grant (CCDBG) from $1 billion to $2 billion. By doubling the funding level for CCDBG, twice as many poor children will receive quality child care. Presently, however, only eight percent of Louisiana's poor children are being assisted through this program. With this increase another 40,000 children will receive needed help. Nevertheless, the demand for assistance will far outweigh funding, so thousands of parents and their children will continue to go unserved.

In addition to the shortage of funding for low-income children, Louisiana, like many other states, must confront two other critical issues dealing with child care. First, facilities must be improved and expanded. Secondly, minimum quality standards must be set at the state and local levels for child care providers. This like other educational improvements will only occur when we expect more, provide more, and pay more for quality care. If we do not, the status quo will remain the same. For example, the average wage of a child care worker in Louisiana in 1997 was only $10,760, barely above what a minimum wage job would pay annually. Worse yet, the ratio of children to care givers in Louisiana far exceeded the recommended ratios.

On a national level, safety in child care facilities is another critical issue. Earlier this week the Consumer Product Safety Commission announced that it had examined 220 licensed child care settings. They found that most contained at least one safety violation, such as crib bedding that could suffocate babies or loops on window blind cords that could cause strangulation. Moreover, the agency found that 31,000 children, age 4 and younger, were treated in 1997 in hospital emergency rooms for injuries they received in child care and school settings. Additionally, at least 56 children have died in child care facilities since 1990.

To provide states with additional resources for the purpose of improving the quality of their day care facilities, this bill establishes a quality improvement incentive program. States would receive funds based on the CCDBG formula, which could be used for a variety of activities designed to improve the quality of child care within each state. Additionally, the bill also provides greater professional development opportunities for child care workers through a new distance learning program and interactive computer applications. The legislation will also provide states with greater flexibility, so that they can use their community development block grant funds for the construction and/or renovation of child care facilities.

Finally, important tax provisions are included in this legislation for both parents who work or stay home. Toward this end, the bill would increase:

the child tax credit from $500 to $900 per year;

the dependent care tax credit (DCTC) to $3,600 for one dependent and $6,000 for two or more dependents; and

expand the home office tax deduction so that parents who work out of their home will not be penalized.

By providing parents with these additional benefits, families will have greater options in ensuring their children receive the most appropriate care depending on individual family circumstances.

I am also very pleased that appropriate modifications to our Federal child care system are included in this legislation. Most importantly, this bill would allow Federal agencies to use appropriated funds for the purpose of making child care more affordable to low-income Federal workers. Additionally, within six months of the passage of this legislation every Federal child care facility will have to be licensed. Within three years, they must also meet standards established by a child care accreditation entity. The Federal facilities title also reauthorizes the Trible amendment that allows Federal facilities to provide on-site care and innovative approaches to expand child care services on a contractual basis.

Before the Congress enacts legislation to enhance child care at the state level, it is essential that the Federal Government first address the deficiencies and inadequacies within its own system. While the Federal Government has made significant improvements, we must ensure that Federal Government leads by example.

Mr. President, improving the availability of quality and affordable child care should not be a partisan issue. A recent Carnegie study found that children in poor quality child care are delayed in language and reading skills, and display more aggression toward other children and adults. We should not delay one more year while thousands of children are held back because of our inaction in the Congress.

I thank Senator JEFFORDS for his leadership on this issue.

Mr. ROTH (for himself, Mr. JEFFORDS, Mr. COVERDELL, Mr. HELMS, Mr. ROBB, Ms. MIKULSKI, Mr. BIDEN, Mr. SESSIONS, Mr. HUTCHINSON, Mr. SARBANES, Mr. LEAHY, Mr. GRAMS, Mr. SHELBY, Mr. MCCONNELL, and Mr. HARKIN):

S. 815. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources; to the Committee on Finance.

POULTRY ELECTRIC ENERGY POWER (PEEP) ACT

Mr. ROTH. Mr. President, I rise today to reintroduce legislation that would amend section 45 of the Internal Revenue Code to provide a tax credit to biomass energy facilities that use poultry litter as a fuel for generating electricity.

I am pleased to report that my bill has received even more cosponsors than when it was introduced in the 105th Congress. Fourteen of my colleagues are joining me as original cosponsors. They include Senators JEFFORDS, COVERDELL, HELMS, ROBB, MIKULSKI, BIDEN, SESSIONS, HUTCHINSON, SARBANES, LEAHY, GRAMS, SHELBY, MCCONNELL, and HARKIN.

Mr. President, I am bullish on poultry's future in America. It is hard not to be with worldwide poultry consumption growing at double-digit rates.

In the United States, poultry production has tripled since 1975. We now produce almost 8 billion chickens a year to feed the growing worldwide demand.

In particular, Delaware, Maryland, and Virginia produce some of the world's finest poultry. Just last year Delmarva poultry farmers produced over 600 million chickens. Our poultry farmers are among the most productive and efficient in the world.

As the amount of chickens we produce as a nation has grown, so too

has the need to find creative means for disposing of poultry manure.

Due to environmental pressures, spreading manure on land is no longer an option in some areas for our rapidly growing poultry industry. In those areas, the nutrient runoff from the manure has been identified as a contributing factor in surface and groundwater pollution.

Addressing these water quality problems will require a range of innovative approaches. One part of the solution may be to use poultry manure to generate electricity.

The United Kingdom has two utility plants that use poultry manure to generate electricity. These two poultry power plants will, when combined with a third scheduled to open soon, burn 50 percent of the UK's total volume of chicken manure.

The electricity generated by these plants will supply enough power for 37,000 homes. These plants have the support of both the poultry industry and the international environmental community.

The way this system works is simple.

Power stations buy poultry manure from surrounding poultry farmers and transport it to the power station. At the station the manure is burned in a furnace at high temperatures, heating water in a boiler to produce steam which drives a turbine linked to a generator. The electricity is then transferred to the local electricity grid for use by commercial and residential customers.

There are no waste products created through this process. Instead, a valuable by-product emerges in the form of a nitrogen-free ash, which is marketed as an environmentally friendly fertilizer.

The legislation I am introducing today will provide a tax credit to energy facilities that use poultry manure as a fuel to generate electricity.

It will build on concepts in the Tax Code that provide incentives for innovative alternative energy production.

This legislation will provide incentives for electricity generation that will not only help dispose of poultry manure, but will also supply our Nation's farmers with a clean fertilizer free of nitrates.

I urge my colleagues to join me in cosponsoring my bill, the Poultry Electric Energy Power Act. It is important for future generations that we continue to explore innovative alternative technologies that will help protect our environment.

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. 815

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 ''Poultry Electric Energy Power (PEEP) Act''.

SEC. 2. EXTENSION OF CREDIT FOR PRODUCING ELECTRICITY FROM CERTAIN RENEWABLE RESOURCES.

(a) CREDIT FOR PRODUCING ELECTRICITY FROM POULTRY WASTE.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) poultry waste.''

(b) EXTENSION OF PLACED IN SERVICE DATE.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking ''1999'' and inserting ''2005''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after the date of the enactment of this Act.

Mr. GRAMS. Mr. President, I am proud to join Senator ROTH as an original co-sponsor of legislation to amend Section 45 of the tax code for the production of electricity from environmentally-friendly methods, including poultry litter, the Poultry Electric Power Act.

Mr. President, our nation's poultry consumption continues to grow in rapid numbers. We now produce almost 8 billion chickens a year in the United States. My home State of Minnesota is now the nation's largest producer of turkeys, with an estimated 44 million produced last year alone. According to the Minnesota Turkey Growers Association, Minnesota turkey producers and processors earned 1997 incomes of $180 million and spinoff industries earned $374 million in 1996. In Minnesota, the turkey industry includes 2,810 jobs in production and 4,552 jobs in processing. So, Mr. President, you can see that the poultry industry is extremely important to rural Minnesota.

I continue to believe that we must explore a wide variety of alternative energy sources that provide a number of benefits for our nation. First, this bill will provide another market and revenue source for our farmers who so badly need diversified sources of income. Second, the bill will assist our nation in increasing our energy security. Third, this bill will help to improve the environment not only by providing a clean energy source, but by assisting in the disposal of poultry manure in an environmentally friendly way. Fourth, this bill will help create spin-off jobs for our nation's rural communities—jobs many rural communities badly need.

I hope my colleagues will support this legislation and I want to thank Senator ROTH for leading this important effort in the Senate.

By Mr. DORGAN:

S. 816. A bill to amend section 3681 of title 18, United States Code, relating to the special forfeiture of collateral profits of a crime; to the Committee on the Judiciary.

FEDERAL SON OF SAM LEGISLATION

Mr. DORGAN. Mr. President, last year, I introduced a bill to correct problems with the Federal ''Son of Sam'' law, as those problems were perceived by the U.S. Supreme Court. Today, I am reintroducing this legislation, which deals with a continuing problem. The New York statute analyzed by the Supreme Court, as well as the Federal statute which I seek to amend, forfeited the proceeds from any expressive work of a criminal, and dedicated those proceeds to the victims of the perpetrator's crime. Because of constitutional deficiencies cited by the Court, the Federal statute has never been applied, and without changes, it is highly unlikely that it ever will be. Without this bill, criminals can become wealthy from the fruits of their crimes, while victims and families are exploited.

The bill I now introduce attempts to correct constitutional deficiencies cited by the Supreme Court in striking down New York's Son of Sam law. In its decision striking down New York's law, the Court found the state to be both over inclusive and under inclusive: Over inclusive because the statute included all expressive works, no matter how tangentially related to the crime; under inclusive because the statute included only expressive works, not other forms of property.

To correct the deficiencies perceived by the Court, this bill changes significantly the concepts of the Federal statute. Because the Court criticized the statute for singling out speech, this bill is all-encompassing: It includes various types of property related to the crime from which a criminal might profit. Because the Court criticized the statute for being over inclusive, including the proceeds from all works, no matter how remotely connected to the crime, this bill limits the property to be forfeited to the enhanced value of property attributable to the offense. Because the Court found fault with the statute for not requiring a conviction, this bill requires a conviction.

The bill also attempts to take advantage of the long legal history of forfeiture. Pirate ships and their contents were once forfeited to the government. More recent case law addresses the concept of forfeiting any property used in the commission of drug related crimes, or proceeds from those crimes. I hope that courts interpreting this statute will look to this legal history and find it binding or persuasive.

The bill utilizes the Commerce Clause authority of Congress to forfeit property associated with State crimes. This means that if funds are transferred through banking channels, if UPS or FedEx are used, if the airwaves are utilized, or if the telephone is used to transfer the property, to transfer funds, or to make a profit, the property can be forfeited. In State cases, this

bill allows the State Attorney General to proceed first. We do not seek to preempt State law, only to see that there is a law in place which will ensure that criminals do not profit at the expense of their victims and the families of victims.

One last improvement which this bill makes over the former statutes: The old statute included only crime which resulted in physical harm to another; this bill includes other crimes. Examples of crimes probably not included under the old statute, but included here are terrorizing, kidnaping, bank robbery, and embezzlement.

Mr. President, our Federal statute, enacted to ensure that criminals not profit at the expense of their victims and victim's families, is not used today because it is perceived to be unconstitutional. I believe victims of crime deserve quick action on this bill, drafted to ensure that they are not the source of profits to those who committed crimes against them. I asked for your support.

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. 816

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

SECTION 1. SPECIAL FORFEITURE OF COLLATERAL PROFITS OF CRIME.

Section 3681 of title 18, United States Code, is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) FORFEITURE OF PROCEEDS.—Upon the motion of the United States attorney made at any time after conviction of a defendant for an offense described in paragraph (2), and after notice to any interested party, the court shall order the defendant to forfeit all or any part of proceeds received or to be received by the defendant, or a transferee of the defendant, from a contract relating to the transfer of a right or interest of the defendant in any property described in paragraph (3), if the court determines that—

''(A) the interests of justice or an order of restitution under this title so require;

''(B) the proceeds (or part thereof) to be forfeited reflect the enhanced value of the property attributable to the offense; and

''(C) with respect to a defendant convicted of an offense against a State—

''(i) the property at issue, or the proceeds to be forfeited, have travelled in interstate or foreign commerce or were derived through the use of an instrumentality of interstate or foreign commerce; and

''(ii) the attorney general of the State has declined to initiate a forfeiture action with respect to the proceeds to be forfeited.

''(2) OFFENSES DESCRIBED.—An offense is described in this paragraph if it is—

''(A) an offense under section 794 of this title;

''(B) a felony offense against the United States or any State; or

''(C) a misdemeanor offense against the United States or any State resulting in physical harm to any individual.

''(3) PROPERTY DESCRIBED.—Property is described in this paragraph if it is any property, tangible or intangible, including any—

''(A) evidence of the offense;

''(B) instrument of the offense, including any vehicle used in the commission of the offense;

''(C) real estate where the offense was committed;

''(D) document relating to the offense;

''(E) photograph or audio or video recording relating to the offense;

''(F) clothing, jewelry, furniture, or other personal property relating to the offense;

''(G) movie, book, newspaper, magazine, radio or television production, or live entertainment of any kind depicting the offense or otherwise relating to the offense;

''(H) expression of the thoughts, opinions, or emotions of the defendant regarding the offense; or

''(I) other property relating to the offense.''.

By Mrs. BOXER:

S. 817. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Health, Education, Labor, and Pensions.

AFTER SCHOOL AND ANTI-CRIME ACT OF 1999

Mrs. BOXER. Mr. President, every day, millions of working parents are faced with the dilemma of finding constructive activities for their school-aged children to become involved in during the after school hours. These parents know that, when unsupervised, the likelihood of their child becoming involved with drugs, alcohol or criminal activity is increased. In fact, juvenile crime peaks during the hours of 3 p.m. and 6 p.m.—after school.

That is why I am introducing a bill to help assuage the concerns of parents, law enforcement and communities to help develop edifying activities for youth during the after school hours. The After School Education and Anti-Crime Act of 1999 will help give our children safe, productive places to go after the school bell rings, which is what ninety-two percent of all Americans have indicated they strongly support.

Not only do after school programs provide children with activities and parents with relief, they also help law enforcement officials connect with their communities and help them reduce incidences of juvenile crime. Several law enforcement organizations have expressed their support of my proposal and for after school programs, including the National Association of Police Athletic and Activity Leagues (PALS), Fight Crime Invest in Kids, National Sheriffs Association, Major Cities' Police Chiefs and other law enforcement representing California, Illinois, Texas, Arizona, Maine and Rhode Island.

This legislation would authorize $600 million in funding for after-school programs. These programs, as developed by communities, will offer positive alternatives in the after school hours, such as mentoring, academic assistance, recreation, technology and job skills training, and drug, alcohol, and gang prevention programs.

If passed, the funding in this bill would enable an estimated 1.1 million children each year to participate in after school programs. The demand for after school programs is very high. Last year alone, nearly 2,000 school districts applied for after school federal assistance—of that, only 287 grants were awarded.

We have the opportunity in the 106th Congress to answer the call of communities all across America that understand the importance of—and need for—after school programs for kindergarten, elementary and secondary school students. After school programs are anti-crime, pro-education, pro-community, and make common sense.

I urge my colleagues to support this legislation. 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. 817

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 ''After School Education and Anti-Crime Act of 1999''.

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity, than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) The consequences of academic failure are more dire in 1999 than ever before.

(5) After school programs have been shown in many States to help address social problems facing our Nation's youth, such as drugs, alcohol, tobacco, and gang involvement.

(6) Many of our Nation's governors endorse increasing the number of after school programs through a Federal/State partnership.

(7) Over 450 of the Nation's leading police chiefs, sheriffs, and prosecutors, along with presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers, have called upon public officials to provide after school programs that offer recreation, academic support, and community service experience, for school-age children and teens in the United States.

(8) One of the most important investments that we can make in our children is to ensure that they have safe and positive learning environments in the after school hours.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To promote safe and productive environments for students in the after school hours.

(3) To provide alternatives to drug, alcohol, tobacco, and gang activity.

(4) To reduce juvenile crime and the risk that youth will become victims of crime during after school hours.

SEC. 5. PROGRAM AUTHORIZATION.

Section 10903 of the 21st Century Community Learning Centers Act (20 U.S.C. 8243) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting ''TO LOCAL EDUCATIONAL AGENCIES FOR SCHOOLS'' after ''SECRETARY''; and

(B) by striking ''rural and inner-city public'' and all that follows through ''or to'' and inserting ''local educational agencies for the support of public elementary schools or secondary schools, including middle schools, that serve communities with substantial needs for expanded learning opportunities for children and youth in the communities, to enable the schools to establish or''; and

(C) by striking ''a rural or inner-city community'' and inserting ''the communities'';

(2) in subsection (b)—

(A) by striking ''States, among'' and inserting ''States and among''; and

(B) by striking ''United States,'' and all that follows through ''a State'' and inserting ''United States''; and

(3) in subsection (c), by striking ''3'' and inserting ''5''.

SEC. 6. APPLICATIONS.

Section 10904 of the 21st Century Community Learning Centers Act (20 U.S.C. 8244) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence, by striking ''an elementary or secondary school or consortium'' and inserting ''a local educational agency''; and

(ii) in the second sentence, by striking ''Each such'' and inserting the following:

''(b) CONTENTS.—Each such''; and

(3) in subsection (b) (as so redesignated)—

(A) in paragraph (1), by striking ''or consortium'';

(B) in paragraph (2), by striking ''and'' after the semicolon; and

(C) in paragraph (3)—

(i) in subparagraph (B), by inserting '', including programs under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'' after ''maximized'';

(ii) in subparagraph (C), by inserting ''students, parents, teachers, school administrators, local government, including law enforcement organizations such as Police Athletic and Activity Leagues,'' after ''agencies,'';

(iii) in subparagraph (D), by striking ''or consortium''; and

(iv) in subparagraph (E)—

(I) in the matter preceding clause (i), by striking ''or consortium''; and

(II) in clause (ii), by striking the period and inserting a semicolon; and

(E) by adding at the end the following:

''(4) information demonstrating that the local educational agency will—

''(A) provide not less than 35 percent of the annual cost of the activities assisted under the project from sources other than funds provided under this part, which contribution may be provided in cash or in kind, fairly evaluated; and

''(B) provide not more than 25 percent of the annual cost of the activities assisted under the project from funds provided by the Secretary under other Federal programs that permit the use of those other funds for activities assisted under the project; and

''(5) an assurance that the local educational agency, in each year of the project, will maintain the agency's fiscal effort, from non-Federal sources, from the preceding fiscal year for the activities the local educational agency provides with funds provided under this part.''.

SEC. 7. USES OF FUNDS.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

''(a) IN GENERAL.—Grants awarded under this part may be used to establish or expand community learning centers. The centers may provide 1 or more of the following activities:'';

(2) in subsection (a)(11) (as redesignated by paragraph (1)), by inserting '', and job skills preparation'' after ''placement''; and

(3) by adding at the end the following:

''(14) After school programs, that—

''(A) shall include at least 2 of the following—

''(i) mentoring programs;

''(ii) academic assistance;

''(iii) recreational activities; or

''(iv) technology training; and

''(B) may include—

''(i) drug, alcohol, and gang prevention activities;

''(ii) health and nutrition counseling; and

''(iii) job skills preparation activities.

''(b) LIMITATION.—Not less than ⅔ of the amount appropriated under section 10907 for each fiscal year shall be used for after school programs, as described in paragraph (14). Such programs may also include activities described in paragraphs (1) through (13) that offer expanded opportunities for children or youth.''.

SEC. 8. ADMINISTRATION.

Section 10905 of the 21st Century Community Learning Centers Act (20 U.S.C. 8245) is amended by adding at the end the following:

''(c) ADMINISTRATION.—In carrying out the activities described in subsection (a), a local educational agency or school shall, to the greatest extent practicable—

''(1) request volunteers from business and academic communities, and law enforcement organizations, such as Police Athletic and Activity Leagues, to serve as mentors or to assist in other ways;

''(2) ensure that youth in the local community participate in designing the after school activities;

''(3) develop creative methods of conducting outreach to youth in the community;

''(4) request donations of computer equipment and other materials and equipment; and

''(5) work with State and local park and recreation agencies so that activities carried out by the agencies prior to the date of enactment of this subsection are not duplicated by activities assisted under this part.''.

SEC. 9. COMMUNITY LEARNING CENTER DEFINED.

Section 10906 of the 21st Century Community Learning Centers Act (20 U.S.C. 8246) is amended in paragraph (2) by inserting '', including law enforcement organizations such as the Police Athletic and Activity League'' after ''governmental agencies''.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 10907 of the 21st Century Community Learning Centers Act (20 U.S.C. 8247) is amended by striking ''$20,000,000 for fiscal year 1995'' and all that follows and inserting ''$600,000,000 for each of fiscal years 2000 through 2004, to carry out this part.''.

SEC. 11. EFFECTIVE DATE.

This Act, and the amendments made by this Act, take effect on October 1, 1999.

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

S. 818. A bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of Medicare patients related to the provision of anesthesia services; to the Committee on Finance.

THE SAFE SENIORS ASSURANCE STUDY ACT OF 1999

Mr. DEWINE. Mr. President, today I rise to introduce the ''Safe Seniors Assurance Study Act of 1999.'' I am joined in this effort by my colleague, Senator REID from Nevada. This bill would require that the Secretary of Health and Human Services conduct a study and analyze the impact of physician supervision, or lack of physician supervision, on death rates of Medicare patients associated with the administration of anesthesia services. Since the Medicare program began, the Health Care Financing Adminstration's (HCFA) standards for hospitals and ambulatory surgical centers have required that a physician either provide the anesthesia care or supervise the anesthesia care provided by nurse anesthetists. This requirement has also applied to the Medicaid program.

The very old and the very young, both covered by these two federal insurance programs, represent the segments of our population that, on average, face the highest anesthesia risks. The two programs cover over 40 million Americans.

In December 1997, HCFA proposed changes to its standards for hospitals and surgical centers. Included in these proposed changes was the elimination of the physician supervision requirement, leaving to state governments the decision whether physician supervision of nurse anesthetists was necessary. In issuing its proposed changes, HCFA offered no scientific data indicating that anesthesia safety would not be impaired as a result of the changed rule, and has offered no such data to this day.

In 1992, HCFA considered a similar change, but rejected it. After reviewing the studies available at the time showing anesthesia outcomes, HCFA concluded: ''In consideration of the risks associated with anesthesia procedures,