SENATE—*Wednesday, October 14, 1998*

(Legislative day of Friday, October 2, 1998)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all life, for whom there is no separation between the sacred and the secular, or prayer and politics, or blessings and budgets, we praise You that we can call on Your help to accomplish the crucial work of government. Thank You for the progress being made in negotiations on the budget. Often, we don't think of You being concerned about or involved in the mundane details of the budget. Yet, the budget represents our convictions, priorities, and programs. Therefore, we pray for Your help in resolving differences and finding creative compromises. Give strength and patience to those charged with hammering out the specifics of an emerging agreement. Thank You for all the hours they have spent. Now together with one heart, we trust You to bring this crucial process to a successful completion. We ask this for Your glory and the good of our Nation. In the Name of our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, today the Senate will begin a period of morning business until 1:00 p.m. Following morning business, the Senate may consider any legislative items that can be cleared by unanimous consent.

Also, it is expected that the House will send over a 1- or 2-day continuing resolution which the Senate would take up and pass by unanimous consent. The negotiations with respect to the omnibus appropriations bill are still going on, and it is still the hope of the majority leader that the bipartisan bill can be agreed to by unanimous consent.

Once again, in the event a rollcall vote is requested on the funding bill, all Members will be immediately notified.

The majority leader thanks all of our colleagues for their attention.

REQUIRING THE COMMISSIONER OF SOCIAL SECURITY TO TAKE CERTAIN ACTIONS

Mr. CRAIG. I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1733, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3822

(Purpose: To provide a complete substitute)

Mr. CRAIG. Mr. President, Senator LUGAR and Senator HARKIN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] for Mr. LUGAR, for himself and Mr. HARKIN, proposes an amendment numbered 3822.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

"(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

"(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.".

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: "A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.".

Mr. LUGAR. Mr. President, I rise today to support S. 1733, as amended, a bill to combat fraud and waste in the food stamp program. This bill will do two things. First, it will require food stamp offices to match food stamp files with Social Security data to identify overpayments to deceased food stamp participants. Second, it will require the Secretary of the U.S. Department of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Agriculture to explore data on the development of a national database to identify overpayments resulting from individuals receiving benefits in two or more states at the same time and implement other program interstate requirements.

This bill is the result of the last two General Accounting Office studies that I requested dealing with groups of ineligible people receiving food stamps. In the first report, the GAO reported that 26,000 deceased individuals in four states were counted as members of a food stamp household. According to the GAO, this resulted in overpayments of an estimated $8.6 million. In the second report, the GAO identified over 20,000 individuals who received benefits in at least two states at the same time during 1996. Using administrative records from four states (California, Texas, New York, and Florida), the GAO estimates overpayments of $3.9 million in those states alone.

Last year the GAO reported to the Agriculture Committee that over $3 million in food stamp benefits were overpaid to prisoners' households. In response, we passed legislation to stop prisoners from receiving benefits.

My bill will require state food stamp agencies to use the Social Security Administration's Death Master file to verify that no deceased individuals are counted as members of food stamp households, either increasing a households' benefits or allowing an individual to illegally receive benefits in the deceased person's name. To give SAA enough time to iron out Year 2000 problems, this provision will not be effective until June 1, 2000.

Current law requires that households notify their local welfare office of any changes in the makeup of the household within ten days. The GAO report showed that the deceased individuals were counted in food stamp households for an average of four months; and, in a few instances, the deceased individuals were counted as beneficiaries for the full two years the review was counted. This is unacceptable, particularly since this type of fraud can easily be prevented.

Mr. President, one federal agency has the information to prevent this fraud and abuse, but is not sharing it with other agencies issuing federal benefits. The Social Security Administration (SSA) has a Death Master File that compiles death information available in the federal government. According to the GAO, a match using SSA's Death Master File information could be a cost-effective method for identifying such individuals in food stamp households and eliminating these overpayments. States already relay on the SSA to verify the social security numbers of food stamp applicants. Therefore, a system already exists in one branch of the federal government that, with some modifications, could stop these overpayments.

My bill will also require the United States Department of Agriculture to conduct a study to identify options for a national database to track food stamp participants and combat interstate fraud. The GAO's report validates a Department of Health and Human Services computer match of 15 states which found 18,000 potential duplicated Temporary Assistance for Needy Families (TANF) cases. At present there is no appropriate national database that tracks in means-tested benefit programs. States have been working individually on the problem of benefits paid in multiple jurisdictions. For example, some states have developed cooperative agreements with neighboring states to share data. Current state efforts are effective, but anything short of a national system is inefficient.

Mr. President, the welfare reform bill required states to guard against fraud and abuse, and specifically prohibited participants from receiving benefits in two states. However, the bill did not give states tools to combat this type of fraud. HHS has already fulfilled a congressional mandate to look into some of these issues, so I expect the USDA to use the completed HHS report to Congress as a base upon which to build.

Further, I believe that the study should explore the possibility of a "real time" database, so that eligibility workers will instantly know if there are any problems with an application. This will avoid the "pay-and-chase" problem that forces states to recoup overpayments from beneficiaries after the fact—sometimes years later. This method of fraud enforcement is inefficient, and often a burden on the recipient as well. A national database should not be seen as purely an enforcement tool. There are many cross program benefits for the poor, benefits which may not be apparent today. As with any large governmental database, the study should address how the system will safeguard recipients' privacy and limit unauthorized use and disclosure of data.

Means-tested benefits, including food stamps, provide a safety net for millions of people. We cannot allow fraud and abuse to undermine the food stamp program and welfare reform. Integrity is essential to ensure a program that can serve those in need. It is our responsibility to help end fraud and abuse in all federally funded programs. This legislation is an important step in that direction and will help ensure that welfare reform is a success.

Mr. President, I urge my colleagues to join Senator HARKIN and me in supporting this bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the record.

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

The amendment (No. 3822) was agreed to.

The bill (S. 1733), as amended, was read the third time and passed.

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1999

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 459) to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 459) entitled "An Act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes", do pass the following amendments:

Page 2, beginning on line 8, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 2, beginning on line 12, strike "1997, 1998, 1999, and 2000," and insert: "1999, 2000, 2001, and 2002,".

Page 2, line 18, strike "1997, 1998, 1999, and 2000." and insert: "1999, 2000, 2001, and 2002."

Page 4, strike lines 5 through 10, and insert:

"(3) in subsection (f)(1), by striking '1992, 1993, and 1994, and inserting 2000 and 2001,'.".

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

Mr. CRAIG. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 391) to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 391) entitled "An Act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998".

SEC. 2. DEFINITIONS.

In this Act:

(1) COVERED INDIAN TRIBE.—The term "covered Indian tribe" means an Indian tribe listed in section 4(a).

(2) FUND ACCOUNT.—The term "Fund Account" means the consolidated account for tribal trust funds in the Treasury of the United States that is managed by the Secretary—

(A) through the Office of Trust Fund Management of the Department of the Interior; and

(B) in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBAL GOVERNING BODY.—The term "tribal governing body" means the duly elected governing body of a covered Indian tribe.

SEC. 3. DISTRIBUTION TO, AND USE OF CERTAIN FUNDS BY, THE SISSETON AND WAHPETON TRIBES OF SIOUX INDIANS.

Notwithstanding any other provision of law, including Public Law 92–555 (25 U.S.C. 1300d et seq.), any funds made available by appropriations under chapter II of Public Law 90–352 (82 Stat. 239) to the Sisseton and Wahpeton Tribes of Sioux Indians to pay a judgment in favor of those Indian tribes in Indian Claims Commission dockets numbered 142 and 359, including interest, that, as of the date of enactment of this Act, have not been distributed, shall be distributed and used in accordance with this Act.

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

(A) IN GENERAL.—Subject to section 8(e) and if no action is filed in a timely manner (as determined under section 8(d)) raising any claim identified in section 8(a), not earlier than 365 days after the date of enactment of this Act and not later than 415 days after the date of enactment of this Act, the Secretary shall transfer to the Fund Account to be credited to accounts established in the Fund Account for the benefit of the applicable governing bodies under paragraph (2) an aggregate amount determined under subparagraph (B).

(B) AGGREGATE AMOUNT.—The aggregate amount referred to in subparagraph (A) is an amount equal to the remainder of—

(i) the funds described in section 3; minus

(ii) an amount equal to 71.6005 percent of the funds described in section 3.

(2) DISTRIBUTION OF FUNDS TO ACCOUNTS IN THE FUND ACCOUNT.—The Secretary shall ensure that the aggregate amount transferred under paragraph (1) is allocated to the accounts established in the Fund Account as follows:

(A) 28.9276 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Spirit Lake Tribe of North Dakota.

(B) 57.3145 percent of that amount, after payment of any applicable attorneys' fees and expenses by the Secretary under the contract numbered A00C14202991, approved by the Secretary on August 16, 1988, shall be allocated to the account established for the benefit of the tribal governing body of the Sisseton and Wahpeton Sioux Tribe of South Dakota.

(C) 13.7579 percent of that amount shall be allocated to the account established for the benefit of the tribal governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation in Montana, as designated under subsection (c).

(b) USE.—Amounts distributed under this section to accounts referred to in subsection (d) for the benefit of a tribal governing body shall be distributed and used in a manner consistent with section 5.

(c) TRIBAL GOVERNING BODY OF ASSINIBOINE AND SIOUX TRIBES OF FORT PECK RESERVATION.—For purposes of making distributions of funds pursuant to this Act, the Sisseton and Wahpeton Sioux Council of the Assiniboine and Sioux Tribes shall act as the governing body of the Assiniboine and Sioux Tribes of the Fort Peck Reservation.

(d) TRIBAL TRUST FUND ACCOUNTS.—The Secretary of the Treasury, in cooperation with the Secretary of the Interior, acting through the Office of Trust Fund Management of the Department of the Interior, shall ensure that such accounts as are necessary are established in the Fund Account to provide for the distribution of funds under subsection (a)(2).

SEC. 5. USE OF DISTRIBUTED FUNDS.

(a) PROHIBITION.—No funds allocated for a covered Indian tribe under section 4 may be used to make per capita payments to members of the covered Indian tribe.

(b) PURPOSES.—The funds allocated under section 4 may be used, administered, and managed by a tribal governing body referred to in section 4(a)(2) only for the purpose of making investments or expenditures that the tribal governing body determines to be reasonably related to—

(1) economic development that is beneficial to the covered Indian tribe;

(2) the development of resources of the covered Indian tribe;

(3) the development of programs that are beneficial to members of the covered Indian tribe, including educational and social welfare programs;

(4) the payment of any existing obligation or debt (existing as of the date of the distribution of the funds) arising out of any activity referred to in paragraph (1), (2), or (3);

(5)(A) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in subparagraph (A) or (C) of section 4(a)(2) for litigation or other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.); except that

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

(6) the payment of attorneys' fees or expenses of the covered Indian tribe referred to in section 4(a)(2)(B) for litigation and other representation for matters arising out of the enactment of Public Law 92–555 (25 U.S.C. 1300d et seq.), in accordance, as applicable, with the contracts numbered A00C14203382 and A00C14202991, that the Secretary approved on February 10, 1978 and August 16, 1988, respectively; or

(7) the payment of attorneys' fees or expenses of any covered Indian tribe referred to in section 4(a)(2) for litigation or other representation with respect to matters arising out of this Act.

(c) MANAGEMENT.—Subject to subsections (a), (b), and (d), any funds distributed to a covered Indian tribe pursuant to sections 4 and 7 may be managed and invested by that Indian tribe pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—

(1) IN GENERAL.—Subject to paragraph (2), each covered Indian tribe may, at the discretion of that Indian tribe, withdraw all or any portion of the funds distributed to the Indian tribe under sections 4 and 7 in accordance with the American Indian Trust Fund Management Reform Act (25 U.S.C. 4001 et seq.).

(2) EXEMPTION.—For purposes of paragraph (1), the requirements under subsections (a) and (b) of section 202 of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022 (a) and (b)) and section 203 of such Act (25 U.S.C. 4023) shall not apply to a covered Indian tribe or the Secretary.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) may be construed to limit the applicability of section 202(c) of the American Indian Trust Fund Management Reform Act (25 U.S.C. 4022(c)).

SEC. 6. EFFECT OF PAYMENTS TO COVERED INDIAN TRIBES ON BENEFITS.

A payment made to a covered Indian tribe or an individual under this Act shall not—

(1) for purposes of determining the eligibility for a Federal service or program of a covered Indian tribe, household, or individual, be treated as income or resources; or

(2) otherwise result in the reduction or denial of any service or program to which, pursuant to Federal law (including the Social Security Act (42 U.S.C. 301 et seq.)), the covered Indian tribe, household, or individual would otherwise be entitled.

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

(a) IN GENERAL.—Subject to section 8(e), the Secretary shall, in the manner prescribed in section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)), distribute to the lineal descendants of the Sisseton and Wahpeton Tribes of Sioux Indians an amount equal to 71.6005 percent of the funds described in section 3, subject to any reduction determined under subsection (b).

(b) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to section 8(e), if the number of individuals on the final roll of lineal descendants certified by the Secretary under section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is less than 2,588, the Secretary shall distribute a reduced aggregate amount to the lineal descendants referred to in subsection (a), determined by decreasing—

(A) the percentage specified in section 4(a)(B)(ii) by a percentage amount equal to—

(i) .0277; multiplied by

(ii) the difference between 2,588 and the number of lineal descendants on the final roll of lineal descendants, but not to exceed 600; and

(B) the percentage specified in subsection (a) by the percentage amount determined under subparagraph (A).

(2) DISTRIBUTION.—If a reduction in the amount that otherwise would be distributed under subsection (a) is made under paragraph (1), an amount equal to that reduction shall be added to the amount available for distribution under section 4(a)(1), for distribution in accordance with section 4(a)(2).

(c) VERIFICATION OF ANCESTRY.—In seeking to verify the Sisseton and Wahpeton Mississippi Sioux Tribe ancestry of any person applying for enrollment on the roll of lineal descendants after January 1, 1998, the Secretary shall certify that each individual enrolled as a lineal descendant can trace ancestry to a specific Sisseton or Wahpeton Mississippi Sioux Tribe lineal ancestor who was listed on—

(1) the 1909 Sisseton and Wahpeton annuity roll;

(2) the list of Sisseton and Wahpeton Sioux prisoners convicted for participating in the outbreak referred to as the "1862 Minnesota Outbreak";

(3) the list of Sioux scouts, soldiers, and heirs identified as Sisseton and Wahpeton Sioux on the roll prepared pursuant to the Act of March 3, 1891 (26 Stat. 989 et seq., chapter 543); or

(4) any other Sisseton or Wahpeton payment or census roll that preceded a roll referred to in paragraph (1), (2), or (3).

(d) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 202(a) of Public Law 92–555 (25 U.S.C. 1300d–4(a)) is amended—

(A) in the matter preceding the table—

(i) by striking ", plus accrued interest,"; and

(ii) by inserting "plus interest received (other than funds otherwise distributed to the Sisseton and Wahpeton Tribes of Sioux Indians in accordance with the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998)," after "docket numbered 359,"; and

(B) in the table contained in that subsection, by striking the item relating to "All other Sisseton and Wahpeton Sioux".

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking "The Secretary" and inserting "Subject to the

Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary".

SEC. 8. JURISDICTION; PROCEDURE.

(a) ACTIONS AUTHORIZED.—In any action brought by or on behalf of a lineal descendant or any group or combination of those lineal descendants to challenge the constitutionality or validity of distributions under this Act to any covered Indian tribe, any covered Indian tribe, separately, or jointly with another covered Indian tribe, shall have the right to intervene in that action to—

(1) defend the validity of those distributions; or

(2) assert any constitutional or other claim challenging the distributions made to lineal descendants under this Act.

(b) JURISDICTION AND VENUE.—

(1) EXCLUSIVE ORIGINAL JURISDICTION.—Subject to paragraph (2), only the United States District Court for the District of Columbia, and for the districts in North Dakota and South Dakota, shall have original jurisdiction over any action brought to contest the constitutionality or validity under law of the distributions authorized under this Act.

(2) CONSOLIDATION OF ACTIONS.—After the filing of a first action under subsection (a), all other actions subsequently filed under that subsection shall be consolidated with that first action.

(3) JURISDICTION BY THE UNITED STATES COURT OF FEDERAL CLAIMS.—If appropriate, the United States Court of Federal Claims shall have jurisdiction over an action referred to in subsection (a).

(c) NOTICE TO COVERED TRIBES.—In an action brought under this section, not later than 30 days after the service of a summons and complaint on the Secretary that raises a claim identified in subsection (a), the Secretary shall send a copy of that summons and complaint, together with any responsive pleading, to each covered Indian tribe by certified mail with return receipt requested.

(d) STATUTE OF LIMITATIONS.—No action raising a claim referred to in subsection (a) may be filed after the date that is 365 days after the date of enactment of this Act.

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more lineal descendants referred to in that subsection, section 4(a) and subsections (a) and (b) of section 7 shall not apply to the distribution of the funds described in subparagraph (B).

(B) DISTRIBUTION OF FUNDS.—Upon the issuance of a final judgment referred to in subparagraph (A) the Secretary shall distribute 100 percent of the funds described in section 3 to the lineal descendants in a manner consistent with—

(i) section 202(c) of Public Law 92–555 (25 U.S.C. 1300d–4(c)); and

(ii) section 202(a) of Public Law 92–555, as in effect on the day before the date of enactment of this Act.

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

(A) IN GENERAL.—If an action that raises a claim referred to in subsection (a) is brought, and a final judgment is entered in favor of 1 or more covered Indian tribes that invalidates the distributions made under this Act to lineal descendants, section 4(a), other than the percentages under section 4(a)(2), and subsections (a) and (b) of section 7 shall not apply.

(B) DISTRIBUTION OF FUNDS.—Not later than 180 days after the date of the issuance of a final judgment referred to in subparagraph (A), the Secretary shall distribute 100 percent of the funds described in section 3 to each covered Indian tribe in accordance with the judgment and the percentages for distribution contained in section 4(a)(2).

(f) LIMITATION ON CLAIMS BY A COVERED INDIAN TRIBE.—

(1) IN GENERAL.—If any covered Indian tribe receives any portion of the aggregate amounts transferred by the Secretary to a Fund Account or any other account under section 4, no action may be brought by that covered Indian tribe in any court for a claim arising from the distribution of funds under Public Law 92–555 (25 U.S.C. 1300d et seq.).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the right of a covered Indian tribe to—

(A) intervene in an action that raises a claim referred to in subsection (a); or

(B) limit the jurisdiction of any court referred to in subsection (b), to hear and determine any such claims.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House.

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

DENIAL OF BENEFITS TO DEVELOPING COUNTRIES THAT VIOLATE INTELLECTUAL PROPERTY RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. Con. Res. 124, and the Senate then proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 124) expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of U.S. persons, particularly those that have not implemented their obligations under the Agreement on Trade-related aspects of intellectual property.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 3823

Mr. CRAIG. Mr. President, Senator LAUTENBERG has an amendment at the desk to the resolution, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. LAUTENBERG, proposes an amendment numbered 3823.

The amendment is as follows:

On page 3, line 5, strike all in the line after "that" and insert: "is not making substantial progress towards adequately and effectively protecting".

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, that the concurrent resolution, as amended, be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table without intervening action.

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

The amendment (No. 3823) was agreed to.

The concurrent resolution (S. Con. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 124

Whereas intellectual property-dependent industries include businesses that depend on protection of trademarks, trade secrets, trade names, copyrights, and patents;

Whereas intellectual property-dependent industries have become primary drivers of the United States economy, contributing over $500,000,000,000 to the United States economy in 1997;

Whereas the foreign sales and exports of United States intellectual property-dependent goods totaled at least $100,000,000,000 in 1997, exceeded sales of every other industrial sector, and helped the United States balance of trade;

Whereas international piracy of United States intellectual property, which the Department of Commerce estimates costs United States companies nearly $50,000,000,000 annually, poses the greatest threat to the continued success of United States intellectual property-dependent industries;

Whereas goods from many developing countries receive preferential duty treatment under the Generalized System of Preferences even though those countries do not protect intellectual property rights of United States persons;

Whereas piracy of United States intellectual property is so rampant in some developing countries that receive benefits under the Generalized System of Preferences that it effectively prevents United States intellectual property-dependent industries from selling products in those countries;

Whereas the Agreement on Trade-Related Aspects of Intellectual Property Rights requires its signatories to provide a minimum of essential protections to the intellectual property of citizens from all signatory nations;

Whereas the United States has fully implemented its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights, and in fact in many cases offers stronger protection of intellectual property rights than required in the Agreement;

Whereas it appears that at the current rate many developing countries that receive benefits under the Generalized System of Preferences may not be in compliance with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights on January 1, 2000, as required; and

Whereas many of the developing countries that receive benefits under the Generalized System of Preferences and that are not on track in complying with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights are responsible for substantial trade losses suffered by United States intellectual property-dependent industries: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the United States should not give special trade preferences to goods originating from a country that is not making substantial progress towards adequately and effectively protecting United States intellectual property rights, particularly a developing country that has not met its obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights by January 1, 2000;

(2) Congress should monitor the progress of developing countries in meeting their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights by January 1, 2000; and

(3) Congress should consider legislation that would deny the benefits of the Generalized System of Preferences to developing countries that are not in compliance with their obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights beginning on January 1, 2000.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 507, S. 1222.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1222) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Establishment of Collaborative Council.
Sec. 105. Duties of Collaborative Council.
Sec. 106. Cost sharing of estuary habitat restoration projects.
Sec. 107. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 108. Cooperative agreements; memoranda of understanding.
Sec. 109. Distribution of appropriations for estuary habitat restoration activities.
Sec. 110. Authorization of appropriations.
Sec. 111. National estuary program.
Sec. 112. General provisions.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

Sec. 201. Chesapeake Bay.
Sec. 202. Chesapeake Bay gateways and watertrails.
Sec. 203. Pfiesteria and other aquatic toxins research and grant program.
Sec. 204. Long Island Sound.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 103. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 104.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 105(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(4) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 1999 through 2003.

SEC. 106. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

SEC. 107. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 109. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 105(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 1999;

(2) $50,000,000 for fiscal year 2000; and

(3) $75,000,000 for each of fiscal years 2001 through 2003.

SEC. 111. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1998, and $25,000,000 for each of fiscal years 1999 and 2000".

SEC. 112. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this title, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing

the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 203. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

SEC. 204. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "1999 through 2003"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "$10,000,000 for each of fiscal years 1999 through 2003".

AMENDMENT NO. 3824

(Purpose: To authorize appropriations for the National Environmental Waste Technology Testing and Evaluation Center)

Mr. CRAIG. Mr. President, Senator BAUCUS has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for Mr. BAUCUS, for himself and Mr. BURNS, proposes an amendment numbered 3824.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

Mr. GRAHAM. Mr. President, I would like to express my support of S. 1222, the Estuary Habitat Restoration Partnership Act of 1998 which we are about to pass. I am co-sponsor of the original version of this bill, and I am also a co-sponsor of S. 1321, introduced by Senator TORRICELLI of New Jersey, which reauthorizes and provides funding for the National Estuary Program. A modified version of S. 1321 is included in the version of S. 1222 that we are reviewing today. The Estuary Habitat

Restoration Partnership Act of 1998 will invigorate our existing programs to protect and restore our nations' estuaries.

The Florida coastline boasts some of the richest estuarine areas in the world. These brackish waters, with their mangrove forests and seagrass beds, provide an irreplaceable link in the life cycle of many species, both marine and terrestrial. Florida's commercial fishing industry relies on these estuaries because they support the nurseries for the most commercially harvested fish.

Today, many of Florida's estuaries have been damaged from the impacts of increased development, non-point source pollution, and increased nutrient loads. Four of Florida's estuaries are currently a part of the National Estuary Program (NEP)—Sarasota Bay, Indian River Lagoon, Tampa Bay, and Charlotte Harbor. The NEP is charged with the responsibility of addressing point and not-point sources of pollution in addition to restoring and maintaining the chemical, physical, and biological integrity and maximizing the ecological and economic productivity of our nation's estuaries. The NEP has been working over the last twelve years to develop implementation plans for the 28 estuaries in the program that will achieve these goals. In testimony before the Appropriations Subcommittee on the VA-HUD and Independent Agencies, the Association of National Estuary Programs testified that today, 17 of the NEP estuaries are in the implementation phase of their programs and it is anticipated that by 1999 the entire national program will have reached the implementation phase.

Three of the four Florida estuaries in this program have reached the implementation phase of their restoration plans. The Sarasota Bay National Estuary Program began in 1988. It identified several key focus areas for restoration: reducing nitrogen pollution to increase sea grass coverage; constructing salt water wetlands; and building artificial reefs specifically for juvenile fish habitat. Since 1988, nitrogen pollution to the Bay has been reduced by 28–38 percent, with approximately 22 percent of the lost sea grasses and 6 percent of the lost salt water wetlands being restored. It is estimated that Sarasota Bay now supports an additional 49 million fish, 33 million crabs, and 150 million shrimp than it supported 10 years ago.

The continuation of our success is essential to the state of Florida. As I mentioned, our estuarine systems are home to marine and terrestrial species that form the cornerstone of critical natural habitats. They also are extremely valuable to the state's economy. For example, as Professor Walter Milon of the University of Florida testified on July 9 before the Environment and Public Works Committee, the Indian River Lagoon estuary stretches 156 miles along Florida's east coast, covering five counties which are home to more than 1 million permanent residents and more than 6 million visitors each year. The number of residents in this region is expected to increase by 24 percent between 1995 and 2005, increasing stress on this fragile system. Dr. Milon indicated that recreational fishing contributes approximately $340 million per year to the local economy; swimming, boating, water sports, and nature observation activities contribute approximately $287 million each year; commercial fishing of clams, oysters, and crabs contributed nearly $13 million annually; and residential land values were enhanced by approximately $825 million or an annual value of $33 million. The lagoon is estimated to bring more than $725 million to the local economy each year.

Together, the provisions of the original S. 1222 and S. 1321 will provide authorization for much needed funding to be used for execution of these implementation plans. By establishing the concrete goal of restoring 1,000,000 acres of estuary habitat by 2010 and providing a mechanism to achieve this goal, the Estuary Habitat Restoration Partnership Act of 1998 will energize existing local estuary programs to make forward progress on habitat restoration. I am particularly pleased that provisions exist in today's version of S. 1222 to provide funding priority for those estuary habitat restoration projects that are part of an approved Federal estuary management or habitat restoration plan.

Today's version of S. 1222 has incorporated S. 1321, which reauthorizes the NEP to continue developing and implementing estuary restoration plans. However, there are some modifications to the original language that Senator TORRICELLI introduced, including a reduction of the funding levels by 50 percent and the length of the authorization from 5 years to 2. I understand that one of the items on the agenda in the Environment and Public Works Committee for next year is to reauthorize the Clean Water Act which will provide an excellent opportunity to extend the NEP authorization. I look forward to this critical project for the Environment and Public Works Committee.

Together, the provisions of today's Estuary Habitat Restoration Partnership Act of 1998 will provide much needed support to estuary restoration efforts in the state of Florida and throughout the nation.

In addition to the provisions pertaining to our Nation's estuaries, today's version of S. 1222 also includes provisions of a bill introduced by Senator FAIRCLOTH, S. 1219, the Pfisteria Research Act. Earlier this year in the Indian River Lagoon area, the estuary system had several outbreaks of pfisteria-like disease. This was attributed by some to be caused by outbreak of toxic organisms due to increased nutrient loading in the estuary waters. In 1996, a "red tide" caused by algal bloom was believed to have caused the death of 151 manatees off the southwest coast of Florida. The research program included in today's version of S. 1222 authorizes research into the eradication or control of pfisteria and other toxins—an action that will provide vital information that may be used to prevent future occurrences of aquatic toxin outbreaks.

I am pleased to offer my support of S. 1222, the Estuary Habitat Partnership Restoration Act of 1998.

Mr. CHAFEE. Mr. President, I rise today in support of S. 1222 the Estuary Habitat Restoration Partnership Act of 1998. This bill is the culmination of efforts by Senators BREAUX, FAIRCLOTH, SARBANES, TORRICELLI, and myself to address the serious problems facing our Nation's estuaries. I would like to thank each of my colleagues for their diligent work. I would also like to express my appreciation toward the 26 cosponsors who also support the bill. Such strong bipartisan support is a testament to the extent and severity of the problems facing estuaries, and the need for action to restore estuary habitat.

I believe that in order to understand the necessity of this bill, one has to realize the immense value of estuaries and estuary habitat. Estuaries are formed by the mixing of salt water from the ocean and fresh water from rivers and streams. Commonly known as bays, lagoons, and sounds, these water bodies and their surrounding wetlands provide some of the most ecologically and economically productive habitat in the world. Many different plants, waterfowl, fish and wildlife make their home in estuaries. In fact, more than half of the neo-tropical migratory birds in the United States and a large number of endangered and threatened species depend upon estuaries for their survival.

This high productivity also gives estuaries great economic importance. 75 percent of the commercial fish and shellfish catch and 80 to 90 percent of the recreational fish catch are dependent upon estuaries for their survival. The commercial industry contributes $111 billion per year to the national economy. Tourism is another key segment of the economy supported by estuaries. In 1993, 180 million Americans, approximately 70 percent of the U.S. population, visited estuaries to fish, swim, hunt, dive, view wildlife, bike, and learn. In total, approximately 28 million jobs are generated by commercial fishing tourism, and other industries based near estuaries and other coastal waters.

The wetlands, marshlands, and grasslands that surround estuaries also provide important help and safety benefits. These areas improve water quality by filtering terrestrial pollutants before they can contaminate shellfish beds and coastal waters. Doctor J. Easly, a natural resource economist at North Carolina State University, calculates that one acre of tidal estuary has the pollutant filtering and removal capabilities of a $115,000 waste treatment plant. Flooding is serious problem facing many communities around the nation. Estuary habitat not only cleans the water, but can also store large volumes of water and minimize the damage caused by flooding. Finally, esturine wetlands and barrier islands also serve as buffer zones for coastal areas, reducing erosion and storm damage.

While these biological, economic, health and safety benefits help to illustrate the immense value of estuary habitat, I still believe they fail to provide a complete picture. Estuaries have a spiritual and symbolic importance, demonstrated by the close connection between neighboring communities and the bays and sounds. The executive director of the Providence Rhode Island Save the Bay Inc., H. Curtis Spalding, captured this feeling when he testified that:

> Narragansett Bay is our home. Even if we live miles from its shores, it is part of what makes Rhode Island special. The bay is our life line, it nourishes our environment, strengthens our economy, enhances our leisure time, and protects our children's future.

Tragically, this life line is unraveling. Commercial and residential development are resulting in the physical destruction of many estuaries from dredging, draining, bulldozing and paving. Invasive, alien plant species have displaced native plants and overgrown estuary systems. Restricted tidal flow and freshwater diversions interfere with tidal action, impairing the natural cleansing of the bay and harming important fisheries.

Elevated levels of toxics have also been detected in estuary sediments, water, and animals. Many of these substances undergo "bioaccumulation," a process by which toxics from the environment become concentrated in the tissue of living animals. Bioaccumulation of toxics into seafood can pose a serious risk to human health.

Nutrient pollution from a variety of sources disrupts aquatic life by contributing to an overabundance of algae, lox oxygen levels, and massive fish kills. Disease causing microorganisms from animal and human waste contaminate productive shellfish beds and recreational beach waters, necessitating shellfish bed and beach closings.

A recent and ominous development is the transformation of naturally occurring microorganisms from benign to toxic forms. A specific example is Pfiesteria piscicida. Massive fish kills in Maryland, Virginia, and North Carolina have been traced to the emergence of a new, predatory form of Pfiesteria. This new form actively injects toxins into fish and may have the potential to harm human health.

The impact of these problems on Narragansett Bay is painfully apparent. Eel grass beds have declined from thousands of acres to roughly 100 acres. Salt marsh acreage has been reduced by half, and all of the remaining marshland needs some level of restoration. Fish runs, the freshwater rivers and streams needed by many fish to reproduce, have been reduced to 15 out of the original 50. In 1996, 36,000 acres of shellfish beds were permanently closed or harvest restricted due to pathogen contamination. These declines in habitat have contributed to the near collapse of many Narragansett Bay fisheries in the past 20 years, and the loss of millions of dollars in revenue.

The problems facing Narragansett Bay are not unique to Rhode Island. The decline of estuaries is a national tragedy. According to the EPA's National Water Quality Inventory, 38 percent of the surveyed estuarine square miles are impaired for one or more uses. From colonial times to the present, over 55 million acres of coastal wetlands in the continental United States have been destroyed. Recent population growth in coastal areas has resulted in extensive loss of estuary habitat. San Francisco Bay in California has lost 95 percent of its original tidal wetlands, and Galveston Bay in Texas has lost 85 percent of its original sea grass meadows. Almost half of the U.S. population now lives in coastal areas, and the rate of population growth in coastal areas is three times that of noncoastal areas. As America's coastal population increases, so will the pressures placed upon coastal waters and estuaries.

In response to the grave threats facing our estuaries, the Estuary Habitat Restoration Partnership Act of 1998 seeks to both preserve and restore these ecological treasures. The bill sets a national goal to restore one million acres of estuary habitat by the year 2010. In support of this goal, $315 million for fiscal years 1999 through 2003 will be authorized to carry out estuary habitat restoration projects. Given the large scope of our mission, simply handing out money will not solve the problem. We must maximize the environmental benefit obtained from each dollar spent. By emphasizing coordination, cooperation and implementation, the bill ensures that we make the most out of limited Federal resources.

The key to the efficient use of funds is improved coordination. The bill establishes an interagency Collaborative Council to facilitate coordination between Federal, State, and local programs. The council will be composed of the Secretary of the Army, acting through the Army Corps of Engineers, the Under Secretary of the National Oceanic and Atmospheric Administration, the Administrator of the Environmental Protection Agency and the Secretary of the Interior, acting through the Fish and Wildlife Service. The Army Corps of Engineers, due to its expertise in engineering and management, will chair the council.

The council, in consultation with State, tribal, and local governments as well as nongovernmental entities, will develop a national strategy for habitat restoration. One of the primary goals of this strategy will be to prevent overlap between programs and insure the efficient utilization of resources.

The Collaborative Council will also disperse funds to assist community groups and other non-Federal entities in developing and implementing estuary restoration projects. Applicants will be required to obtain approval of State or local agencies, where such approval is appropriate, to prevent conflict with local and regional management strategies. The Collaborative Council will select estuary habitat restoration projects to receive Federal funding. The criteria used to select projects will encourage and emphasize several factors. Priority will be given to the projects implementing approved Federal estuary management restoration plans, and projects with monitoring plans to ensure that restoration goals are achieved and sources of pollution that would otherwise re-impair the restored habitat are addressed. The Council will also consider the quantity and quality of habitat restored in relation to the economic cost of the project.

In order to maximize the benefit of limited Federal resources, and encourage partnerships between Federal and non-Federal entities, the act will establish a Federal cost-sharing requirement. The Federal portion of a restoration project will not exceed 65 percent of the total costs, and priority will be given to applications that minimize the Federal contribution to the project. The cost-sharing provision of the act will preserve the essential role of the Federal Government in supporting estuary restoration, while highlighting the importance of regional and local involvement. Successful restoration efforts depend upon cooperation between public and private sectors. By distributing the costs of conservation and restoration, the act will reaffirm the importance of States, tribes, local communities, and concerned parties in preserving their natural heritage and resources.

Monitoring and evaluation is a key provision of the bill. The Under Secretary of Oceans and Atmosphere will maintain a data base of restoration projects to ensure that available information will be continually incorporated into habitat restoration

projects. In addition to maintaining a database, the Council will publish a report to Congress detailing the progress made under the act. This report will allow for an assessment of the successes and failures of current management strategies, with the goal of continually improving restoration efforts.

This legislation will also amend the National Estuary Program provision of the Clean Water Act to emphasize implementation and action as well as planning. The National Estuary Program was established by the 1988 amendments to the Clean Water Act. The program is an important partnership among Federal, State, and local governments to protect estuaries of national significance threatened by pollution. Under the program, governors work with the EPA to designate areas as a National Estuaries. Federal money is then provided to State and local governments to develop comprehensive conservation and management plans. To date, 28 conservation plans have been prepared for designated estuaries. While this program has achieved remarkable results, the law currently restricts EPA to only funding the development of plans, not their implementation. This bill will amend the National Estuary Program to allow the EPA to support both the development and implementation of conservation plans, and will authorize $25 million for each of fiscal years 1999 and 2000. It is important to note that while the Federal Government will increase its support for this valuable program, the primary responsibility for the implementation of conservation plans will rest with State and local governments.

Key provisions of the bill will also continue and expand existing programs. The Chesapeake Bay Program has become a model for other estuary restoration and protection programs around the world. EPA's Chesapeake Bay Program office will continue its leadership and technology transfer to other groups participating in the National Estuary Program. The Chesapeake Bay Program commits States in the bay and the Federal Government to reducing the level of nutrients in the bay and addressing other key issues in natural resources, water quality, population growth, and public access. The bill will authorize $30 million for each of fiscal years 1999 through 2003 to help achieve these goals. The money will be distributed as implementation grants to signatory jurisdictions, and as technical assistance grants to nonprofit private organizations and individuals, State, and local governments, and interstate agencies. Signatory jurisdictions will also be required to update, expand, and begin implementing their tributary specific management strategies. EPA will also be provided with new authority to ensure that Federal facilities in the watershed participate in the Chesapeake Bay Program and contribute to local efforts to restore and protect the bay.

Another positive change in the program will be the addition of the Chesapeake Bay gateways and watertrails network. The network will consist of important natural, cultural, historical and recreational resources linked together in a manner that enhances public education and access to the bay. The act will authorize $3 million for each of fiscal years 1999 through 2003 in matching grants for bay conservation and restoration. The Department of the Interior, in cooperation with the EPA, will identify ecologically or culturally significant areas of the bay and designate these resources as Chesapeake Bay gateway sites. These agencies will then work in partnership with State and local governments, nonprofit organizations, and other interested parties, to conserve and restore these sites.

The act also will continue to support is the effort to restore the Long Island Sound. A comprehensive conservation and management plan has already been developed for this important ecological resource. Over the next 15 years, the Long Island sound conservation plan calls for a reduction in the amount of nutrients reaching the sound by 60 percent. The plan also sets a goal of restoring 2,000 acres of coastal habitat and 100 miles of river used by migratory fishes. In support of these important efforts, the act will authorize $10 million for each of fiscal years 1999 through 2003 to implement this plan.

Finally, this bill will address the threat that pfiesteria piscicida poses to the Nation's waterways. The first toxic outbreak occurred in North Carolina in the late 1980's. In recent years, toxic outbreaks have occurred in tributaries leading into the Chesapeake Bay. The act will authorize $5 million for each of fiscal years 1999 and 2000 to establish an interagency research program for the eradication or control of pfiesteria and other aquatic toxins.

When evaluating this bill, I believe it is important to focus on what the bill does, and does not, do. The bill does not impose mandates. The bill does not create more regulations. And the bill does not require the Federal Government to foot the entire bill for estuary restoration. What the bill does is provide incentives for States, tribes, local governments, and other interested parties to enter into partnerships with the Federal Government for environmental preservation. This bill builds upon years of planning and focuses on action and implementation at the local level, by encouraging communities and individuals to become involved in estuary restoration. In short, the bill is a simple and direct approach to preserving and restoring some of our Nation's most valuable natural resources. By passing this legislation, we are making a responsible investment in our Nation's natural and economic future. Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent that the amendment be agreed to, the substitute amendment be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The amendment (No. 3824) was agreed to.

The committee substitute, as amended, was agreed to.

The bill (S. 1222), as amended, was read the third time and passed, as follows:

S. 1222

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Estuary Habitat Restoration Partnership Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ESTUARY HABITAT RESTORATION

Sec. 101. Findings.
Sec. 102. Purposes.
Sec. 103. Definitions.
Sec. 104. Establishment of Collaborative Council.
Sec. 105. Duties of Collaborative Council.
Sec. 106. Cost sharing of estuary habitat restoration projects.
Sec. 107. Monitoring and maintenance of estuary habitat restoration projects.
Sec. 108. Cooperative agreements; memoranda of understanding.
Sec. 109. Distribution of appropriations for estuary habitat restoration activities.
Sec. 110. Authorization of appropriations.
Sec. 111. National estuary program.
Sec. 112. General provisions.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

Sec. 201. Chesapeake Bay.
Sec. 202. Chesapeake Bay gateways and watertrails.
Sec. 203. Pfiesteria and other aquatic toxins research and grant program.
Sec. 204. Long Island Sound.
Sec. 205. National Environmental Waste Technology Testing and Evaluation Center.

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

(1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;

(2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;

(3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, and overuse;

(4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and

(5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships established.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to establish a voluntary program to restore 1,000,000 acres of estuary habitat by 2010;

(2) to ensure coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;

(3) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;

(4) to promote efficient financing of estuary habitat restoration activities; and

(5) to develop and enhance monitoring and research capabilities to ensure that restoration efforts are based on sound scientific understanding.

SEC. 103. DEFINITIONS.

In this title:

(1) COLLABORATIVE COUNCIL.—The term "Collaborative Council" means the interagency council established by section 104.

(2) DEGRADED ESTUARY HABITAT.—The term "degraded estuary habitat" means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

(3) ESTUARY.—The term "estuary" means—

(A) a body of water in which fresh water from a river or stream meets and mixes with salt water from the ocean; and

(B) the physical, biological, and chemical elements associated with such a body of water.

(4) ESTUARY HABITAT.—

(A) IN GENERAL.—The term "estuary habitat" means the complex of physical and hydrologic features and living organisms within estuaries and associated ecosystems.

(B) INCLUSIONS.—The term "estuary habitat" includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, and river and stream banks under tidal influence.

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

(A) IN GENERAL.—The term "estuary habitat restoration activity" means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.

(B) INCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" includes—

(i) the reestablishment of physical features and biological and hydrologic functions;

(ii) except as provided in subparagraph (C)(ii), the cleanup of contamination related to the restoration of estuary habitat;

(iii) the control of non-native and invasive species;

(iv) the reintroduction of native species through planting or natural succession; and

(v) other activities that improve estuary habitat.

(C) EXCLUDED ACTIVITIES.—The term "estuary habitat restoration activity" does not include—

(i) an act that constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(ii) an act that constitutes restitution for natural resource damages required under any Federal or State law.

(6) ESTUARY HABITAT RESTORATION PROJECT.—The term "estuary habitat restoration project" means an estuary habitat restoration activity under consideration or selected by the Collaborative Council, in accordance with this title, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY.—The term "estuary habitat restoration strategy" means the estuary habitat restoration strategy developed under section 105(a).

(8) FEDERAL ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN.—The term "Federal estuary management or habitat restoration plan" means any Federal plan for restoration of degraded estuary habitat that—

(A) was developed by a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Army, or a designee.

(10) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary for Oceans and Atmosphere of the Department of Commerce, or a designee.

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

(a) COLLABORATIVE COUNCIL.—There is established an interagency council to be known as the "Estuary Habitat Restoration Collaborative Council".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Collaborative Council shall be composed of the Secretary, the Under Secretary, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), or their designees.

(2) CHAIRPERSON; LEAD AGENCY.—The Secretary, or designee, shall chair the Collaborative Council, and the Department of the Army shall serve as the lead agency.

(c) CONVENING OF COLLABORATIVE COUNCIL.—The Secretary shall—

(1) convene the first meeting of the Collaborative Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this title is fully carried out, but not less often than quarterly.

(d) COLLABORATIVE COUNCIL PROCEDURES.—

(1) QUORUM.—Three members of the Collaborative Council shall constitute a quorum.

(2) VOTING AND MEETING PROCEDURES.—The Collaborative Council shall establish procedures for voting and the conduct of meetings by the Council.

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Collaborative Council, in consultation with non-Federal participants, including nonprofit sectors, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to the selection and prioritization of estuary habitat restoration projects and the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(2) INTEGRATION OF PREVIOUSLY AUTHORIZED ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS.—In developing the estuary habitat restoration strategy, the Collaborative Council shall—

(A) conduct a review of—

(i) Federal estuary management or habitat restoration plans; and

(ii) Federal programs established under other law that provide funding for estuary habitat restoration activities;

(B) develop a set of proposals for—

(i) using programs established under this or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(ii) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(C) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the findings and requirements of Federal estuary management or habitat restoration plans.

(3) ELEMENTS TO BE CONSIDERED.—Consistent with the requirements of this section, the Collaborative Council, in the development of the estuary habitat restoration strategy, shall consider—

(A) the contributions of estuary habitat to—

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed;

(ii) fish and shellfish, including commercial and sport fisheries;

(iii) surface and ground water quality and quantity, and flood control;

(iv) outdoor recreation; and

(v) other areas of concern that the Collaborative Council determines to be appropriate for consideration;

(B) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(C) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(4) ADVICE.—The Collaborative Council shall seek advice in restoration of estuary habitat from experts in the private and nonprofit sectors to assist in the development of an estuary habitat restoration strategy.

(5) PUBLIC REVIEW AND COMMENT.—Before adopting a final estuary habitat restoration strategy, the Collaborative Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(b) PROJECT APPLICATIONS.—

(1) IN GENERAL.—An application for an estuary habitat restoration project shall originate from a non-Federal organization and shall require, when appropriate, the approval of State or local agencies.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—In determining the eligibility of an estuary habitat restoration project for financial assistance under this title, the Collaborative Council shall consider the following:

(A) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(B) The technical merit and feasibility of the proposed estuary habitat restoration project.

(C) Whether the non-Federal persons proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(D) Whether, in the State in which a proposed estuary habitat restoration project is

to be carried out, there is a State dedicated source of funding for programs to acquire or restore estuary habitat, natural areas, and open spaces.

(E) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(F) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(G) Whether the proposed habitat restoration project includes a monitoring plan to ensure that short-term and long-term restoration goals are achieved.

(H) Other factors that the Collaborative Council determines to be reasonable and necessary for consideration.

(4) PRIORITY ESTUARY HABITAT RESTORATION PROJECTS.—An estuary habitat restoration project shall be given a higher priority in receipt of funding under this title if, in addition to meeting the selection criteria specified in this section—

(A) the estuary habitat restoration project is part of an approved Federal estuary management or habitat restoration plan;

(B) the non-Federal share with respect to the estuary habitat restoration project exceeds 50 percent; or

(C) there is a program within the watershed of the estuary habitat restoration project that addresses sources of water pollution that would otherwise re-impair the restored habitat.

(c) INTERIM ACTIONS.—

(1) IN GENERAL.—Pending completion of the estuary habitat restoration strategy developed under subsection (a), the Collaborative Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE.—The Federal share shall not exceed 25 percent.

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

(1) IN GENERAL.—The Collaborative Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which it agrees to provide the required non-Federal cooperation for the project.

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) MAINTENANCE AND MONITORING.—A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary by the Collaborative Council.

(e) LEAD COLLABORATIVE COUNCIL MEMBER.—The Collaborative Council shall designate a lead Collaborative Council member for each proposed estuary habitat restoration project. The lead Collaborative Council member shall have primary responsibility for overseeing and assisting others in implementing the proposed project.

(f) AGENCY CONSULTATION AND COORDINATION.—In carrying out this section, the Collaborative Council shall, as the Collaborative Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other appropriate Federal agencies.

(g) BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS.—The Collaborative Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of the Army for the administration and operation of the Collaborative Council $4,000,000 for each of fiscal years 1999 through 2003.

SEC. 106. COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) IN GENERAL.—No financial assistance in carrying out an estuary habitat restoration project shall be available under this title from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets—

(1) the requirements of this title; and

(2) any criteria established by the Collaborative Council under this title.

(b) FEDERAL SHARE.—The Federal share of the cost of an estuary habitat restoration and protection project assisted under this title shall be not more than 65 percent.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Collaborative Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) ALLOCATION OF FUNDS BY STATES TO POLITICAL SUBDIVISIONS.—With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, or interstate agency, a portion of any funds disbursed in accordance with this title for the purpose of carrying out an estuary habitat restoration project.

SEC. 107. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.

(a) DATABASE OF RESTORATION PROJECT INFORMATION.—The Under Secretary shall maintain an appropriate database of information concerning estuary habitat restoration projects funded under this title, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) REPORT.—

(1) IN GENERAL.—The Collaborative Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of activities carried out under this title.

(2) CONTENTS OF REPORT.—A report under paragraph (1) shall include—

(A) data on the number of acres of estuary habitat restored under this title, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this title; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

(1) enter into cooperative agreements with Federal, State, and local government agencies and other persons and entities; and

(2) execute such memoranda of understanding as are necessary to reflect the agreements.

SEC. 109. DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES.

The Secretary shall allocate funds made available to carry out this title based on the need for the funds and such other factors as are determined to be appropriate to carry out this title.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER OTHER LAW.—Funds authorized to be appropriated under section 908 of the Water Resources Development Act of 1986 (33 U.S.C. 2285) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) may be used by the Secretary in accordance with this title to assist States and other non-Federal persons in carrying out estuary habitat restoration projects or interim actions under section 105(c).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out estuary habitat restoration activities—

(1) $40,000,000 for fiscal year 1999;

(2) $50,000,000 for fiscal year 2000; and

(3) $75,000,000 for each of fiscal years 2001 through 2003.

SEC. 111. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting "and implementation" after "development".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended by striking "1987" and all that follows through "1991" and inserting the following: "1987 through 1991, such sums as may be necessary for fiscal years 1992 through 1998, and $25,000,000 for each of fiscal years 1999 and 2000".

SEC. 112. GENERAL PROVISIONS.

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS.—The Secretary—

(1) may carry out estuary habitat restoration projects in accordance with this title; and

(2) shall give estuary habitat restoration projects the same consideration as projects relating to irrigation, navigation, or flood control.

(b) INAPPLICABILITY OF CERTAIN LAW.—Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not apply to an estuary habitat restoration project selected in accordance with this title.

(c) ESTUARY HABITAT RESTORATION MISSION.—The Secretary shall establish restoration of estuary habitat as a primary mission of the Army Corps of Engineers.

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

(1) IN GENERAL.—Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this title, and may provide facilities and personnel, for the purpose of assisting the Collaborative Council in carrying out its duties under this title.

(2) REIMBURSEMENT FROM COLLABORATIVE COUNCIL.—Federal agencies may accept reimbursement from the Collaborative Council for providing services, facilities, and personnel under paragraph (1).

(e) ADMINISTRATIVE EXPENSES AND STAFFING.—Not later than 180 days after the date of enactment of this title, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Collaborative Council needs additional personnel and administrative resources to fully carry out its duties under this title. The analysis shall include recommendations regarding necessary additional funding.

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with

other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 203. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

SEC. 204. LONG ISLAND SOUND.

Section 119(e) of the Federal Water Pollution Control Act (33 U.S.C. 1269(e)) is amended—

(1) in paragraph (1), by striking "1991 through 2001" and inserting "1999 through 2003"; and

(2) in paragraph (2), by striking "not to exceed $3,000,000 for each of the fiscal years 1991 through 2001" and inserting "$10,000,000 for each of fiscal years 1999 through 2003".

SEC. 205. NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

TECHNICAL CORRECTIONS TO THE NATIONAL CAPITAL REVITALIZATION AND SELF-GOVERNMENT IMPROVEMENT ACT OF 1997

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4566, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4566) to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4566) was considered read the third time, and passed.

Mr. CRAIG. Mr. President, I will now speak as in morning business.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE WHITE HOUSE IS SPENDING THE SURPLUS

Mr. CRAIG. Mr. President, last night there was an interesting discussion on CNN. It went something like this:

The White House is now spending the surplus—the surplus that the President, a few months ago, said had to be guaranteed for only Social Security. I am told that the White House immediately responded by saying: Oh, no, no, no, the White House isn't spending the surplus. Surpluses don't exist until after you have had all of the emergency spending you need.

In other words, the White House has now come to the Hill to ask for upwards of $20 billion worth of surplus spending that is now emergency spending, that isn't called surplus and, therefore, doesn't count against application to the trust funds of Social Security.

Now, while the President's legions are up here in negotiations over in Speaker NEWT GINGRICH's office, the President is still out on the stump accusing Republicans of wanting to spend the surplus. The President has effectively, by Democrat action here on the floor, denied the taxpayers a reasonable tax cut this year. And while there

are some necessary moneys to be spent in surplus spending for emergencies—such as disaster-related emergencies, the emergency of the commodity price crises in agriculture—nobody has denied that that wasn't surplus money and that in fact we are spending a little bit of that surplus, a very small amount of that surplus, to address some very real national needs. But no Republican has even tried to suggest that the surplus isn't the surplus until we have spent all of it, or a portion of it, and that what is left over becomes the surplus.

Mr. President, this is a doublespeak of yours that we are somehow, as a Nation, getting used to: Is "is"? No; the surplus is the surplus. That is the money that remains unappropriated at the end of a fiscal year. That is the money that, collectively, the budget process of Congress, the appropriating process of Congress, says is not needed; it is not necessary to spend that money.

So now we are attempting something uniquely different. Now we are attempting to once again redefine, at least in the eyes of the President and this administration, what a surplus is. I think we will let the American people decide what that is. You see, we know what "is" is. And "is," in this case, is the money that the budget process suggests is not appropriated beyond its normal channels, and that we have determined can be upward of $60 billion worth of surplus this year, that the President in his budget message to Congress emphatically said had to be spent on Social Security, and that this Congress, in a very real and bipartisan way, said, yes, it is a good idea and should be done, because most of us agree that we are in a unique time—if not a historically opportune time—in our country, and that is to use our surplus, to use the surplus that was produced by a balanced budget that we worked so hard to accomplish—can be used to make major changes, not only in our tax law and tax policy, but now the unique opportunity to reform Social Security, not only to save it, secure it, and maintain it for those who become the immediate recipients of it, but so that our children and our grandchildren will be investing in a Social Security system that is worth investing in, so that they are not denied real return on their investment—25 cents on the dollar, as will be the case for our grandchildren today if we don't reform Social Security. We want them to get $1.50 or $2 back on their investment, as they should be allowed to do.

So what is "is," Mr. President, and what is surplus doesn't allow your definition. It isn't what is left over when you get through spending on all of the additional social programs that you want to spend it on.

Just a few moments ago, our colleagues on the other side of the aisle held a very interesting press conference. They called it a "do-nothing Congress." They denied that we had spent the money necessary to fund all of the social programs. Mr. President, in 1994 the American people spoke most profoundly when they changed Congress and said they wanted a new agenda, they wanted a balanced budget, they wanted us to reform Social Security, and they wanted the influence and the impact of the Federal Government on our lives and on our pocketbooks lessened. That is exactly what this Congress has been doing. Yet, of course, now that we have accomplished those goals, now that our economy and our lessened Government spent less of the money and our economy generates more money and we have a unique opportunity of surplus, the President now sees that opportunity—sees it or seizes it, I am not sure at this moment.

Let me suggest, Mr. President, that what is is. Surplus is surplus. It isn't what is left over after you get through spending. That is exactly what the President and the White House tried to engage in last night, a whole new definition. We have watched this President try to redefine a lot of things over the last good number of months—from the word "is," now to the word "surplus." Mr. President, surplus is surplus. It is when the Congress works the budget process, and that is concluded in a bipartisan fashion, that we determine what surplus is. So I think it is terribly important that we finalize our work here. Those negotiations are now underway. Yes, some surplus money will be spent in emergency. What is left over at the end will be surplus. But you don't start the game by redefining the fact. That is how we deal with it. That is how we must deal with it. And it is very important that we stay with that.

I am proud of the record of the Republican Congress—a balanced budget, welfare reform—major changes—and new dollars into education, education controlled at the local and State level and not new, grand programs here at the national level. Those are the issues about which we are talking. Those are the issues with which we must deal.

I hope we can conclude those quickly, adjourn this Congress, and be able to announce to the American taxpayer that they can rest assured that our effort is to control Government spending, the size of Government, and the impact it has on their pocketbook.

With those comments, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EDUCATION

Mr. ROTH. Mr. President, I rise today to make some comments with respect to the question of the allocation of resources to assist our State and local governments in meeting their challenge in the provision of education for grades K through 12.

First, in this war of words it should not be overlooked that there was no disagreement last year in establishing education as a priority when we enacted the Balanced Budget Act. We entered into an agreement only one year ago with this administration where we indicated that yes, we agree that education is a priority for all. We have honored that commitment.

Under the balanced budget agreement from last year, we agreed to increase spending on education by 15 percent, or $3 billion. We did that.

This year in the budget resolution adopted by the Senate we agreed to increase education spending over the next 5 years by an amount equal to inflation which would result in spending increases of $6.6 billion in budget authority and $4.1 billion in outlays over the next 5 years. Almost all other discretionary programs were frozen.

In addition, earlier this year we passed a bill—with bipartisan support—the Parent and Student Savings Account Plus Act to expand the education IRA which we enacted last year as part of the Taxpayer Relief Act of 1997.

Under this provision the annual contribution limit for education IRAs would be increased from $500 under current law to $2,000 and expand the use of the proceeds from these accounts for elementary and secondary education expenses.

Education expenses, it is important to note, under the provisions of the bill were broadly defined to include after school-programs, expenses for special needs children, computers, tutoring, uniforms—in sum, virtually any expense associated with improving the totality of a child's education.

The benefits of this provision were large for a very small cost, and I would note most importantly, with no Federal interference. Mr. President, this one provision was anticipated to generate $5 billion for education over a 5-year period and $10 billion over a 10-year period.

It was thought that 14 million families would utilize the savings benefit and 20 million school children would benefit. All at minimal cost and interference. The administration vetoed this good and important bill.

As I see it where we are today is not in disagreement over the importance of education or the investment in education, but rather a very different philosophical approach in the best way to

provide assistance. As a staunch believer in State and local control of education it is my firm belief that the assistance we provide to our State and local educational agencies must be given with the maximum amount of flexibility.

Time and time again, the evidence has shown that a one size fits all directive from Washington is not the tonic to cure any ills within our educational system. I therefore believe the administration's insistence on their school construction and class room size reduction initiative is wrong, and actually may be harmful.

A policy briefing issued in June of this year by the Progressive Policy Institute states it best: "It makes little sense to dictate in across the board class-size reduction policy from Washington. A national policy can only expect average gains, which appear to be very small at great expense."

Mr. President, I ask unanimous consent that the full text of the policy briefing "Improving Student Achievement—Is Reducing Class Size the Answer?" be printed at the conclusion of my remarks.

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

Mr. ROTH. Mr. President, an additional problem with inflexible mandates from Washington is that it directs resources from the State and local level to areas which a State or local school board might not think is the best use of resources.

Some schools or districts may wish to have smaller class sizes or devote resources to capital projects, others may feel that their school reform efforts can best be served by adding computers, newer textbooks, teacher training, or after school programs or other ideas. This is where I think directives become harmful.

We do not have the solutions in Washington, We must let our State and local educational agencies, parents, and teachers, have the freedom to put their resources where they feel they will do the most good for the benefit of our children. An editorial from the News Journal from my State entitled "Misguided Mandate: Micromanagement by Legislators Is Mockery of Real School Reform" is illustrative of this point, though they were editorializing on an action taken by the State legislature in Delaware.

I ask unanimous consent that the editorial be printed in full at the conclusion of my remarks.

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

Mr. ROTH. Mr. President, in conclusion, Mr. President, I would say that I am disappointed in the rhetorical excess surrounding the issue of educational excellence.

Our focus should not be on inputs and micromanagement, but on how we can best deliver assistance which will result in positive outcomes reflected by improved student achievement. I suggest that the solution to this problem rests in our communities, with those closest to the problems at hand.

EXHIBIT 1

Editor's Note: Silver bullet ideas for school reform come and go, usually warranting little more than passing attention. However, one idea seems to be taking hold among many camps: class-size reduction. In light of the attention and support this idea has received, the Progressive Policy Institute asked University of Rochester's Eric Hanushek—a renowned education scholar—to review the evidence on the impact of class-size reduction policies. This is his analysis.

IMPROVING STUDENT ACHIEVEMENT—IS REDUCING CLASS SIZE THE ANSWER?

(By Eric A. Hanushek)

Growing numbers of Americans are dissatisfied with our nation's schools and are demanding reform. Recently, results from an international study showed U.S. students trailing the world in twelfth grade math and science. Faced with the daunting task of reforming education, politicians in both parties, including President Clinton, are seizing on a cure-all that appeals to interest groups and enjoys public support: reducing class size.

This is by no means a new idea; teachers' unions have fought for smaller classes for decades.

All other things being equal, smaller classes are preferable to larger ones because teachers can give students more individual attention. However, all things are seldom equal, and other factors, such as the quality of the teacher, have a much more decisive impact on student achievement. Moreover, the huge expense of class-size reduction may impede the ability of schools to make other important investments in quality. Here lies the fundamental question: What effect do broad policies of class-size reduction have on overall student achievement levels?

Supporters of broad class-size reductions generally point to a few studies or a few experiences that suggest improved performance with smaller classes and then rely on the "obviousness" of the proposed policies to carry the day. To be sure, there are U.S. classrooms that are overcrowded. But not every school ranks reducing class size as the highest priority. Some schools may prefer to invest in smaller classes, but others might opt for reading tutors, after-school programs, computers, higher salaries for teachers, or increased professional development. In fact, a thorough review of the scientific evidence shows a startling finding; class-size reduction may be one of the least effective educational investments.

Historical and international evidence also shows that a national policy to reduce class size could displace more productive investments in schooling. The United States has already significantly reduced class sizes over the past 40 years and student performance has remained stagnant, at best. The overall pupil-teacher ratio fell by 35 percent from 1950–95 (from about 27-to-1 to 17-to-1).[1] Aggregate student performance has shown no improvement over this period. Similarly, these changes have done nothing to boost our standing on international achievement tests.

Federal policy should aim to improve teacher quality, not quantity. Rather than reducing class size, a better use of federal money would be to encourage states to boost teacher quality by developing meaningful teacher tests and alternative certification programs. Better yet, federal funds could be used to encourage stronger performance incentives in our schools.

THE BIPARTISAN RUSH TO REDUCE CLASS SIZES

The widespread belief that lowering class size immediately improves education has been echoed by politicians in both parties during this election year. About 20 governors are either proposing or actively considering class-size reduction initiatives. These states are following on the heels of California, which reduced K–3 class sizes under Republican Governor Pete Wilson after the state generated a revenue windfall in 1996. GOP proposals both in Congress and in many states to shift education dollars from "administration" to "classrooms" are also often promoted as enabling school districts to reduce class sizes.

Its status as the hardy perennial of teachers' union proposals has further made class-size reduction popular among many Democratic politicians. But this tendency was given a powerful new impetus this year when President Clinton—previously identified with such performance-oriented reforms as charter schools, high standards, and national tests—made hiring more teachers to reduce class sizes in early education a major feature of his State of the Union Address.

THE CLINTON-PROPOSAL

The President proposed to spend $12 billion in federal funds over seven years to reduce class sizes in grades 1–3. These initiatives are designed to help bring classes in the early grades down to 18 students per class, an undertaking estimated to require 100,000 additional teachers.

Federal funding for class-size reduction would be distributed to states on the basis of the Title I formula. Within the state, each high-poverty school district would receive the same share of these funds as it received under "Title I, and the remaining funds would be distributed within the state based on class size. Participating school districts would be required to match federal funds, on a sliding scale raning from 10 percent to 50 percent.

The initiative also emphasizes teacher certification requirements, an important concern described below. Its approach, however, overlooks the systemic defects of our current certification practices and ignores a critical aspect of teacher quality; recruitment.

More importantly, the President's initiative represents a detour from past initiatives to promote educational results rather than just education spending. The classsize reduction initiative uniquely promotes new educational "inputs" (i.e., money) without a corresponding commitment to educational "outputs" (i.e., results). All these shortcomings might be overcome if it were truly clear that reducing class sizes in and of itself improves education. Unfortunately, the evidence says otherwise.

THE EVIDENCE ON CLASS SIZE[2]

A wide range of perspective can be taken in attempting to pinpoint the effectiveness of reduced class sizes. No matter what the source of evidence, the answer about effectiveness is the same: broad policies of class-size reduction are very expensive and have little effect on student achievement.

1. The United States has extensive experience with class-size reduction and it has not worked. Between 1950–95, pupil-teacher ratios fell by 35 percent, from about 27-to-1 to about 17-to-1 overall. These reductions have been an important component of the dramatic increases in school spending that have occurred over this period. Table 1 shows the pattern of pupil-teacher ratios, teacher attributes, and real spending per pupil since

1960. The one-third fall in pupil-teacher ratios is a significant contributor to the near tripling in real spending per student in average daily attendance (ADA). (The table further shows that other teacher attributes—i.e., advanced degrees and experience—also grew significantly.)

TABLE 1.—PUBLIC SCHOOL RESOURCES IN THE UNITED STATES, 1961–91

Resource	1960–61	1965–66	1970–71	1975–76	1980–81	1985–86	1990–91
Pupil-Teacher Ratio	25.6	24.1	22.3	20.2	18.8	17.7	17.3
Percent Teachers with Master's Degree	23.1	23.2	27.1	37.1	49.3	50.7	52.6
Median Years Teacher Experience	11	8	8	8	12	15	15
Current Expenditure/ADA (1992–93 $'s)	$1,903	$2,402	$3,269	$3,864	$4,116	$4,919	$5,582

While we lack information about student achievement for this entire period, the information that we have from 1970 for the National Assessment of Educational Progress (NAEP) indicates that our 17-year-olds were performing roughly the same in 1996 as in 1970. There are some differences by subject area. For science, the average scale score of 17-year-olds falls 9 points between 1969–96. For math, 17-year-olds improve 3 points between 1973–96. For reading, they improve 2 points between 1971–96. Writing performance, which is only available since 1984, shows a fall of 7 points, by 1996. Only the fall in science (and in writing since 1984) is a statistically significant difference. There have been improvements at earlier ages, but they are not maintained and are not reflected in the skills that students take to college and to the job market. The overall picture is one of stagnant performance.

One common explanation for why the lower pupil-teacher ratio hasn't resulted in increased overall performance is that more students are now designated as special education students, whose classes are much smaller than regular ones. About 12.5 percent of students are now identified as having disabilities covered under special education legislation (up 8 percent at the introduction of programs in the late 1970s). Indeed, the federal and state mandates for the education of handicapped students have placed significant requirements on hiring staff and providing extensive services. On average, these students cost somewhat more than twice that of those undergoing regular instruction. While these programs could account for as much as a third of the increased intensity of teachers over the 1980s, substantial reductions in class size have been directed at regular class room instruction as well.

In sum, the proposals to reduce class sizes are nothing new. We have been pursuing these policies for decades. The aggregate evidence shows no improvements in student performance that can be related to the overall pupil-teacher ratio reductions.

2. International comparisons suggest no relationship between pupil-teacher ratios and student performance. The recent results measuring the performance of U.S. students on international math and science examinations have sobered many. Our high school seniors performed near the bottom of the rankings of the 21 nations participating in the Third International Mathematics and Science Study (TIMSS). This showing has nothing to do with more selective students taking the tests in other countries—our best students performed badly.

At the same time, the dramatic differences in pupil-teacher ratios and in class sizes across the countries are unrelated to measures of mathematics and science achievement. Of course there are many differences across countries that are difficult to adjust for in any analysis, but if smaller classes were strongly related to high student achievement, then one would expect U.S. class sizes to be much larger than those in other countries. In fact, just the opposite is true. Asian countries that routinely outperform the U.S. generally have much larger class sizes. Ironically, the international differences suggest that there is a slight positive relationship between pupil-teacher ratios and student achievement.

3. Extensive econometric investigation shows no relationship between class size and student performance. Over the past three decades, there has been significant research in deciphering what factors affect student achievement. This work, employing sophisticated econometric techniques, provides considerable evidence about the effects of class size on performance.

These extensive statistical investigations show almost as many positive as negative estimates of the effects of reducing class size. Table 2 summarizes the 277 separate published estimates of the effect of pupil-teacher ratios on student achievement. Only 15 percent give much confidence (i.e., are statistically significant) that there is the expected improvement from reducing class sizes. The bulk (85 percent) either suggest that achievement worsens (13 percent) or gives little confidence that there is any effect at all.

TABLE 2.—PERCENTAGE DISTRIBUTION OF ESTIMATED INFLUENCE OF TEACHER-PUPIL ON STUDENT PERFORMANCE, BY LEVEL OF SCHOOLING

School level	Number of estimates	Statistically significant (in percent)—		Statistically insignificant (in percent)—		
		Positive	Negative	Positive	Negative	Unknown sign
All Schools	277	15	13	27	25	20
Elementary Schools	136	13	20	25	20	23
Secondary Schools	141	17	7	28	31	17

Because of the controversial nature of these conclusions, they have been carefully scrutinized—and the policy conclusions remain unaffected. The subsequent discussions have clarified one important aspect of these analyses. The existing studies do show that sometimes variations in class size have significant influences on performance. The difficulty, when thought of in terms of making policy from Washington or from State capitals, is that nobody has been able to identify the overall circumstances that lead to beneficial effects. This finding has important policy implications that are discussed below.

These studies are important because they provide detailed views of differences across classrooms—views that separate the influence of schools from that of family, peers, and other factors. As a group, they cover the influence of class size on a variety of student outcomes, on performance at different grades, and on achievement in different kinds of schools and different areas of the country. In sum, they provide broad and solid evidence.

4. Project STAR in Tennessee does not support overall reductions in class size except perhaps at kindergarten. Much of the current enthusiasm for reductions in class size is based on the results of a random-assignment experimental program in the State of Tennessee in the mid-1980s. The common reference to this program, Project STAR, is an assertion that the positive results justify a variety of overall reductions in class size. This study is the primary reference in the Clinton proposal as well as Governor Pete Wilson's dramatic class-size reductions in California in 1996.

The study is conceptually simple, even if some questions about its actual implementation remain. Students and teachers in the STAR experiment were randomly assigned to small classes (13–17) students) or large classes (22–25) students) with or without aides. Each participating school had one of each type of class. Students were kept in these small or large classes from kindergarten through third grade, and their achievement was measured at the end of each year.

The STAR evidence showed that the gains made were mainly in kindergarten. The STAR data are summarized by Figures 1 and 2. (Graphs were not reproducible in the RECORD.) At the end of kindergarten, children in small classes score better than those in large classes. They then maintain this differential for the next three years.

If smaller classes were valuable in each grade, the achievement gap would widen. It does not. In fact, the gap remains essentially unchanged through the sixth grade, even though the experimental students from the small classes return to larger classes-for the fourth through sixth grades. The inescapable conclusion is that the smaller classes at best matter in kindergarten and perhaps first grade. The data do not suggest that improvements will result from class-size reductions at later grades.

The STAR data suggest that perhaps achievement would improve if kindergarten classes were moved to sizes considerably below today's average. In addition, the effects were greater fro minority students during the first two years. The President's plan gives greater assistance to Title I schools and targets the early grades, but not kindergarten.

Nonetheless, the STAR evidence pertains to a one-third reduction in class sizes, a reduction approximately equal to the overall decline in the pupil-teacher ratio between

1950 and today. As we have seen, that reduction has not led to overall improvement in student achievement.

INTERPRETING THE EVIDENCE ON CLASS SIZE

None of this says that smaller classes never matter. The class size evidence refers to the normal ranges observed in schools—roughly between 15 and 40 studens per class. A class of 100 would likely produce different effects than a class of five, but such a comparison is irrelevant for purposes of the broad policies currently being considered. Indeed, the micro-evidence, which shows instances where differences in pupil-teacher ratios appear important, suggests just the opposite. All things being equal, teachers are probably more effective with fewer students because they can devote more attention to each child. But all things are not equal. Existing teachers may well not adjust their classroom behavior with fewer children in the classroom, and new teachers hired to staff the additional smaller classes may not be as good as existing teachers. There may be situations—of specific teachers, specific groups of students, and specific subject matters—where the huge expense of smaller classes may be very beneficial for student achievement. At the same time, there are other situation where a large scale class-size reduction policy could take away from other education priorities and result in stagnant or worse student achievement.

The complexity of the situation is that we do not know how to describe a prior situation where reduced class size will be beneficial. It makes little sense to dictate an across-the-board class-size reduction policy from Washington. A national policy can only expect average gains, which appear to be very small, at a great expense.

It is also important to remember that bad implementation can actually worsen achievement. When California implemented its large-scale class reduction last year, the state scrambled to hire thousands of new teachers; 31 percent of Claifornia's new teachers are working with only emergency credentials, with a disproportionate number working in urban districts. Due to lack of space, some schools have resorted to placing two teachers in a single classroom with forty students.[3]

Much of the case for reduced class size rests on "common-sense" arguments. With fewer students, teachers can devote more attention to each child and can tailor the material to the individual child's needs. But consider, for example, a movement from class size of 26 to class sizes of 23. This represents an increase in teacher costs alone of over ten percent. It is relevant to ask whether teachers would in fact notice such a change and alter their approach. The observational information from Project STAR suggested no noticeable changes in typical teacher behavior from the much larger changes in the experiment.

The small classes in California have 20 students in them—about the size of the large classes in STAR. No evidence from STAR relates to the likely effects of such a policy change. Indeed, the STAR study was based on previous research which suggested that a class size of 15 or fewer would be needed to make a significant improvement in classroom performance. The Clinton Administration proposals point to class sizes of 18, instead of the 20 in California, but they still do not get down to the STAR levels.

The policy issue is not defined exlusively by whether we should expect positive effects from reducing class sizes. Even if we were confident of positive effects, the case for general policies to reduce class size would not yet be made. Class-size reduction is one of the most expensive propositions that can be considered. The policy experiment of Project STAR involved increasing the number of classroom teachers by one-third, a policy with massive spending implications if implemented on a widescale basis. In recognition of fiscal realities the expense of such policies puts natural limits on what is feasible, leading many reductions to be in the end rather marginal . Marginal changes, however, are even less likely to lead to underlying changes in the behavior to teachers.

TEACHER QUALITY, NOT QUANTITY

Considerable evidence shows that teacher quality is one of the most important factors in student achievement. Whether or not large-scale reductions in class size help or hurt will depend mostly on whether the new teachers are better or worse than the existing teachers. Unfortunately, class-size reduction proposals usually are not accompanied by plans to recruit qualified teachers, and the current organization of schools and incentives to hire and retain teachers do little to ensure that the teacher force will improve. Reducing class sizes may likely have a negative effect by increasing the quantity of teachers at a time when what we need most is to increase teacher quality.

Furthermore, although there is an overall teacher surplus in the United States, high poverty districts often face teacher shortages. In California, this situation has been exacerbated by the state's class-size reduction policy where wealthier districts have raided teachers from poorer districts.

The Clinton Administration proposal call for states to adopt training and certification procedures that have been evaluated and tested. Simply trying to raise certification standards in the current system is unlikely to raise teacher quality. Indeed, certification as practiced today already deters too many talented individuals from teaching, and teachers are rarely held accountable for student performance. Moreover, some states may actually have to lower certification standards just to attract enough teachers for each classroom. If we are to have a real impact on teaching, we must evaluate actual teaching performance and use such evaluations in school decisions. We cannot rely on requirements for entry, but must switch to using actual performance in the classroom.[4]

SUPERIOR APPROACHES

The states and federal government are in a unique position to initiate programs that promise true improvement in our schools. They are not programs that mandate or push local schools to adopt one-size-fits-all approaches—such as lowering overall class sizes or altering the certification of teachers. Instead they are programs that develop information about improved incentives in schools.

The largest impediment to any constructive change in schools is that nobody in today's schools has much of an incentive to improve student performance.[5] Careers simply are not made on the basis of student outcomes. The flow of resources is not related positively to performance—indeed it is more likely to be perversely related to performance. Let us return to class size proposals for a moment. Given that school incentives do not push toward better student performance or toward conserving on expenditures, it is little wonder that decisions about class size are made on the basis of "fairness" and not productivity. After all, would it be fair to some teachers to have to teach large classes or to some students to have less attention in a larger classroom? If schools were more motivated toward performance, the discussion might shift to identifying those situations where changing class sizes would have their largest impact. For example, reducing kindergarten class sizes might be important in communities that lack preschools; communities that face teacher shortages might instead raise teacher salaries in order to improve their applicant pools and recruit more qualified teachers.

The unfortunate fact is, however, that we have little experience with alternative incentive structures. A very productive use of state and federal funds would be to conduct a series of planned interventions that could be used to evaluate improvements. Minimally, instead of funding lowered class sizes everywhere, the states and federal government could team together to mandate more extensive random-assignment trials and evaluation of the benefits of lowered class sizes, à la Tennessee.

More usefully, they could work to develop a series of experiments that investigates alternative incentive schemes—from merit pay to private contracting to wider choice of schools. A new program of trials with altered performance incentives could place an indelible positive stamp on the nation's future by committing to learning about how schools can be improved. Today we do not know enough to develop an effective program of improvement. Nor will continuation of past research programs help, because they must rely upon the existing structure of schools with the existing incentives (or lack of incentives).

The issues of incentives and of devising ways to obtain appropriate information is set out in more detail in Making Schools Work.[6] These are clearly complicated issues that would require considerable change in focus by the federal and state governments—turning from trying to dictate how schools do their jobs to setting up incentives for good performance. Contributors to Making Schools Work also openly admit that there are many gaps in our knowledge and that improving education is more likely if we attack the knowledge problems directly instead of continuing policies that we know do not work.

INVESTING IN SCHOOLS

There are powerful reasons to expand and improve investment in human capital. Educational investments are in fact very important for the U.S. economy, which has been built on a skilled labor force and has capitalized on the presence of skills, making human capital investments very important to the economy. Moreover, many authors show that the labor market value of the increased skills, as measured by schooling level, has increased dramatically in recent years. This valuation demonstrates that the economy continues to need an evermore skilled labor force. Economists have recently spent considerable time and effort trying to understand why some countries grow faster than others, and the majority opinion is that a nation's stock of human capital is an important component of differential growth rates. In addition, Americans have long thought of education as a primary ingredient in providing equality of opportunity to society—as a way of cutting down or breaking intergenerational correlations of income and of trying to provide opportunity to all of society. Taken together, these provide important and relatively uncontroversial reasons for us to continue our attention to education.

Acknowledging the need for investment does not, however, lead to unqualified support for any policies labeled "investment in our youth" or "school improvement." Recent policy discussions have been laced with programs that fundamentally involve haphazard and ineffective spending on schools and that offer little hope for gains in achievement. The current set of class size proposals falls into this category. President Clinton should leave class size policy to schools and districts, and remain faithful to his greatest achievement in education policy: redefining the goal of school reform as results, not merely spending.

ENDNOTES

[1] Pupil-teacher ratios differ from class size for a variety of reasons including the provision of specialized instruction (as with special education), the use of teachers in supervisory and administrative roles, and the contractual classroom obligations of teachers. Nonetheless, even though we have little longitudinal data for class sizes, average class size will tend to move with pupil-teacher ratios.

[2] A more detailed discussion of the evidence along with citations for the relevant work can be found in Eric A. Hanushek, The Evidence on Class Size, Occasional Paper No. 98-1, W. Allen Wallis Institute of Political Economy, University of Rochester, February 1998. The complete text is also available at http://petty.econ.rochester.edu.

[3] Edward Wexler, et al. California's Class-size reduction: Implications for Equity, Practice & Implementation. WestEd and PACE, March 1998.

[4] See Dale Ballou and Stephanie Soler: Addressing the Looming Teacher Crunch: The Issue is Quality. Washington, DC: Progressive Policy Institute, February 1998.

[5] A full discussion of the issues of incentives and of experimentation is found in Eric A. Hanushek with others. Making Schools Work: Improving Performance and Controlling Costs. Washington, DC: Brookings Institution, 1994.

[6] Ibid.

[From the News Journal, Sept. 4, 1998]

EXHIBIT 2

MICROMANAGEMENT BY LEGISLATORS IS MOCKERY OF REAL SCHOOL REFORM

Reducing the size of classes is popular with parents and, in some cases, teachers. It offers politicians a way to make headlines that please constituents.

But most respected academic research suggests that reducing classes by one or two students has virtually no impact on the quality of instruction.

Nonetheless, this year the General Assembly mandated that Delaware's public school classrooms be limited to 22 students. The idea was pushed by Rep. Timothy Boulden, R-Newark, who no doubt thought he was doing the right thing. He wasn't. He was pandering to parents who don't understand the issue any more than he does. Research suggests that a home environment that encourages learning is the most important factor in success in school. But the government can't do much about that.

Next comes teachers. It's no surprise that a highly qualified teacher has enormous impact on students. And that's a factor state government can do something about. But legislators and other reformers have refused to deal with it in any meaningful way this year.

There is discussion about increasing qualifications for teacher certificates, regular recertification thereafter and continuing professional development.

Teachers' salaries also must be part of improving this standard. Delaware pays its teachers too little. We're losing some of the best and brightest to neighboring states. This, too, is something the General Assembly can do something about—but doesn't.

Instead, it micromanages school systems with bills like Rep. Boulden's class-size measure. It's quick, easy, relatively inexpensive and popular. But smaller classes aren't significant unless the numbers go down to 15 or fewer students. That would cost hundreds of millions of dollars (The current 22-student mandate cost $6.5 million.)

Most school districts are having difficulty meeting that mandate as it is, in part because it came well after they had planned the 1998-1999 school year. Many more classrooms are required in some districts, and others have had to shift art, music and physical education. Others might have to dismiss librarians and counselors.

It's ridiculous. The General Assembly does the most harm when it micromanages state agencies. It should set broad goals and high standards, and then give the professionals the tools they need to achieve them.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I ask unanimous consent to be able to speak up to 12 minutes, to be followed by Senator DEWINE for up to 20 minutes.

The PRESIDING OFFICER (Mr. GORTON). Is there objection? Without objection, it is so ordered. The Senator is recognized to speak for up to 12 minutes.

Mr. ENZI. Thank you, Mr. President.

EIA COST ESTIMATES ON GLOBAL WARMING

Mr. ENZI. Mr. President, we have been talking about the budget and the way that the President of the United States wants to spend Social Security—the surplus. I want to talk to you about that in another line—the way that the White House wants to raise your taxes, and the way they are going to do it in November in a very subtle way. I am going to talk to you about jobs—your jobs—and the effort that is underway by the White House to shift your job overseas. The White House has been denying that. I know that the Energy Information Administration confirms it, and how we will not only shift your job overseas, but we are going to charge more for everything that you buy.

Let me explain how this works. The new Energy Information Administration estimate is very important for a couple of reasons. It proves that the White House is using funny numbers on global warming. In my opinion, it also points out that we are spending a lot of time debating the details of a treaty that is fundamentally flawed. I have always said that something not worth doing at all is not worth doing well. The administration has already bought the global warming treaty, and now we are trying to figure out how to pay for it. We are trying to figure out how to make it work. It is as if we decided to sink the mother ship and now we need to figure out the cheapest way to rescue all of the people.

Mr. President, it is easy. Don't sink the ship. Sink the treaty. It is like saying that the *Titanic* is going down and we need to reorganize how the deck chairs are placed.

I came to the floor in July and raised serious doubts about the numbers that were dreamt up by the Council of Economic Advisers. The council chairman, Janet Yellen, has testified twice that Kyoto would cost American families somewhere between $70 and $110 per year. I don't know how you feel about it, but the people in Wyoming think that $70-odd to $110 per year more for Government taxes is a lot. But I want to point out that the independent economists put those costs as high as $2,100 per year per household. That is a pretty good, hefty tax. And it is a $2,000 difference from what the administration is saying that it will amount to.

I have tried to get the real numbers on this before. I have been stonewalled by the White House. Then I finally got some numbers that were rather unintelligible. I asked questions about them. I got a letter from the White House Counsel's Office that said that public disclosure of the real terms would set an unfortunate precedent that could chill the free flow of internal discussions essential to effective executive decisionmaking.

In other words, the White House can't really share the numbers with us because we, the Congress, would have a chilling effect on policy-making? That is our realm. We need to have the data on which to operate. And the White House is the one in charge of providing that data.

We have a credibility gap. We have a credibility gap with the administration.

I think it is interesting to compare the cost estimates from the White House with the cost estimates from the independent Energy Information Administration, part of the administration. The White House says the annual average increase in household energy would be $70 to $110.

I have a little chart. This shows a few of the studies that have been done on global warming. The red line is the administration. You will notice that all of them that have been done are on the very bottom level. This is the one that says it is only going to cost you $70 to $110 a year. The blue line is the Energy Information Administration, part of the administration. This blue line, you will notice, appears at the top of the list. That is what they say it is going to cost you —$335 to $1,740 per year per family.

The White House says gasoline would only go up to $1.31 a gallon. The Energy Information Administration says $1.91 a gallon.

How about fuel oil? That is something our friends in the Northeast worry about. The White House says, "Don't worry, it will only go up to about $1.17 a gallon." The Energy Information Administration says it will go up to $1.90 a gallon. Who do you

want to believe? The administration's low numbers or the administration's high numbers? You are the one paying the bill; which one would you trust?

I wanted you to know what kind of assumptions the Council of Economic Advisers used. How did they get things to look so rosy? It turns out they brought the cost down using two tricks. Their own internal report said they had to figure out some way to bring down the cost or it would not be feasible. They already bought the treaty, now they have to figure out why they bought the treaty. They want the American people to think they got a good deal for you.

The two tricks they use are electricity deregulation and emissions trading. That is how they make it seem to cost less, even though I thought we wanted to deregulate electricity to save the people back home money. What we are going to do is deregulate it and use that money to pay for the global warming treaty. I guess now we need to go back and tell them that the money is already spent if we deregulate, and it has to be deregulated because we have to spend the money. That seems to happen a lot around here.

Then the emissions trading scheme, that one takes the cake. Each of the cost estimates I have seen include a range of credit trading scenarios. The assumption is the more credits we can buy, the cheaper it will be to meet our Kyoto commitments. That is the assumption: The more we buy, the cheaper it gets. That is like going to the mall and saving money by taking advantage of as many sales as you can. You still spend the money.

The Energy Information Administration says the credits will cost us $70 to $350 a term. In people terms, that is 15 cents to 70 cents a gallon of gas, up to an 80 percent increase in your electrical bill. And we thought deregulation would save us some money.

The range is as a result of not knowing how many countries will participate. If we have to buy all our credits only from Europe and Russia, they are going to be very expensive. That puts us in the $350-per-ton range. If we get countries like China and India to sell us their emission credits, we can get that cost down to $70. That is the assumption.

Do you know why they will sell us theirs for so low a price? They don't have any ceiling. Last year I went to Kyoto. I got to meet with the Chinese delegation. By the year 2012 they are going to be the biggest polluters in the whole world and they will not be a part of the treaty. Why not? They are a developing nation. They cannot be put under those constraints. I asked them when they would be done being a developing nation. They said, "Never." Good negotiating. They even developed a fine system so that if we pollute, we get fined, and the money goes to, guess who, the developing nations. They get the money that way.

Now there is another scheme—sell credits. We buy the right to pollute from China and the developing nations. They will sell it to us for just $70 a ton because they have no limit. They are not really selling a quantity. They can sell as many units as they want. They are already polluting; they can continue to pollute. Good deal for us? That is what the White House says we can do. We will pay China so we can have the right to drive our cars and turn on our lights. We will pay China so we can drive when we want to and where we want to. Just pay China and you can turn on all your Christmas lights whenever you want. They will already have the jobs.

In theory, China will limit its own emissions at some future level. In the meantime, they will sell us permits, in theory. In theory the whole world would participate and we would reduce the growth of carbon emissions and save the Earth from certain devastation—in theory.

I got to meet with those nations that are island nations; if global warming happens, they will be inundated by water. They are not going to be a part of the treaty. If this were a real problem and your country was going to be inundated by water, wouldn't you sign the treaty? Wouldn't you push every nation in the world to sign the treaty? I can tell you, they are not, which tells you what they think about global warming.

It is a way to get jobs. It is a way to sell emission credits. The whole world is not participating and the Earth will not be saved because the treaty will not reduce carbon emissions. In fact, we cannot even get the developing world to abide by copyright treaties, what makes anybody think they will abide by an emissions treaty even if they sign it? Oh, no, the joke will be on us. It will be on the American people. We are planning to pay China for a piece of paper that says, "We reduced our emissions by 1 ton so you can increase yours by 1 ton." And we will pay them for that right. That is what it says.

What are we going to do if they just take the money and keep on polluting? And they have assured us they would. Are we going to send in troops and demand our money back? The Energy Information Administration has pointed out that this treaty would cost American families between $350 and $1,740 per year. That is what the private economists have been saying. And it will eliminate jobs.

I urge my colleagues to get a copy of this report and read it. In November the administration will go to Buenos Aires, Argentina, to continue negotiations on the Kyoto treaty. They plan to work out emissions trading enforcement provisions. These are two critical parts of how this treaty will hurt American families. People need to be mindful of this process. People need to protest this process. Now is the time, not during the negotiations, not after the President has signed and sent a treaty here that we have already said, 95 to 0, does not meet the requirements for the economy in the United States, that it is just selling our economy.

A study conducted by DRI–McGraw-Hill estimated Kyoto could cost us 1.5 million jobs. Charles River Associates put that figure as high as 3.1 million jobs by 2010.

Even the Argonne National Laboratory, pointed to job losses in a study on the impact of higher energy prices on energy-intensive industries. Argonne concluded that 200,000 American chemical workers could lose their jobs. All of the American aluminum plants could close, putting another 20,000 workers out of work. Cement companies would move another 6,000 jobs overseas. And nearly 100,000 U.S. steel workers would be out of work.

Americans have a right to know what is going on, even if the Office of White House Counsel does not think so. They should have a chance to see who is playing with their livelihoods.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). Under a previous order, the Senator from Ohio is recognized for 20 minutes.

Mr. DEWINE. Mr. President, let me first congratulate my colleague from Wyoming for a very eloquent and very thoughtful statement about a very serious issue, a very serious problem.

WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DEWINE. Mr. President, 2 weeks ago we introduced the Western Hemisphere Drug Elimination Act. This bipartisan legislation, which now has over one-third of the Senate as cosponsors, calls for an additional $2.6 billion investment in international counternarcotics efforts over the next 3 years. With the additional resources provided in this legislation, we can begin to restore a comprehensive eradication, interdiction, and crop substitution strategy. I say "restore." I say restore because we currently are not making the same kind of effort to keep drugs from entering the United States that we used to. Drugs are now easy to find and easy to buy. As a result, the amount of drugs sold on our streets and the number of people who use drugs, particularly our young people, is at an unprecedented high level. The facts demonstrate the sobering trends.

The August 1998 National Survey of Drug Abuse report by the Substance Abuse and Mental Health Administration lists the following disturbing facts: One, in 1997, 13.9 million Americans age 12 and over cited themselves

as "current users" of elicit drugs, a 7 percent increase over 1996's figure of 13 million Americans. That translates to nearly a million new users of drugs each year.

Second, from 1992 to 1997, the number of children age 12 to 17 who were using illegal drugs has more than doubled and has increased by 27 percent, just from 1996 to 1997 alone.

For children age 12 to 17, first-time heroin use—which as we all know can be fatal—surged an astounding 875 percent, from 1991 to 1996. The overall number of past-month heroin users increased 378 percent from 1993 to 1997.

We cannot in good conscience and with a straight face say that our drug control strategy is working. It is not. More children are using drugs. With an abundant supply, drug traffickers now are seeking to increase their sales by targeting children age 10, 11, 12. This is nothing less than an assault on the future of our children, on our families, and on the future of our country itself. This is nothing less than a threat to our national values and, yes, even our national security.

All of this, though, begs the question: What are we doing wrong? Clearly there is no one, simple answer. However, one thing is clear: our overall drug strategy is no longer balanced; it is imbalanced. To be effective, our national drug strategy must have a strong commitment in the following three areas. One is demand reduction, which consists of prevention, treatment and education programs. These are, of course, administered by all levels of government: Federal level, State level, and the local community as well as nonprofit and other private organizations. The second component is domestic law enforcement which, again, has to be provided by all three levels of government. And finally, No. 3, international eradication and international interdiction efforts, which is the sole responsibility of the Federal Government, our sole responsibility.

These three components are really all interdependent—you need them all. A strong investment in each of them is necessary for each to work individually and to work collectively. For example, a strong effort to destroy or seize drugs at the source or outside the United States, both reduces the amount of drugs in the country and drives up the street price. As we all know, higher prices will in fact reduce consumption. This, in turn, helps our domestic law enforcement and demand reduction efforts.

As any football fan can tell us, a winning team is one that plays well at all three phases of the game—offense, defense, and special teams.

The same is true with our antidrug strategy. All three components have to be effective if our strategy is going to be a winning effort.

Mr. President, while I think the current administration has shown a clear commitment to demand reduction and domestic law enforcement programs, the same, sadly, cannot be said for the international eradication and interdiction components. This was not always the case. Let me turn to a chart.

In 1987, a $4.79 billion Federal drug control budget was divided as follows: 29 percent for demand reduction programs; 38 percent for domestic law enforcement; and 33 percent, one-third, for international eradication and interdiction efforts. This balanced approach worked. It achieved real success. Limiting drug availability through interdiction drove up the street price of drugs, reduced drug purity levels and, consequently, reduced overall drug use.

From 1988 to 1991, total drug use declined by 13 percent, cocaine use dropped by 35 percent, and there was a 25-percent reduction in overall drug use by adolescent Americans.

This balanced approach, however, ended in 1993, and by 1995 the $13.3 billion national drug control budget was divided as follows: 35 percent for demand reduction, 53 percent for law enforcement, but only—only—12 percent—only 12 percent for international interdiction efforts.

Though the overall antidrug budget increased almost threefold from 1987 to 1995, the percentage allocated for international eradication and interdiction efforts decreased dramatically. This disruption only recently has started to change. Unfortunately, the imbalance is still there, and the figures still show that.

In the President's proposed $17 billion drug control budget for 1999, 34 percent will be allocated for demand reduction, 52 percent for law enforcement, and 14 percent for international and interdiction efforts. Those are the numbers. But what really matters is what these numbers get you, what they buy, in terms of resources. The hard truth is that our drug interdiction presence —the ship, the air, and the manpower dedicated to keeping drugs from reaching our country—has eroded dramatically, and here are just a few examples.

One, the Department of Defense funding for counternarcotics decreased from $504.6 million in 1992 down to $214 million in 1995. That is a 57-percent decrease in only a period of 3 years. As a result, flight hours by our AWACS planes dropped from 38,100 hours in 1992 down to 17,713 hours by 1996, a 54-percent reduction.

Another example: At the beginning of the decade, the U.S. Customs Service operated counternarcotics activities around the clock. This made sense because drug trafficking is a 7-day, 24-hour enterprise. Today, the Customs Service does not have the resources to maintain these around-the-clock operations. In a recent hearing on our legislation, the original piece of legislation we introduced, a representative of the U.S. Customs Service testified that the Customs Service has 84 boats in the Caribbean in drug apprehension efforts, and that is down from 200 vessels in 1990—200 down to 84.

The Customs Service estimates that they expect to have only half of the current fleet of 84 vessels by the year 2000, if present trends and projections continue—half again.

These, I believe, are shocking statistics, and, perhaps more than the budget numbers themselves, these statistics demonstrate the imbalance in our overall drug strategy. We have to have a balanced strategy. All portions are needed.

I have witnessed the lack of our resources and commitment in the region firsthand. This past year, I traveled to the Caribbean several times to see our counternarcotics operations there. I met with the dedicated people on the front lines of our drug interdiction efforts. I witnessed our strategy in action and sat down with the experts, both military and civilian—our experts who are charged with carrying out the monitoring, the detection, and the interdiction of drugs.

On one of my recent trips, I saw, in particular, Haiti has become the attractive rest stop on the cocaine highway. You can tell, when looking at the map, why that would be. It is strategically located about halfway between the source country, Colombia, and the United States. As the poorest country in the hemisphere, it is extremely vulnerable to the kind of bribery and corruption that the drug trade needs in order to flourish.

Not surprisingly, the level of drugs moving through Haiti has dramatically increased. A U.S. Government interagency assessment on cocaine movement found that the total amount of cocaine coming from the United States through Haiti jumped from 5-percent in 1996 now up to 19 percent by the end of 1997.

In response to that, we initiated a U.S. law enforcement operation called Operation Frontier Lance. Operation Frontier Lance utilized Coast Guard cutters, speed boats, and helicopters to detect and capture drug dealers on a 24-hour-per-day basis. This operation was modeled after another successful interdiction effort that was first done off the coast of Puerto Rico, and that operation was called Operation Frontier Shield. Both these operations were done in two different time periods. Operation Frontier Shield utilized nearly 2 dozen ships and aircraft, and Operation Frontier Lance utilized more than a dozen ships and helicopters.

To make Operation Frontier Lance work ultimately required that we borrow a few ships and helicopters from operations elsewhere in the Caribbean. Because of our scarce resources, frankly, we had to rob Peter to pay Paul, as they say. But these operations produced amazing results. The 6-month

operation in Puerto Rico resulted in the seizure of more than 32,000 pounds of cocaine and 120 arrests. The 3-month operation in Haiti resulted in 2,990 pounds of cocaine seized and 22 arrests.

Mr. President, these operations demonstrate we can make a big difference—a big difference—if we provide the right levels of material and the right levels of manpower to fight drug trafficking. They worked.

Having had this success, one would think that these operations would serve as a model for the entire region, that we would be able to duplicate them, replicate them. Instead of maintaining these operations, we ended them. This potential roadblock on the cocaine highway is no more. Now in Puerto Rico, we only have a combined total of six air and sea assets doing maintenance operations.

So this figure, Mr. President, represented by these helicopters and ships has been dramatically changed. That is what has happened. That has been the change—down to six in that region.

In Puerto Rico today, we only have a combined total of six air and sea assets doing maintenance operations.

In Haiti and the Dominican Republic—off the coast of Haiti and the Dominican Republic—we only have one ship and one helicopter devoted for the drug operation. That is what we are down to here—just one. So we can take all of these off at once.

We should keep in mind also that since refugees remain a major problem in this area, these very few vessels are not dedicated solely and exclusively to the antidrug effort. Amazingly, no sooner than we built an effective wall against drug traffickers we tore it down.

While in the region, I was surprised to learn in the eastern Pacific, off the coast of Mexico and Central America, the coast is literally clear for the drug lords to do their business. This is, without a doubt, unacceptable. That whole region—that whole region—is literally clear for the drug lords, the entire eastern Pacific.

Again, we have no presence there because we lack the resources. An interdiction plan does exist for the region which would involve the deployment of several ships and planes in the region. This operation, however, unfortunately, was canceled. It was canceled before it even got started because the resources were needed elsewhere. To date, the coastal waters in the eastern Pacific remain an open sea expressway for drug business.

Mr. President, through my visits to the region I have seen firsthand the dramatic decline in our eradication and interdiction capacity. The results of this decline have been a decline in cocaine seizures, a decline in the price of cocaine, and an increase in drug use. This has to stop. It is a clear and imminent danger to the very heart of our society. That is why this legislation is timely. We need to dedicate more resources for international efforts to help reverse this trend.

I want to make it very clear, as I think I have time and time again, that I strongly support our continued commitment in demand reduction and in law enforcement programs. In the end, I believe that reducing demand is the only real way to permanently end illegal drug use. However, this is not going to happen overnight. That is why we need a comprehensive counterdrug strategy that addresses all components of this problem.

There is another fundamental reason, why the Federal Government must do more to stop drugs, either at the source or in transit, as they are coming into the United States. If we do not, no one else will. Let me remind my colleagues that our antidrug efforts here at home are done in cooperation with State and local governments and scores of nonprofit and private organizations. However, only the Federal Government has the ability and the responsibility to keep drugs from crossing into this country. Only the Federal Government has the ability to help deal with the problem at the source level. Only the Federal Government has the ability to stop drugs in the transit routes. That is our responsibility, and the buck should stop here.

But, it is not just an issue of responsibility. I think it is an issue of leadership. The United States has to demonstrate leadership on an international level if we expect to get the full cooperation of source countries, where the drugs originate, countries such as Colombia, Peru and Bolivia, as well as countries in the transit zone, including Mexico and the Caribbean island governments. There is little incentive for these countries to invest their limited resources and risk the lives of their law enforcement officers to stop drug trafficking unless we provide the leadership and the resources necessary to make a serious dent in the drug trade.

Our bill is designed to provide resources and to demonstrate to our friends in the Caribbean and in Central and South America that we intend to lead once again. With this legislation, we can once again make it difficult for drug lords to bring drugs to our country and make drugs far more costly to buy.

It is clear drug trafficking imposes a heavy toll on law-abiding citizens and communities across our great country. It is time we make it a dangerous and costly business once again for drug traffickers themselves. A renewed investment in international and interdiction programs will make a huge difference, both in the flow and the cost of illegal drugs. It worked before and we believe it can work again.

As I said at the beginning, my colleagues and I reintroduced this legislation a few weeks ago. Since we introduced our original bill in July, we have received a number of suggestions on ways to improve the legislation, including several provided in conversations I personally had with Gen. Barry McCaffrey, the Director of the Office of National Drug Control Policy.

Mr. President, I ask unanimous consent for 5 additional minutes to conclude my remarks.

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

Mr. DEWINE. I thank my colleagues and I thank the Chair.

Some of these suggestions we incorporated in the House bill first introduced by Congressman BILL MCCOLLUM of Florida and Congressman DENNIS HASTERT of Illinois. The House passed the McCollum-Hastert bill with overwhelming bipartisan support. The final vote was 384–39. Clearly, the overwhelming bipartisan show of support for the Western Hemisphere Drug Elimination Act is a wake-up call—a wake-up call—for leadership. It is time the United States once again led the way in a comprehensive and balanced strategy to reduce drug use; and the time for leadership is now.

Since House passage of the bill, I have reached out once again to the drug czar and to my friends on the Democrat side of the aisle to try to determine how we can work together to strengthen our drug interdiction efforts and our overall antidrug strategy. Again, we have received very constructive suggestions, and I am hopeful this dialogue will yield positive results in the future.

Mr. President, the resources we would provide in our legislation should be of no surprise to anyone involved in our drug control policies. The vast majority of the items in this bill are the very items which the Drug Enforcement Administration, the Coast Guard and Customs Service have been requesting for quite some time. Many of these items are detailed, practically item per item and dollar amount, in the United States Interdiction Coordinator report, known as USIC, which was originally requested by the drug czar.

The new drug bill that we have introduced represents a good-faith effort by the sponsors of this legislation to get something done this year. It includes almost all of the changes made in the House-passed bill and incorporates virtually every suggestion made by the drug czar. Of central concern to the general, as he expressed in his recent testimony before the Senate Foreign Relations Committee, was the need for greater flexibility. And I agree and I understand.

Our new bill provides flexibility for the agencies to determine and acquire the assets best needed for their respective drug interdiction missions. It also

provides more flexibility for the administration in providing needed resources to Latin American countries.

Mr. President, thanks to the suggestions we have received, the bill is a better bill. It has far more bipartisan support than the first version. Again, the growing support for this legislation is not surprising. This is not a partisan issue. We need to do more to fight drugs outside our borders.

But let's be frank. In this antidrug effort, Congress is the antidrug funder but the agencies represented here—the Drug Enforcement Administration, Customs, Coast Guard, State and Defense Departments, and the Drug Czar's Office—they are the antidrug fighters. They are the ones who are doing the job. The dedicated men and women of these agencies are working to keep drugs out of the hands of our children. And all we are trying to do is to give them the additional resources they requested to make that work result in a real reduction in drug use. This bill is just the first step in our efforts to work with the agencies represented here. I expect to do more in the future.

Finally, Mr. President, I want to make it clear that while this bill is an authorization measure, I have already started the process to request the money needed for this bill over 3 years. Even though we introduced the bill for the first time in late July, we have already secured $143 million through the Senate passed fy 1999 appropriation measures. Senators COVERDELL, GRAHAM of Florida, GRASSLEY, BOND, FAIRCLOTH, and myself requested these funds through the various appropriation measures.

Given that it will take some time to dedicate some of our larger assets, such as boats, airplanes, and helicopters, we need to start investing in these resources as soon as possible.

I recognize that even as we finally are beginning to balance our budget, we still have to exercise fiscal responsibility. I believe effective drug interdiction is not only good social policy, it is sound fiscal policy as well. It is important to note that seizing or destroying a ton of cocaine in source or transit areas is more cost-effective than trying to seize the same quantity of drugs at the point of sale. But more important, are the short and long term costs if we do not act to reverse the tragic rise in drug use by our children.

Let me remind my colleagues that there are more than twice the number of children aged 12 to 17 using drugs today than there were 5 years ago. With more kids using drugs, we have more of the problems associated with youth drug use—violence, criminal activity, and delinquency. Children are dying—either from drug use or drug-related violence. We will have more of the same unless we take action now to restore a balanced drug control strategy. We have to have all the components of our drug strategy working effectively again.

We did it before and we succeeded.

If we pass the Western Hemisphere drug elimination bill we can take the first step toward success. We can provide the resources, and most importantly, the leadership to reduce drugs at the source or in transit.

In the end, Mr. President, that is what this bill is about—it is about leadership—effective leadership. We have an opportunity with this legislation to show and exercise leadership. I hope we can seize this opportunity to stop drug trafficking, and more important, to save lives.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the senior Senator from West Virginia is recognized for up to 5 minutes.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I thank the Chair. There was no previous order that I be recognized, but I still thank the Chair, and I hope I am recognized.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Now, Mr. President, the Senator from Delaware, Mr. BIDEN, actually was here before I was, which does not mean anything under the Senate rules, but we have to live and let live here, and he has to catch a train at 2 p.m. So I ask unanimous consent that I may retain the floor, but that in the meantime the Senator from Delaware, Mr. BIDEN, be recognized for not to exceed——

Mr. BIDEN. Twenty.

Mr. BYRD. Not to exceed 20 minutes, and that I then be recognized for not to exceed 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. The distinguished Senator from Oregon is also here. I wonder—and the reason I am asking is I have been asked by a Senator on the other side, Mr. GRAMM, to try to get 30 minutes locked in for him. May I ask the distinguished Senator from Oregon how much time he would require?

Mr. WYDEN. Mr. President, I thank the Senator from West Virginia. I would, at the appropriate time, ask unanimous consent to speak for up to 15 minutes. I certainly understand there were Senators here before me, and I am happy to wait until after the Senator from West Virginia and the Senator from Delaware are finished.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the completion of my remarks, the distinguished Senator from Oregon be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Texas, Mr. GRAMM, for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DEWINE. Mr. President, I may have to object at this point. It is my understanding that there are speakers coming over on our side. Maybe we can work an arrangement out to alternate back and forth.

Mr. BYRD. Mr. President, I didn't object to the Senator asking for his time.

Mr. DEWINE. Mr. President, if I could make a suggestion that we have the three Senators who are on the floor now, lock that time in, but with the understanding that, beyond that, we would then begin to go back and forth.

Mr. BYRD. Mr. President, if the Senator knows of a Senator who wishes to speak, that is one thing. I know Senator GRAMM wants to speak for 30 minutes. He inquired through a staff person as to whether or not I would make the request for him. I hope the Senator will not object to Mr. GRAMM following the Senator from Oregon.

Mr. DEWINE. Mr. President, I will not object.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

THE SITUATION IN KOSOVO

Mr. BIDEN. Mr. President, let me begin by thanking the distinguished Senator from West Virginia for allowing me to go first. Mr. President, the reason I didn't say anything initially is because I hoped to be able to still make my commitment in Delaware and hear the Senator from West Virginia. I mean that sincerely. It is rare for the Senator from West Virginia ever to take the floor if he does not have a serious piece of business to conduct. He is going to speak on the same subject I am speaking to. I will not get to hear his speech, but I am sure I will read it in the RECORD.

Mr. President, I had originally intended today to introduce a resolution authorizing United States airstrikes against Yugoslavia in connection with the Kosovo crisis because I believe our Constitution requires the President to come to us for that authority. I have decided, however, not to offer the resolution because of recent developments, not on the constitutional front, but recent developments on the ground. The reality is that we are about to go out of session, and my ability to get a vote on this issue is problematic, at best.

Instead, I rise to discuss the implications for U.S. policy regarding the agreement on Kosovo worked out 2 days ago by Ambassador Richard Holbrooke with Yugoslav President Slobodan Milosevic, after more than a week of intensive negotiations.

I might note that it seems at every important point in our history we have diplomats and elected officials who rise to the occasion to meet the needs of the Nation. I would like to suggest that Richard Holbrooke is the right man, at the right time, at the right

spot. I compliment him. We are fortunate to have his diplomatic skills available to this Nation at this moment.

On Monday, NATO's 16 member nations voted unanimously for what they call an ACTORD. That is military terminology for an activation order, which allowed the Supreme Allied Commander in Europe, U.S. General Wes Clark, to order airstrikes, which reportedly would begin with cruise missiles and escalate to a phased bombing campaign that would move beyond Kosovo.

Because this action order was taken, I believe, and only because of this, our negotiator, Mr. Holbrooke, was able to get an agreement from Mr. Milosevic, the criminal President of the Republic of Yugoslavia, to agree to certain of NATO's demands. In response, the alliance has postponed launching the airstrikes, which have been authorized for 4 days, in order to assess whether or not he, Mr. Milosevic, will comply. I assure you that he will not comply if he believes we are not serious about using significant force. The cruise missiles are now on immediate standby; B-52s stand ready on the runway equipped with cruise missiles to move if Milosevic fails to meet his commitments. The cruise missiles are now in immediate standby until Friday evening, U.S. eastern daylight time.

In addition, more than 400 allied aircraft, the majority of them American, remain available for a phased air campaign, should that later become necessary.

Mr. President, let me give my assessment right up front. As I said, I believe that Ambassador Holbrooke has done a good job. The agreement he negotiated in Belgrade is a good one, as long as we can be sure that if Milosevic does not keep his word, NATO air power will be used against the Yugoslav military and security forces.

I must tell you, as the senior member in the minority on the Foreign Relations Committee, I have mixed emotions about Milosevic's having agreed. I believe he only understands force. I believe that he is the problem. I believe that, ultimately, force will have to be used. And, quite frankly, I wish we had just used this force.

Mr. President, this agreement has, at least temporarily, averted NATO airstrikes against Yugoslavia, which, as I indicated, I strongly support. I support them recognizing that they would have endangered the lives of American military personnel, which I do not take lightly. But we must honestly and forthrightly point out to the American people that although the risk was low for high casualties, it was high for some casualties. No one wants war, and this agreement may, in fact, begin to lay the foundation for a political settlement of the crisis in Kosovo. We must understand, though, that war has not been permanently averted in Kosovo.

I would like to review the substance of the agreement negotiated, whose broad outlines are clear, but whose details understandably remain to be hammered out over the next several days. Milosevic, according to the agreement, must take several steps:

First, he must maintain a cease-fire and scale back the presence of both the special police, the so-called MUP, and of the Yugoslav Army, or VJ, to February 1998 levels, dropping the regular army presence from 18,000 to 12,500 and the MUP from 11,000 to 6,500. I, and others, I am sure, including Ambassador Holbrooke, would have liked to have seen it taken back further. But I acknowledge that this was what was possible.

Second, Milosevic must sign an agreement with the Organization for Security and Cooperation in Europe—the so-called OSCE—to allow up to 2,000 "compliance verifiers" full access on the ground in Kosovo to make sure that Milosevic is keeping his promises.

Third, Milosevic must sign an agreement with NATO to allow unarmed aircraft to fly over Kosovo to verify compliance with the cease-fire.

Fourth, he must begin serious negotiations with the Kosovars by November 2, with a goal of giving Kosovo at least autonomy within Serbia.

Fifth, he must allow complete access for humanitarian organizations to deliver assistance to the hundreds of thousands of internally displaced persons within Kosovo. These are the people you see on television, huddled in tents in the middle of fields and out in the forests.

I believe it is unrealistic to think that Milosevic can draw down the special police and the Army units in Kosovo to February levels by the time the Serb-Kosovar negotiations begin on November 2, but he will have to have shown substantial movement in that direction by that time.

Within a day or two, we can expect a statement by Milosevic proposing a timetable for negotiations with the Kosovars. These negotiations are supposed to be without preconditions. But the United States has made it clear that it expects Kosovo to regain a substantial part of the autonomy within Serbia that it lost in 1989. Although we do not presume to negotiate for the Kosovo Liberation Army, the KLA, or for Dr. Ibrahim Rugova, the moderate Kosovar leader, that is the minimum we expect.

Yesterday, Serbia's President, a Milosevic puppet, announced support for elections to a Kosovo parliament, a general amnesty, and the formation of a Kosovar police force to maintain order over the ethnic Albanian community that comprises more than 90 percent of Kosovo's population.

President Clinton has described the verification regime that Milosevic has agreed to as intrusive. It gives the OSCE verifiers a broad mandate, including the authority to establish a permanent presence in locations of their choosing in Kosovo, to accompany remaining Serb military units on patrol, and to coordinate humanitarian relief efforts. These verifiers would be backed up by American U2 spy planes and lower altitude P3 Orions and British Canberra photo reconnaissance planes to verify that compliance was underway. The verifiers will be unarmed, but NATO is putting together what we refer to as an over-the-horizon Quick Reaction Force, which will be ready to intervene on short notice if problems arise.

Let me explain what was meant by that. There will be armed NATO military on the ground—not in Kosovo, not in Serbia—ready to react and cross the border if, in fact, Milosevic goes back to his ways of ethnic cleansing.

Although the basing of this Quick Reaction Force has not yet been announced, I am told that there is an increasing likelihood that Macedonia, rather than Hungary or Italy, will be chosen as the location. Obviously, military requirements must dictate the basing decision, but in my view the choice of Macedonia would provide a needed political and psychological boost for that small country, which itself has a restive ethnic Albanian minority.

I feel our European allies should take the lead on this Quick Reaction Force. I have reason to believe that the United Kingdom, which is in the best position of our allies to play such a role, may step up to the plate and take on this responsibility.

Meanwhile, Milosevic has, as expected, orchestrated the crisis to move against domestic opposition within Serbia. Democratic politicians in Serbia—and there are some—have been threatened. Many independent radio stations have been forced off the air, and dozens of university professors who find Milosevic's conduct abhorrent, have been dismissed.

Diplomacy is not an easy art. Ambassador Holbrooke, as I said earlier, is to be congratulated for his persistence and stamina in crafting this agreement. As yet, no text has been released, and many of the details remain to be worked out in the coming days.

Although all Kosovar politicians, from the nonviolent leader Dr. Rugova to the KLA, vociferously maintain their insistence on independence for Kosovo, I believe most are prepared to accept the return of the pre-1989 autonomy, with the decision on the final status to be deferred for several years.

My supposition is that between now and November 2, U.S. diplomats will work on a fresh draft that will be accepted by Milosevic and the Kosovars as the basis for negotiations. This will not be an easy task.

Assuming that the Belgrade agreement holds, where are we, and what are the implications for U.S. policy?

In the short term, the Belgrade agreement will be seen by some in the Balkans as a victory for Milosevic, since Kosovo will remain part of Serbia and the KLA, temporarily at least, will be denied its goal of independence. I might add, though, that in the short term, a NATO air campaign, most likely would also have redounded to Milosevic's credit, since the Serbs' first reaction would have been to rally round their flag.

It is important to note, however, that if the Belgrade agreement is implemented, Serbian sovereignty will be undermined by the large international presence with wide powers and, eventually, I believe, by some sort of stipulation regarding a decision on final political status for Kosovo after a period of several years.

As I have said many times on this floor, I do not favor independence for Kosovo. It would send the message in the region that state boundaries should be determined by ethnicity. The first casualty of independence of Kosovo at this moment would be the multiethnic, multireligious, democratic Bosnia-Herzegovina that underpins Dayton and is the goal of American policy. I believe it would also seriously destabilize neighboring Macedonia.

Instead of independence, I have argued for a status in Kosovo between that of autonomy within Serbia and independence. But that is for the parties to work out. This could possibly take the form of republic status within Yugoslavia, but within a democratic Yugoslavia, not the current plaything of the thug named Milosevic.

That brings me to the fundamental Balkan policy point that we should cease regarding Milosevic as part of the solution rather than as the problem incarnate. There is simply no chance for peace in the long term in the region until Milosevic is replaced by a democratic government in Belgrade that is willing to grant cultural and political rights to all of its citizens, Serbs and non-Serbs alike, and to respect the sovereignty of its neighbors.

I have no illusions that Belgrade is full of politicians who read Jefferson and Madison in their spare time. Nonetheless, I do not think we have paid adequate attention to the democratic opposition that does exist. Let's not forget that a democratic coalition did win control of 17 major city councils, including that of Belgrade, in the elections of November 1996. Even now, despite many divisions within the democratic ranks, there are significant elements in Serbian politics, in the Serbian Orthodox Church, among journalists, and in academe that could and should be assisted in a major way by the United States of America.

For now, Milosevic has strengthened his grip on power by suppressing much of the opposition and spinning the news to emphasize his defiance of the West and NATO's supposed backing down, but that will be short lived. As Serbia's already pathetic economy worsens, opportunities will reemerge for a broad-based democratic opposition to challenge Milosevic.

We should be patient while protecting life.

We should lay the groundwork for that day by continuing to insist that the Serbian authorities lift the onerous restrictions under which the independent media chafe, by funding those independent media, and by encouraging intensive contact between democratic Western political parties and trade unions and their Serbian counterparts.

In my first visit to Serbia, when I had a long meeting in Belgrade in 1993 with Milosevic, I indicated to him then as forthrightly as I could when he asked what I thought of him, I said to him in the privacy of his office, "Mr. President, I think you are a war criminal and should be tried as such."

I then met with over 100 people in opposition to Milosevic of all stripes, some extreme nationalists in opposition and some Democrats.

The only point I wish to make is that there are roots for democratic growth in Serbia, and we should seek them out.

In the coming days, NATO must watch Milosevic like a hawk and not be afraid to act militarily if he fails to fulfill the terms of the Belgrade agreement, particularly the movement toward reducing the numbers of his special police in Kosovo and sending the army back to its barracks and its heavy weaponry into cantonments.

One must not forget, Mr. President, who have been the big losers in the tragedy of the last eight months. They are the approximately one-third of the Kosovar population whose ranks include perhaps one thousand killed, over three hundred thousand driven from their homes, and over four hundred villages destroyed.

All this in order for Milosevic, whose legacy already includes hundreds of thousands of Bosnian and Croatian dead, to cling to power by once again diverting the attention of the Serbian people from the failure of his ignorant and hopelessly inept domestic policies.

At least we can be thankful that if the Belgrade agreement is implemented, international relief supplies should reach the hundreds of thousands of displaced Kosovars, including many living in the open, thereby preventing massive fatalities this winter.

On the wider stage, NATO has set the important precedent that in certain circumstances it has the right to intervene in the internal affairs of a European state, without an explicit U.N. Security Council authorization.

This is a big deal.

NATO has also made clear to Russia that, in accordance with the 1997 NATO-Russia Founding Act, negotiated by NATO Secretary General Solana and the President of the United States, Moscow has "a voice, not a veto" over NATO policy. That has been reemphasized here as well.

Nevertheless, partly because of Russian objections and partly because of the congenital Western European aversion to using force to achieve political ends, NATO waited several months too long to create the credible threat necessary to compel Milosevic to stop his brutal repression notwithstanding U.S. urging.

In effect, the delay enabled Milosevic to complete the short-term destruction of the KLA and the ethnic cleansing in western and central Kosovo that he desired.

If similar crises arise in the future, we should give ad hoc bodies like the Contact Group one chance to get its act together.

If it doesn't, then we should, without delay, go to NATO and call for resolute action.

The kind of ethnic conflict we have seen in Bosnia and Kosovo was specifically mentioned in NATO's so-called Strategic Concept nearly seven years ago as the prototype for threats to the alliance in the post-Cold War era.

So this is not a surprise to NATO. For that reason—not to mention the thousands of lives that can be spared—we must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

The Belgrade agreement on Kosovo is a first step in the right direction. And President Clinton should be complimented. Its details need to be fleshed out.

After they are we must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of "zero tolerance" with the Yugoslav bully.

Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.

Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.

Twice is enough. There must not be a third time.

I thank the Chair and yield the floor.

I particularly thank the distinguished Senator from West Virginia, my leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the distinguished Senator from Delaware.

KOSOVO: A CRISIS AVERTED OR A CRISIS POSTPONED?

Mr. BYRD. Mr. President, for the first time in weeks, the news from Belgrade regarding Kosovo is encouraging. It would appear—with emphasis on the word "appear"—that Slobodan Milosevic has agreed to NATO's terms to withdraw his forces, begin peace negotiations, and allow 2,000 international observers into Kosovo.

If Mr. Milosevic can be taken at his word, this is truly a turning point in the negotiations. Unfortunately, as we know from the trail of broken promises and from the trail of tears he has left in his wake, Slobodan Milosevic's word is worthless. Hopefully, the concurrent action NATO has taken to authorize air strikes if Mr. Milosevic does not abide by the agreement will be sufficient to persuade him to cooperate. I have my doubts.

As welcome as these new developments are, they do not let Congress off the hook. Over the past several weeks, as we have rushed to complete our work prior to adjournment, we have tiptoed carefully around the role of Congress in authorizing military intervention in Kosovo without ever mustering up the courage to confront the issue head on.

On the topic of Kosovo, we have lectured, we have criticized, we have urged this or that action, but we have been strangely silent on the subject of introducing and voting up or down on a resolution that would fulfill our duty, under both the Constitution and the War Powers Resolution, to authorize the use of force in Kosovo and throughout Serbia.

The Constitution invests in Congress the power to declare war. The War Powers Resolution prohibits the President from waging war beyond 60 days without Congressional authorization. Whether we are acting unilaterally, or as part of a multinational force, or as one member of a formal alliance such at NATO, the burden of responsibility on the Congress is the same.

The bottom line here is that Congress has a duty to authorize the use of force if and when offensive military action is called for. By blinking at the prospect of an authorization of force resolution, we are abdicating our responsibility to the Executive Branch and shirking our duty to the nation.

For weeks, Congress has wrung its hands over conditions in Kosovo while NATO was moving toward a military showdown in the region and while some of us were making solemn speeches condemning the brutality of Mr. Milosevic, our NATO allies were moving to authorize air strikes in and around Kosovo. The agreement reached with Milosevic has, at the very least, bought some time, but it has by no means removed the threat of military intervention in Kosovo. If NATO chooses to move forward with air strikes in the next few days or weeks, Congress, the only branch of Government with the power to declare war, will be just another bystander, watching from the sidelines as U.S. troops are placed in a hostile environment.

Mr. President, none of us wants to rush this nation into military conflict. None of us wants to place the life of even one American at risk. None of us wants to give the order to shoot. But we do not have the luxury of avoiding such decisions. Whether we like it or not, Congress cannot bury its head in the sand when faced with tough issues like declaring war or authorizing military action overseas. And whether we wish to admit it or not, that is exactly what Congress is doing. When it comes to tough issues like Kosovo, Congress seems to want it both ways: we want to be able to criticize the administration, but we do not want to step up to the plate and take the responsibility of giving the administration any guidance.

Now, this matter of responsibility is a two-way street. Congress has responsibility, but so does the administration—at the other end of the avenue. The administration has the responsibility—the duty—to consult with Congress before committing to military action. And the administration has been woefully remiss in accepting its share of the responsibility.

This administration, like so many before it, seems to have confused the concept of consultation on the one hand with the act of advising on the other. Advising Congress of what the administration has already decided to do does not constitute consultation. And charging ahead without making a case to Congress and to the American people does not even constitute common sense.

Like many of my colleagues, I have been troubled by several aspects of the proposed military intervention in Kosovo by the United States and NATO, particularly by the absence of a clear-cut game plan beyond the initial air strikes. Given the complexity of the problem and the potential consequences of any action we take, it is inexcusable and frankly foolhardy for the administration to wait until the eleventh hour to make its case to Congress.

Yes, Congress has the responsibility to exercise its constitutional authority, but that does not give the administration the right to toss what amounts to a live grenade into Congress's lap and expect action before that grenade explodes. Yet, that is the situation with which we were forced to deal. We were told by the administration that air strikes could come at any time once NATO reached consensus on such action. We were alerted that American citizens were being evacuated from Yugoslavia. We watched American diplomats ping-ponging back and forth between Washington and Belgrade and Brussels. And we were given to understand that the administration would like for Congress to endorse its efforts.

Mr. President, this is no way to conduct grave matters of war and peace. I congratulate the administration officials who have been tirelessly working to find a solution to the perilous situation in Kosovo. I am convinced that Secretary of Defense Cohen and Special Envoy Richard Holbrooke have gone the extra mile—literally—to end the bloodshed and turmoil in Kosovo, and to bring Mr. Milosevic to the bargaining table. I spent over an hour meeting with Secretary Cohen this past week, and I believe he understands fully the stakes involved in attempting to broker peace through the use of force in the Balkans. I am confident that he is well aware of the risks and uncertainties associated with the actions that have been taken and those being contemplated by the United States and our allies.

I am not ready to give the administration a blanket endorsement—or a blank check—to carry out any plan for NATO air strikes on Kosovo. I believe there are too many loose ends, too many uncertainties. But I am equally unwilling to close my eyes to the problem and simply let the chips fall where they may. I commend Senator DASCHLE and Senator BIDEN and Senator LEVIN and others for the efforts they have made to deal with this situation. They are among a number of Senators who have worked to craft a resolution authorizing U.S. intervention in Kosovo, if wisdom dictates such intervention. I appreciate their taking my concerns into account as they worked to draft a resolution. They took my concerns into account by incorporating into the resolution provisions that would place some restraints on the administration, guard against an open-ended mission, in terms of its length and scope, and inject some accountability into the operation, without micromanaging the process. The result may or may not have been the best solution; it may or may not have been a resolution that I or a majority of my colleagues could have supported after reasonable debate, but at the very least, it was an effort to acknowledge our constitutional responsibility and articulate our concerns.

Unfortunately, the clock up there on the wall is ticking, and this Senate has neither the time nor the inclination to take up such a resolution, particularly in light of the recent breakthrough in negotiations. I sincerely hope that the agreement Mr. Holbrooke has achieved in Belgrade means that military intervention will be averted, but I have little confidence that Mr. Milosevic will honor his commitment.

I have a feeling he may do the same as Saddam Hussein has done in Iraq. Just watch.

I would recommend that the sine die adjournment resolution contain authority to call Congress back into session. I am not talking about the President calling us back. He has that right under the Constitution. I am talking about our own leadership calling Congress back into session in order to deal with any crisis that might erupt over the period between the end of this Congress and the beginning of the 106th Congress. I further recommend that the administration immediately institute new procedures to truly consult with Congress before committing American troops to hostilities overseas.

Mr. President, I have heard this old record played and replayed over and over and over again; a process in which we Senators on both sides of the aisle will be notified that there will be a meeting in room 407, where classified information can be divulged, at such and such a time, such and such a date. And the administration will appear there, the administration's Representatives will appear there. I have been to several of those meetings.

Very, very seldom have I found anything, any information divulged in those meetings that I haven't already read in the newspapers. And yet the administration, whether it be this one or a preceding administration, feels that the administration has consulted with Congress. The administration hasn't consulted at all. They appear up there, and many times they appear to be talking down to us as though we are new kids on the block, they know it all and we should just be nice, nice boys and girls; they will handle everything; they know everything.

For me, as far as I am concerned, for the most part, it has become an empty exercise to go up to room 407 and listen to the administration's people. Consultation involves far more than that.

In addition to the elected leadership of the Senate and House of Representatives, I think the administration should consult—and I do mean consult, not merely advise—the chairmen, no matter what their gender, and the ranking members of the Appropriations, Armed Services, Foreign Relations and Intelligence Committees.

If military action becomes necessary in Kosovo, the administration will have to come back to Congress to pay for the operation, and the attitude which most administrations appear to have is that if they put American men and women into areas where hostilities are either already going on or imminent, Congress certainly will not turn its back on those men and women; Congress will fork over the money. So the administration always—most administrations in recent years—certainly seemed to have the idea, "Well, once we get our men in there, Congress will have to come along," and we do. Congress isn't going to turn its back on our men and women who are in harm's way. But it doesn't breed confidence between the two bodies. We were told we would only be in Bosnia, oh, something like a year, about a year. That was 3 years ago, 3 or 4, several years back.

I predict that administration officials would find the task a good deal easier if, when they come back before Congress and ask for money, they had truly counseled with Congress, built a case for their request and sought the advice of the pertinent committee leadership beforehand.

Mr. President, I understand absolutely the serious nature of the humanitarian crisis in Kosovo and the threat to regional stability in the Balkans that are posed by Mr. Milosevic's brutal repression of the ethnic Albanian Kosovars. With winter closing in on Kosovo and up to 70,000 ethnic Albanians hiding in the mountains without food or shelter, we are looking at the virtual certainty of a humanitarian catastrophe if something is not done to bring relief to those people and to ensure the safety of the other 250,000 to 400,000 Kosovars who have been forced from their homes by the fighting.

There is a strong case to be made that dealing with the situation in Kosovo now will help to prevent it from becoming a flashpoint that could draw other nations into the conflict like moths to a flame.

Viewed in that light, Kosovo is much, much more than a humanitarian endeavor. But we in the Congress have no right to wring our hands over the plight of the Kosovars while refusing to even debate whatever role wisdom may dictate that Congress should play. We have no right to be bold when it comes to criticizing NATO's proposed action while being timid when it comes to doing our job. Regardless of what anyone else does, Congress has a constitutional duty to authorize whatever action it deems necessary. We do no one any favor by surrendering our duty to the executive branch.

Mr. President, we cannot adequately address the crisis in Kosovo in the time we have remaining in this Congress, but that does not mean we ought to completely abandon our responsibility. NATO is prepared to conduct airstrikes in the event the agreement reached in Belgrade falls apart. Congress should be equally prepared in its sine die adjournment resolution. Congress should be ready and should manifest that it is ready to reconvene on the call of the bipartisan joint leadership of the two Houses of Congress if the situation warrants it.

BREAST CANCER AWARENESS MONTH

Mr. BYRD. Mr. President, October is Breast Cancer Awareness Month, a time when we work to heighten people's awareness of breast cancer and the importance of early detection through mammography and self examination.

Breast cancer is the most prevalent cancer among women with one in nine women at risk of developing breast cancer over her lifetime. That is up from a risk that, in 1960, was just one in fourteen! In West Virginia, the American Cancer Society estimates that this year 1,200 women will be diagnosed with breast cancer, while nearly 300 women in the State will die from the disease. Across the country, more than 43,000 women will lose their battle with the disease this year, while more than 178,000 women will just begin their fight. Too many people know the pain of losing a loved one to this devastating, terrible disease.

The startling statistics on the incidence of breast cancer call for a strong Federal response, and that is what Congress has worked to provide. Since 1990, the Congress has increased cancer research funding by 54 percent. For this new fiscal year, I believe that the Senate is heading in the right direction with its version of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. This measure contains more than $15.5 billion for the National Institutes of Health (NIH), which is an increase of $2 billion over the level appropriated last year. Within that amount, the National Cancer Institute (NCI) would receive almost $3 billion—a 15-percent increase over last year. It is my hope that the final appropriations measure for the NIH, the National Institutes of Health, and the NCI, the National Cancer Institute, will retain these sizable increases. The research performed and funded by NIH is crucial to our Nation, crucial to those suffering from this dreadful disease, and crucial to the families of those who are suffering.

The strong national investment in cancer research is producing some promising results. For instance, an exciting new avenue being tested for breast cancer prevention is the drug tamoxifen. This therapy potentially promises to prevent 50 percent of breast cancer cases in women who run a high risk of developing the disease.

Additionally, there are a number of new treatment options being studied, including such practices as gene therapy and hormonal agents. This combination of research and new therapies is lending hope to the many women and their families who are blighted by this devastating disease. Let us continue to invest in programs to address the scourge of cancer, breast cancer in women in particular.

Early detection of breast cancer is critical, and, according to medical experts, mammography is the best way to find the disease in its early stages. In West Virginia, about 73 percent of

women have had a clinical breast examination and mammogram. That is good, but not good enough. West Virginia still lags behind the national median of 77 percent. So we need to do more.

In an effort to boost breast and cervical cancer prevention, I helped to launch the first-ever West Virginia cancer prevention, education, and screening project in 1990. As a result of this effort and other programs that have partnered with it, between 1989 and 1995, West Virginia experienced a 45 percent increase in the number of women receiving mammograms. We need to continue working together to increase the number of women having mammograms.

Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. BYRD. When a breast cancer tumor is found in its earliest stages, a woman has a better than 90 percent chance of long-term survival. Places like the Mary Babb Randolph Cancer center in Morgantown play an important role in early detection and community education. The center proved to be a life-saver for Jorie Florek. She is a professional golfer from New York State who played in a West Virginia golf tournament to raise money for the cancer center. During the tournament, doctors and nurses from the center provided women with breast cancer information, including instructions on how to perform self examinations. Using that information, Jorie detected a lump that, unfortunately, turned out to be malignant. However, through early detection and aggressive treatment at the cancer center, Jorie is now cancer free.

Another West Virginia success story is that of Stephanie Juristy. Stephanie was working, going to school, raising her teenage son, and planning a wedding when she was diagnosed with breast cancer in 1995. She received treatment at the cancer center, undergoing surgery and chemotherapy, and participated in clinical trials of new treatments. Stephanie is now married, working full-time, and preparing to graduate from school. She is also an advocate for patients in Morgantown, sharing her experiences and knowledge with other women.

Early detection, treatment, and research are all important components in the war against breast cancer. Strides are being made in each of these areas, and, hopefully, one day will lead to a cure for all cancer. And that will be a glorious—glorious—day. However, until then, we must remain vigilant and continue to encourage women to get mammograms and to self screen, and we must continue to make a strong investment in cancer research to press forward for a cure. As we recognize Breast Cancer Awareness Month, let us redouble our efforts to tackle this disease that takes such a devastating toll on our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized, under the previous order.

Mr. WYDEN. Thank you, Mr. President.

Before he leaves the floor, I thank the Senator from West Virginia for the unanimous consent request that he made that ensured I would have the opportunity to speak now and also to thank him for all that I have learned from him during my first years in the Senate.

It is one thing to take out a book that describes some of the procedures and the rules of the Senate, but it seems to me that there is no better way to learn about the Senate and the very high standards that are so important here than to simply watch the Senator from West Virginia for a few hours on the floor of the Senate.

Mr. BYRD. I thank the distinguished Senator for his very gracious felicitations. He is a far better student than I am a teacher. I thank him.

Mr. WYDEN. I thank the Senator.

OREGON'S ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President and colleagues, I take the floor this afternoon because it is my understanding that democracy in Oregon has won at least a temporary victory. I have been informed that there will be nothing attached to the comprehensive spending bill that would override Oregon's assisted suicide law.

While I intend to be very vigilant to monitor any further discussions that take place on this matter, I come today to talk about why this issue is so important not just to my constituents but to all Americans. And I also thank the participants in the budget negotiations for their willingness to leave out this matter that is so complicated and controversial.

I had informed the leadership of both political parties that I was prepared to speak at considerable length if there had been an effort as part of the final budget bill to toss Oregon's ballot measure on assisted suicide into the trash can. I was prepared to do this in spite of the fact that I have personal reservations about assisted suicide. I was prepared to do this because I believe that nothing is more important than the people's right to govern themselves.

When the people of our States have made difficult decisions, difficult moral decisions about matters that have historically been within the purview of the State governments, it is out and out wrong for the Congress to butt in and override those decisions of voters in the States.

The voters of my State have spoken clearly. In two separate referendums, the verdict was clear: Physician-assisted suicide should, under limited circumstances, be legal in the State of Oregon. If the Congress of the United States, meeting 3,000 miles away, had tossed those decisions aside, in a last-minute backroom deal, it would have been a great insult to the people of Oregon and in my view would have contributed mightily to skepticism and cynicism about Government.

It would have been a mistake because there were many questions raised about the measure drafted by the Senator from Oklahoma who, it seems to me, is very sincere about his interest in this subject. In addition to overriding the popular will of the people of my State, his measure would have also set back considerably the cause of better pain management for patients in end-of-life care.

That would have had serious consequences for the treatment of patients in severe pain across this country. His measure would have great implications not just for the people of Oregon, but for the people of all our States. More than 55 groups representing the medical community, many of whom oppose physician-assisted suicide, joined together in an unprecedented coalition to oppose the legislation of the Senator from Oklahoma because of their fear that doctors and other medical providers would be hampered. They feared that the cause of providing pain care to their patients would be set back by the way the legislation by the Senator from Oklahoma was written. I thank all of these groups for their commitment to humane care and for their hard work on this issue.

The key groups that led the coalition were: The Americans for Better Care of the Dying, the American Geriatrics Society, the American Pharmaceutical Association, the National Hospice Organization, the American College of Physicians-American Society of Internal Medicine, and the American Medical Association.

One of the reasons that so many of these groups worked so hard with respect to keeping out of the spending bill legislation that would overturn Oregon's law was their sincere belief that the legislation by Senator NICKLES would have harmed the effort to promote good pain management.

The Nickles legislation would have given the Drug Enforcement Administration new authority to look at every prescription of a controlled substance to determine for what it was intended. In addition, doctors and pharmacists under this legislation have had to be mind readers about what their patients were going to do with one of the drugs that was used under the Controlled Substances Act. Was the patient going to take a medication as prescribed for pain management, or would they have sought to use it to kill themselves?

There is ample scientific evidence that pain management is not performed as well as it might be at this time. And to add further complexities and a broader role for an agency like the Drug Enforcement Administration to step into an area where it has never been before would have, in my view, added additional barriers and complexities to the effort to promote hospice care, palliative care, comfort care, and advance the science of pain management.

Recently, the findings of a study in Oregon done in 1997 were published that show that families reported relatively constant levels of moderate to severe pain during their loved one's final week of life. During the final months in 1997, families reported higher rates of moderate to severe pain for those dying in acute care hospitals. There was one exception, which was when a loved one died in an acute care hospital in late 1997. An important study showed a statewide trend indicating that there were in so many cases moderate to severe pain for these individuals in the last week of life who would have required a physician and others to step in and advocate for those patients.

I have received many letters and a great deal of e-mail from chronic pain patients. These stories are heartbreaking. They point out that it could be any one of us or any one of our loved ones or constituents who finds themselves in chronic, excruciating pain as a result of an accident or through the development of some painful, chronic disease.

Unfortunately, pain patients in the current regulatory environment feel in many instances—and they have told me—as if they are treated like junkies, and that their providers are extremely nervous about how to use pain management in a climate where, had the Nickles legislation been adopted, certainly you would have had the Federal Government looking over the shoulders of doctors and pharmacists with respect to their motivation in prescribing drugs for those who are suffering these acute health and chronic ailments.

We need to do a great deal more. We can do it on a bipartisan basis to advance the cause of pain management. I have had a number of discussions on this matter with Senator MACK, who has done, in my view, excellent work on a number of health issues. Senator SMITH of my State is greatly interested in these matters. I believe we ought to work together so that early next year we can bring before the health committees—and I see our friend from the State of Texas, the chairman of the Subcommittee on Health Care, is here; he has a great interest in these issues —a bipartisan package to promote good pain management before the Senate next year. We do need to do more to help the dying and those who suffer from chronic pain.

I believe that the mere threat of legislation would put the Drug Enforcement Administration into such an intrusive role that physicians, pharmacists, and other health providers would be reluctant to use these medications and future medications that promote pain management, comfort care, and hospice care. The mere threat of this legislation would be a real setback to the kind of health care services that the vast majority of Americans want to see expanded.

Certainly Americans can have differences of opinion on the issue of assisted suicide. I voted against our ballot measure once. I voted for the repeal of it the second time. I voted against Federal funding of assisted suicide. My reservations with respect to this topic are clear. But I think it is wrong for the Federal Government to butt in and override the voters of my State, on a matter that has historically been left to the States. It is especially wrong to do it in a way that is going to allow the Federal Government, particularly through the Drug Enforcement Administration, to play such an intrusive role that doctors, pharmacists, and other health providers will feel uncomfortable and reluctant to assist their patients who are suffering chronic and extraordinary pain.

We have heard reports in Oregon from hospices where doctors have been reluctant to prescribe needed amounts of pain medication because they were frightened about the implications of being visited by a Government agency that would second-guess them.

I am very pleased that the Nickles legislation will not be included in the comprehensive spending bill. I intend to remain vigilant throughout the remaining hours of the negotiations. I wanted to come to the floor this afternoon to talk about why this issue is so important not to just the people of my State, but to the people of this country.

Finally, I am under no illusion that there will not be further discussions on the floor of the U.S. Senate about this topic. I know that the Senator from Oklahoma feels very strongly and sincerely about this issue. I know that there will be an effort to bring forward that proposal, and others like it, next year. I am aware that there are a number of Members of the U.S. Senate who would be willing to see Oregon's law set aside.

I ask all of my colleagues to think just for a few moments over the next few months about their reaction if their State passed a law on a matter that the States have historically led on, and then a Member of the U.S. Senate sought to step in and lay that aside. That is, in effect, what some in the U.S. Senate are trying to tell the people of Oregon. I think that is a mistake. I think that Senators who would be willing to toss aside a vote of the people of Oregon ought to think about the implications of the precedent they will be setting that will have their voters and the popular will of their States set aside if this Senate, in the future, tosses aside the Oregon law.

There is a better way. The better way is the approach that Senator MACK, Senator SMITH and Members of the House, such as Congresswoman DARLENE HOOLEY, and I are talking about. The better way is to say that there will be differences of opinion in our country about assisted suicide, but let us come together on that broad swath of policy that we all can agree on—which is to promote better hospice care, pain management, and comfort care in the use of advanced directives.

Many of these services in many of our communities are utilized very rarely. So there is much we can do that will bring our citizens together, that will help us improve the conditions of our patients, reduce their suffering, without setting a dangerous precedent of overriding a law passed by the voters of my State that could redound to the detriment of other States and our citizens.

Mr. President, I thank the negotiators who are dealing with the omnibus appropriations bill. I am pleased that it was not necessary for me to speak at length on the omnibus appropriations bill. Our voice will be heard when we are challenged in Oregon. We will be heard each time our rights are challenged.

I will conclude my remarks. I see the Senator from Oklahoma here. He has been very gracious to this Senator in terms of discussing this matter and keeping me apprised of his intentions. We do have a difference of opinion on this issue and, at the same time, he has made it clear that he wants to work with this Senator, Senator MACK, and others, on a variety of issues that we can agree on relating to pain management. I know that we will be back on this Senate floor debating this topic in the future. But I want the Senator from Oklahoma to know that not only do I appreciate his courtesy in keeping me apprised of his intentions, but of my desire to work with him on a variety of issues relating to this topic where I think we can agree.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senator from Oklahoma might speak, and that at the conclusion of his remarks, I be recognized.

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

USING FEDERALLY CONTROLLED DRUGS FOR ASSISTED SUICIDE

Mr. NICKLES. Mr. President, I thank my colleague from Texas. I want to

make a couple of comments in regard to the legislation that my colleague and friend, Senator WYDEN, alluded to dealing with assisted suicide.

Mr. President, I introduced legislation to correct a mistake that Attorney General Reno made in June of this year when she overruled the Drug Enforcement Act and its interpretation that controlled substances could not be used for assisted suicide.

Let me make sure that everybody understands the picture of this. The Controlled Substance Act is a Federal law. It is not a State law; it is a Federal law. It is a Federal law that controls very strong drugs—drugs that are illegal, drugs that can kill, drugs that are very addictive. They are controlled by Federal law. They can't be used except for legitimate medical purposes. That is what is defined in the Federal law in the Controlled Substance Act. They can only be used for legitimate medical purposes.

What constitutes a legitimate medical purpose? History has it that a legitimate medical purpose is, or can be, the alleviation of pain, to reduce pain, give comfort. It can be used for palliative care, but it is never—let me restate this—the Drug Enforcement Agency, which is in charge of enforcing this act, has never been used for assisted suicide. These drugs are strong drugs. If they are abused, used in heavy quantities, they kill people.

Unfortunately, some people want to use these drugs for assisted suicide. The Drug Enforcement Administrator, Mr. Constantine, a year ago, in November, wrote a letter to Congress and said that assisted suicide is not a legitimate medical purpose.

Mr. President, I ask unanimous consent that at the conclusion of my statement a letter from Mr. Constantine, Administrator of the Drug Enforcement Agency, be printed in the RECORD.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

(See Exhibit 1.)

Mr. NICKLES. Mr. President, the letter says they have reviewed it, and assisted suicide is never a legitimate medical purpose. These drugs can only be used for a legitimate medical purpose.

The State of Oregon, by referendum, passed a law that says assisted suicide is OK. They had a couple of them. The State of Oregon can do what it wants, but that doesn't overturn Federal law. What if the State of Massachusetts said they were going to legalize heroin? That is a controlled substance. Does that make it legal? No. There is a reason why we have a Federal law dealing with these very strong drugs, and it is called the Controlled Substance Act. And just because one State has a referendum or petition or the legislature passes a bill, it doesn't overturn Federal drug law, period.

For some unknown reason, the Attorney General—and I still don't know why—gave one of the most absurd rulings in June, where she said, well, we still believe we have control of the Federal Controlled Substance Act, so assisted suicide is illegal for some States, except for those which have legalized it. Now, that is an absurd conclusion. I guess if you take that to its conclusion, any State can do whatever they want on these substances. That is absurd. Why have a Federal law? Why have a Federal law in any way, shape, or form.

Now we have several States—and Oregon is the pioneer in this—like Michigan and other States that are saying they want assisted suicide. I just beg to differ. I don't think that should be the purpose. The whole purpose of these drugs is to alleviate pain. For those organizations that say we are not sure if we support this bill because maybe it would have a chilling impact on pain, that is false. They haven't read the bill. If they want us to help write it in a stronger way—we put very clearly in the bill that these drugs can be used to alleviate pain. We encourage use of these drugs for the alleviation of pain, for palliative care. But they are licensed by the Federal Government and should not be used to kill people. They should not be used for assisted suicide. These are federally controlled drugs.

Are we going to give that kind of license? What happens if somebody does it? Tradition has it and history has had it that the Drug Enforcement Agency, if somebody misuses these drugs—one, they have to get a Federal license to distribute the drug, and if they misuse them, they lose that license. I think it is only appropriate to do so. They should not have the ability to distribute these drugs if they are going to use these drugs for assisted suicide.

So I say to my colleagues and anybody who has an interest in this that I want to work this out. I met with the Secretary of Health and Human Services today, Secretary Shalala, and we talked about this. We need to make sure that these drugs can be used for palliative care. We also need to make sure that they are controlled by the Federal Government. They should not be used for assisted suicide.

Mr. President, let me make a couple of general comments. This is about this administration, and it is about life in general, or maybe their lack of respect for life.

On two or three issues, I think this administration seems quite bent on devaluating life. I am talking about unborn children, where the administration has been eagerly trying to bring forth the distribution of RU486, an abortion pill that aborts fetuses up to 9 or 10 weeks, where there is a beating heart; they want to legalize that. There wasn't a pharmaceutical company in the country that wanted to make the drug, and the administration bent over backwards trying to recruit this drug coming into the country.

Now, you find the administration, through the Attorney General, coming up with a ruling that is totally contrary to the Drug Enforcement Agency's history of controlling controlled substances and saying, oh, well, we think assisted suicide is OK. Even though the President of the United States says he is against it, his administration and the Attorney General say maybe it is OK if the State says it is even though the drugs are controlled by the Federal Government. So you have the administration recruiting people to bring in abortion drugs for young people—an administration that wants to fund and subsidize abortion for unborn children, and then an administration now that, through the Attorney General's ruling, says we think these drugs that have been controlled by the Federal Government, under Federal law—we think it is OK if States want to legalize the use of these federally controlled drugs for assisted suicide. I don't think that makes sense.

I think it is pathetic when you think that the Federal Government's purpose should be to protect people, and they are actually trying to bring in drugs that will kill unborn children. And, then, also at the same time, "Oh, yes. You can use these very strong drugs to kill senior citizens." It is hard to believe that they would take that position. That is the position of this administration. They are wrong. Hopefully, this Congress will vote.

I might mention that this is not the first issue that we have had with this. We passed legislation in the last Congress. We passed it unanimously through the Senate. It was my bill, or my language, that said no Federal funds were to be used for assisted suicide. Now we have people saying, "Well, we want to use Federal drugs for assisted suicide." I think not.

We are going to vote on it. We are going to have significant debate on it. I look forward to that debate. I regret we are out of time to get a significant debate on it this year.

I look forward to working with my colleague from Oregon. I understand trying to represent one's State. I believe very strongly in States rights. But I don't believe so strongly in States rights that if the State of Oklahoma wanted to legalize heroin, or other controlled substances—I don't think that supersedes Federal law.

I would tell my colleague from Oregon that if the State of Oklahoma said, "We think we want to legalize assisted suicide and have it be public," I say that is fine, you can do it with any drug that is controlled by the State, but not drugs controlled by the Federal Government, because we don't want Federal Government policy to be that we are going to basically acquiesce in

assisted suicide. That should not be Federal policy.

Again, there is a Federal Controlled Substance Act. It is not State. The State could do whatever they want. But not with Federal law, not with Federal drugs, not with the Federal Drug Enforcement Administration, which controls the licenses and controls the use of these substances. The act is written OK. The act says these substances can only be used for legitimate medical purposes. I agree with that. If anybody thinks that legitimate medical purpose is assisted suicide, I disagree with that. That is not in the law. The Attorney General's reading of the law is totally contrary to that of the Drug Enforcement Administration. I believe she is wrong.

We will give all Members of this body a chance to vote on it in the not-too-distant future—if not this Congress, certainly the next Congress.

I thank my colleagues, particular my colleague from Texas, for allowing me to proceed to respond to my colleague from Oregon.

I yield the floor.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, November 5, 1997.

Hon. HENRY J. HYDE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HYDE: Thank you for your letter of July 29, 1997. In that letter, you requested the Drug Enforcement Administration's (DEA) view as to "whether delivering, distributing, dispensing, prescribing, filling a prescription, or administering a controlled substance with the deliberate intent of assisting in a suicide would violate the Controlled Substance Act (CSA), applicable regulations, rulings, or other federal law subject to DEA enforcement, notwithstanding the enactment of a state law such as Oregon's Measure 16 which rescinds state penalties against such prescriptions for patients with a life expectancy of less than six months."

I apologize for the delay in responding to you. As you know, the CSA authorizes DEA to revoke the registration of physicians who dispense controlled substances without a legitimate medical purpose. Historically, DEA's experience with the phrase "without a legitimate medical purpose" has focused on cases involving physicians who have provided controlled substances to drug addicts and abusers. The application of this phrase to cases involving physician-assisted suicide presented DEA with a new issue to review.

Since receiving your inquiry, my staff has carefully reviewed a number of cases, briefs, law review articles and state laws relating to physician-assisted suicide, including the documents referenced in your letter. In addition, my staff has conducted a thorough review of prior administrative cases in which physicians have dispensed controlled substances for other than a "legitimate medical purpose." Based on that review, we are persuaded that delivering, dispensing or prescribing a controlled substance with the intent of assisting a suicide would not be under any current definition a "legitimate medical purpose." As a result, the activities that you described in your letter to us would be, in our opinion, a violation of the CSA.

Because physician-assisted suicide would be a new and different application of the CSA, a number of issues remain unresolved. For example, suspicious or unnatural deaths require a medico-legal investigation. The first priority in such an investigation would be a comprehensive forensic inquiry by a state or local law enforcement agency, which is traditionally supported by the efforts of a medical examiner, forensic pathologist, and/or coroner. At the conclusion of this stage of the inquiry, the evidence often is submitted to a grand jury or similar process for a determination of potential criminal liability of the person who assisted in the death.

This initial determination as to the cause of death is not DEA's responsibility. Rather, DEA would have to rely on the evidence supplied to us by state and local law enforcement agencies and prosecutors. If the information or evidence presented to DEA indicates that a physician has delivered, distributed, dispensed, prescribed or administered a controlled substance with the deliberate intent of assisting in a suicide, then DEA could initiate revocation proceedings on the grounds that the physician has acted "without a legitimate medical purpose."

In addition to moving to revoke a physician's registration for dispensing controlled substances "without a legitimate medical purpose," please also be aware that the CSA provides a number of other grounds upon which DEA might revoke the registration of a physician who assisted in a suicide. For example, DEA will revoke the registration of any physician whose state license to practice medicine has been revoked for assisting suicide. Similarly, DEA has authority to revoke the registration of any physician whose acts in assisting a suicide result in a conviction under state controlled substances laws.

DEA must examine the facts on a case-by-case basis to determine whether a physician's actions conflict with the CSA. If the facts indicate that a physician has acted as set forth in your letter, however, then DEA would have a statutory basis to initiate revocation proceedings.

I trust that this response addresses your inquiry. If you have any further questions, please feel free to contact me.

Sincerely,

THOMAS A. CONSTANTINE,
Administrator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand the Senator from Wyoming has cleared a bill. Knowing how hard it is in the waning hours to do that, without losing my right to the floor and my full time when he is finished, I would like to yield him 5 minutes.

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

The Senator from Wyoming.

Mr. THOMAS. Thank you, very much.

I thank the Senator from Texas. I have several bills that will be concluded.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1693) to renew, reform, reinvigorate, and protect the National Park System.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1693) entitled "An Act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Parks Omnibus Management Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition.
TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT
Sec. 101. Protection, interpretation, and research in the National Park System.
Sec. 102. National Park Service employee training.
Sec. 103. Management development and training.
Sec. 104. Park budgets and accountability.
TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT
Sec. 201. Purposes.
Sec. 202. Research mandate.
Sec. 203. Cooperative agreements.
Sec. 204. Inventory and monitoring program.
Sec. 205. Availability for scientific study.
Sec. 206. Integration of study results into management decisions.
Sec. 207. Confidentiality of information.
TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS
Sec. 301. Short title.
Sec. 302. Purpose.
Sec. 303. Study of addition of new National Park System areas.
TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT
Sec. 401. Short title.
Sec. 402. Congressional findings and statement of policy.
Sec. 403. Award of concessions contracts.
Sec. 404. Term of concessions contracts.
Sec. 405. Protection of concessioner investment.
Sec. 406. Reasonableness of rates.
Sec. 407. Franchise fees.
Sec. 408. Transfer of concessions contracts.
Sec. 409. National Park Service Concessions Management Advisory Board.
Sec. 410. Contracting for services.
Sec. 411. Multiple contracts within a park.
Sec. 412. Special rule for transportation contracting services.
Sec. 413. Use of nonmonetary consideration in concessions contracts.
Sec. 414. Recordkeeping requirements.
Sec. 415. Repeal of National Park Service Concessions Policy Act.
Sec. 416. Promotion of the sale of Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts.
Sec. 417. Regulations.
Sec. 418. Commercial use authorizations.
Sec. 419. Savings provision.
TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM
Sec. 501. Fees.
Sec. 502. Distribution of golden eagle passport sales.
TITLE VI—NATIONAL PARK PASSPORT PROGRAM
Sec. 601. Purposes.

Sec. 602. National Park passport program.
Sec. 603. Administration.
Sec. 604. Foreign sales of Golden Eagle Passports.
Sec. 605. Effect on other laws and programs.
TITLE VII—NATIONAL PARK FOUNDATION SUPPORT
Sec. 701. Promotion of local fundraising support.
TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. United States Park Police.
Sec. 802. Leases and cooperative management agreements.

SEC. 2. DEFINITION.

As used in this Act, the term "Secretary" means the Secretary of the Interior, except as otherwise specifically provided.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.

(a) COOPERATIVE STUDY UNITS.—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) REPORT.—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) NEGOTIATIONS.—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the "National Park System New Areas Studies Act".

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91-383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a-5) is amended as follows:

(1) By inserting "GENERAL AUTHORITY.—" after "(a)".

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words "For the purposes of carrying" the following: "(f) AUTHORIZATION OF APPROPRIATIONS.—".

(4) By inserting the following after subsection (a):

"(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

"(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

"(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

"(B) themes, sites, and resources not already adequately represented in the National Park System; and

"(C) public petition and Congressional resolutions.

"(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

"(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

"(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

"(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

"(2) In conducting the study, the Secretary shall consider whether the area under study—

"(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

"(B) is a suitable and feasible addition to the system.

"(3) Each study—

"(A) shall consider the following factors with regard to the area being studied—

"(i) the rarity and integrity of the resources;

"(ii) the threats to those resources;

"(iii) similar resources are already protected in the National Park System or in other public or private ownership;

"(iv) the public use potential;

"(v) the interpretive and educational potential;

"(vi) costs associated with acquisition, development and operation;

"(vii) the socioeconomic impacts of any designation;

"(viii) the level of local and general public support; and

"(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

"(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

"(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

"(D) may include any other information which the Secretary deems to be relevant.

"(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

"(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

"(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

"(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.".

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: "For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000 for each fiscal year.".

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the "National Park Service Concessions Management Improvement Act of 1998".

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) MINIMUM REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in

the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term "preferential right of renewal" means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under $500,000.

(B) For the purposes of this title, an "outfitting and guide concessions contract" means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

A concessions contract entered into pursuant to this title shall generally be awarded for a term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

(a) LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in

paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described as paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) DEFINITIONS.—For purposes of this section:

(1) CONSUMER PRICE INDEX.—The term "Consumer Price Index" means the "Consumer Price Index—All Urban Consumers" published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) CAPITAL IMPROVEMENT.—The term "capital improvement" means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) SPECIAL REPORTING REQUIREMENT.—Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

(a) IN GENERAL.—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes. Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

(a) APPROVAL OF THE SECRETARY.—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the

public to maintain the quality of such facilities and services.

(c) TRANSFER TERMS.—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) ESTABLISHMENT.—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in of the National Park System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each the following:

(A) Health and safety inspections.

(B) Quality control of concessions operations and facilities.

(C) Strategic capital planning for concessions facilities.

(D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of a award of a new contract at the same approximate location or resource.

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) ACCESS TO RECORDS.—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

(a) REPEAL.—Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) CONFORMING AMENDMENTS.—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through "no natural" and inserting "No natural,"; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–7) is amended by striking subsection (c).

(3) The second paragraph under the heading "NATIONAL PARK SERVICE" in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

(c) ANILCA.—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it

exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below $500,000. The Secretary shall also promulgate regulations which further define the term "United States Indian, Alaskan Native, and Native Hawaiian handicrafts" for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—To the extent specified in this section, the Secretary , upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) LIMITATIONS.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

SEC. 419. SAVINGS PROVISION.

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the "1998 Glacier Bay Prospectus"). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

SEC. 501. FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than 10 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be $50.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note),

available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) PARK PASSPORT NOT REQUIRED.—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)).

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note) shall be honored for admission to each unit of the National Park System.

(c) ACCESS.—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) LIMITATIONS.—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) EXEMPTIONS AND FEES.—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90–209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

"SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

"(a) ESTABLISHMENT.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

"(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

"(1) assist in the creation of local nonprofit support organizations; and

"(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

"(c) PROGRAM.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

"(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

"(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

"(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

"(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

"(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

"(f) AFFILIATIONS.—

"(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

"(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

"(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

"(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.".

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) APPOINTMENT OF TASK FORCE.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made; and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–2) is amended by adding at the end the following:

"(k) LEASES.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

"(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

"(3) USE.—Buildings and associated property leased under paragraph (1)—

"(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

"(B) shall not result in degradation of the purposes and values of the unit; and

"(C) shall be compatible with National Park Service programs.

"(4) RENTAL AMOUNTS.—

"(A) IN GENERAL.—With respect to a lease under paragraph (1)—

"(i) payment of fair market value rental shall be required; and

"(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

"(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

"(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

"(5) SPECIAL ACCOUNT.—

"(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

"(i) facility refurbishment;

"(ii) repair and replacement;

"(iii) infrastructure projects associated with park resource protection; and

"(iv) direct maintenance of the leased buildings and associated properties.

"(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

"(l) COOPERATIVE MANAGEMENT AGREEMENTS.—

"(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

"(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

"(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.".

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT

Mr. BUMPERS. Mr. President, I rise today in strong support of S. 1693, the National Parks Omnibus Management Act of 1998. Let me begin by acknowledging the work of the sponsor of this legislation, Senator THOMAS. As the chairman of the Subcommittee on National Parks, Historic Preservation and Recreation, he has been willing to compromise and work with all involved parties, including Secretary Babbit, my friend and colleague Senator BENNETT, Congressmen GEORGE MILLER and

DON YOUNG in an effort to enact a meaningful and comprehensive bill for our national parks. It has been a pleasure to work with him on this important legislation and I am very pleased that this bill will pass before I leave the Senate this year. I would also like to particularly thank Senator BENNETT, who has once again been very helpful and constructive in developing a bill that can garner such broad bipartisan support, as I believe this bill has.

Although this is a comprehensive bill that makes a number of positive changes in the way national parks are managed, for me, the most significant provisions are found in title IV—the National Park Service Concessions Management Improvement Act.

Mr. President, for almost 19 years I have worked to reform the concessions policies of the National Park Service to increase competition, provide better services, and to ensure a better return for the American public. Over the past two decades, we have held dozens of hearings, and we've debated this issue in markups and on the Senate floor.

As you know, during the 103d Congress Senator BENNETT and I sponsored a bill which passed the Senate by a vote of 90–9, and passed in the House of Representatives with only minor changes by a vote of 368–30. Despite the overwhelming vote margins, we were unable to pass a final bill before the Congress adjourned. Given the magnitude of those votes, it is very frustrating to be here once again debating park concession reform.

While I support passage of this bill and believe it will enhance the Park Service's ability to better manage our National Park System, the bill before us today is a true compromise worked out between Senator THOMAS and myself in the Senate and with Congressmen MILLER, DON YOUNG, and JIM HANSEN in the House. Each of us gave something up in order to get a bill passed. The bill—particularly the concession title—does not contain all of the policy changes that I would like to see made. However, passage of this bill will finally allow the Park Service to have meaningful competition for park concession contracts.

Most importantly, the bill will repeal the 1965 Concession Policy Act—a 30-year-old anachronism—including its most anticompetitive provision, the granting to incumbent concessioners of a preferential right to renew their contract by simply matching the terms and conditions of a superior offer.

Other important provisions in the concession reform title include: Maintaining existing statutory protections for outfitter and guide contracts and small contracts with less than $500,000 in annual gross revenue; a prohibition against giving any concessioner a preferential right to provide new or additional services; and language linking the value of facilities built by a concessioner to actual construction costs, adjusted for inflation, rather than the "sound value" possessory interest allowed under current law.

During the consideration of this bill in the House, possessory interest was the most contentious issue to be resolved. While Senator THOMAS and I had agreed on a formulation in the Senate passed bill that satisfied us, come in the House, particularly the ranking Democrat on the Resources Committee, GEORGE MILLER, preferred the approach taken in the bill I mentioned earlier that passed the Senate in 1993. Under that formulation, a concessioner's possessory interest would be depreciated over time on a straight line basis. While I too prefer this approach, it is clear that the concessioners are adamantly opposed to this method of calculating possessory interest. More importantly, a major change to this key provision would put at risk the agreement we have reached to eliminate the preferential right of renewal, by far the most anticompetitive provision in the existing law.

After lengthy discussions between Congressman MILLER, Secretary Babbitt, Senator THOMAS, and others, another compromise has been agreed to that gives both sides some of what they want. As passed the House, the legislation provides that the Secretary is to value possessory interest as described in the bill for 9 years. At the end of year 7, the Secretary is to send Congress a report on the concessions program in general and, in particular, how this new method of calculating possessory interest has worked. Congress can examine the report and make legislative changes if necessary based on the track record of the previous 7 years. Then, at the end of the 9th year, if no changes in the law have been made, the Secretary will have the discretion, under certain limited circumstances, to require concessioners to use other methods of valuing possessory interest, including but not limited to, straight line depreciation. I think this is a reasonable compromise and very much appreciate the hard work on the part of all parties in working it out.

While the concession title has been of particular interest to me, the bill before us today includes several other titles which I believe will greatly enhance the Park Service's management authorities. The bill includes directives for the Park Service to improve career development and training for its employees and to establish a strong scientific research program in national parks. It codifies criteria for the Park Service to use in evaluating areas proposed for addition to the National Park System. I must say that I very much regret the decision of the House to remove the provisions contained in the Senate bill that gave the Park Service much needed authority to collect and retain fees for commercial filming activities in national park units, and which would have extended the Recreational Fee Demonstration Progam for park fees for another 6 years. These provisions were included in the Senate bill to help get badly needed money directly to the parks—something that everyone says they want to do. Deleting these provisions that would have provided literally hundreds of millions of dollars to the parks over the next 5 or 6 years will not help restore our badly deteriorating parks and public lands.

The bill before us today will allow the Park Service to develop and market annual park admission passports to increase public awareness about parks and to raise new revenues. There are a few other titles included in the bill, but those are the most significant provisions.

Mr. President, the concession reform provisions in this bill are a great step forward for the National Park Service and the taxpayers. I strongly support these and the other provisions in this legislation, and I hope my colleagues will join me in helping to pass this bill.

In closing, I want to thank several people who worked very hard on this legislation, in particular title IV related to park concessions. David Brooks and Tom Williams on the Energy Committee Democratic staff have worked with me for years on this issue and I appreciate their efforts very much. Jim O'Toole and Gary Ellsworth of the majority staff have been very helpful to me on this and other bills and I thank them both for their help and cooperation. Dan Naatz on Senator THOMAS' staff and Tim Stewart with Senator BENNETT were crucial to Senate negotiations on this bill and provided constructive and substantive input on a number of occasions. Finally, John Leshy, Destry Jarvis, and Lars Hanslin in the Interior Department deserve much of the credit for putting together the final compromise on possessory interest that got this bill moving again in the House. Along with John Lawrence and Rick Healy of the Democratic staff on the House Resources Committee, these gentlemen worked tirelessly to put the finishing touches on a very delicate compromise. I very much appreciate their dedication to this effort and their willingness to go the extra mile to get this bill passed.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

ASSISTIVE TECHNOLOGY ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives

on the bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2432) entitled "An Act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Assistive Technology Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions and rule.

TITLE I—STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.
Sec. 102. State grants for protection and advocacy related to assistive technology.
Sec. 103. Administrative provisions.
Sec. 104. Technical assistance program.
Sec. 105. Authorization of appropriations.

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

Sec. 201. Coordination of Federal research efforts.
Sec. 202. National Council on Disability.
Sec. 203. Architectural and Transportation Barriers Compliance Board.

Subtitle B—Other National Activities

Sec. 211. Small business incentives.
Sec. 212. Technology transfer and universal design.
Sec. 213. Universal design in products and the built environment.
Sec. 214. Outreach.
Sec. 215. Training pertaining to rehabilitation engineers and technicians.
Sec. 216. President's Committee on Employment of People With Disabilities.
Sec. 217. Authorization of appropriations.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

Sec. 301. General authority.
Sec. 302. Amount of grants.
Sec. 303. Applications and procedures.
Sec. 304. Contracts with community-based organizations.
Sec. 305. Grant administration requirements.
Sec. 306. Information and technical assistance.
Sec. 307. Annual report.
Sec. 308. Authorization of appropriations.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

Sec. 401. Repeal.
Sec. 402. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

(6) Notwithstanding the efforts of such State programs, there is still a lack of—

(A) resources to pay for assistive technology devices and assistive technology services;

(B) trained personnel to assist individuals with disabilities to use such devices and services;

(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

(D) outreach to underrepresented populations and rural populations;

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

(G) capacity in such programs to provide the necessary technology-related assistance.

(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

(E) the increased role that telecommunications play in education, employment, health care, and social activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized

representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

(3) to enhance the ability of the Federal Government to—

(A) provide States with financial assistance that supports—

(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ADVOCACY SERVICES.—The term "advocacy services", except as used as part of the term "protection and advocacy services", means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

(2) ASSISTIVE TECHNOLOGY.—The term "assistive technology" means technology designed to be utilized in an assistive technology device or assistive technology service.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term "capacity building and advocacy activities" means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term "comprehensive statewide program of technology-related assistance" means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE.—The term "consumer-responsive"—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

(8) DISABILITY.—The term "disability" means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term "individual with a disability" means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term "individuals with disabilities" means more than 1 individual with a disability.

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) PROTECTION AND ADVOCACY SERVICES.—The term "protection and advocacy services" means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(12) SECRETARY.—The term "Secretary" means the Secretary of Education.

(13) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

(i) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TARGETED INDIVIDUALS.—The term "targeted individuals" means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE.—The term "technology-related assistance" means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

(16) UNDERREPRESENTED POPULATION.—The term "underrepresented population" means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(17) UNIVERSAL DESIGN.—The term "universal design" means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I—STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

(2) REQUIRED ACTIVITIES.—

(A) PUBLIC AWARENESS PROGRAM.—

(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

(iii) CONTENTS.—The public awareness program may include—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

(B) INTERAGENCY COORDINATION.—

(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

(I) policies that result in improved coordination, including coordination between public and private entities—

(aa) in the application of Federal and State policies;

(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

(II) the provision of technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(iii) the enhancement of the assistive technology skills and competencies of—

(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(3) DISCRETIONARY ACTIVITIES.—

(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

(i) the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(I) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(II) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

(ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

(ii) the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(iii) the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

(B) DEMONSTRATIONS.—The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

(D) TECHNOLOGY-RELATED INFORMATION.—

(i) IN GENERAL.—The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

(ii) ACCESS.—Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

(iii) INFORMATION COLLECTION AND PREPARATION.—In operating or expanding a system described in subparagraph (A), the State may—

(I) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

(II) identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

(E) INTERSTATE ACTIVITIES.—

(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

(i) the development, demonstration, and dissemination of assistive technology devices; and

(ii) the ongoing provision of information about new products to assist individuals with disabilities.

(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

(H) ADVOCACY SERVICES.—The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) CALCULATION OF STATE GRANTS.—

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

(D) ADDITIONAL STATES.—

(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

(ii) STATE.—A State referred to in clause (i) shall be a State that—

(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

(d) LEAD AGENCY.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

(A) submitting the application supplement described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A),

(B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT.—

(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

(A) GOALS AND ACTIVITIES.—A description of—

(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living; and

(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

(III) the measures to be used in judging if the goals have been achieved; and

(ii) will be involved in measuring whether the goals have been achieved.

(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, a description of the deficiencies of the agency; and

(ii) With regard to the new lead agency, a description of—

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

(4) DURATION OF APPLICATION SUPPLEMENT.—

(A) DETERMINATION.—The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

(B) LIMIT.—Such time period for any State shall not extend beyond the year that would have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

(f) EXTENSION OF FUNDING.—In the case of a State that was in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extention grant in any of the fiscal years 1999 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilitie Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extention of the grant to such State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(2) AMOUNT.—A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

(3) LIMITATION.—A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES.—Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes

between the lead agency and the entity that receives the grant under this section.

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES.—

(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.—

(A) IN GENERAL.—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

(B) UNNECESSARY VISITS.—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete fund termination under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS.—Such report shall include information on—

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the funded activities to—

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

(G) the consumer involvement activities carried out through the funded activities.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 104. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 102.

(c) SCOPE OF TECHNICAL ASSISTANCE.—

(1) NATIONAL PUBLIC INTERNET SITE.—

(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) TECHNICAL ASSISTANCE EFFORTS.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) RESERVATIONS OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

(B) 7.9 percent shall be reserved to fund grants under section 102; and

(C) 4.6 percent shall be reserved for activities funded under section 104.

(2) RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(3) RESERVATION FOR ONSITE VISITS.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

(1) in subsection (a)(1), by inserting after "programs," insert "including programs relating to assistive technology research and research that incorporates the principles of universal design,";

(2) in subsection (b)—

(A) by inserting "(1)" before "After receiving";

(B) by striking "from individuals with disabilities and the individuals' representatives" and inserting "from targeted individuals";

(C) by inserting after "research" the following: (including assistive technology research and research that incorporates the principles of universal design)"; and

(D) by adding at the end the following:

"(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

"(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

"(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

"(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

"(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

"(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.";

(3) by striking subsection (c) and inserting the following:

"(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

"(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

"(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

"(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design."; and

(4) by adding at the end the following:

"(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

"(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

"(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

"(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

"(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

"(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.".

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

"(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

"(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

"(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.".

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) IN GENERAL.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(2) by inserting after subsection (c) the following:

"(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and

State employees on any obligations related to section 508 of the Rehabilitation Act of 1973."; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking "subsection (e)" and inserting "subsection (f)".

(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking "section 502(h)(1)" and inserting "section 502(i)(1)".

Subtitle B—Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION.—In this section, the term "small business" means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).

(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—The Secretary may make grants to small businesses to enable such businesses—

(1) to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

(2) to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

(3) to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) IN GENERAL.—The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

(b) COLLABORATION.—In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

(1) to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

(3) to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

(4) to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

(5) to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) RESPONSIBILITIES OF CONSORTIUM.—Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

(1) in subparagraph (I), by striking "; and" and inserting a semicolon;

(2) in subparagraph (J), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.".

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term "built environment" for purposes of this section.

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as "the Committee") may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

(1) the development and coordination of a task force, which—

(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

(B) shall consist of members of the public and private sectors, including—

(i) representatives of organizations representing individuals with disabilities; and

(ii) individuals with disabilities; and

(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

(e) DEFINITION.—In this section, the term "information technology" means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of

such Act, $10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an "alternative financing mechanism").

(b) MECHANISMS.—The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) REQUIREMENTS.—

(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION.—No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

(A) the Secretary shall allot $500,000 to each State; and

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the remainder as the population of the State bears to the population of all States; and

(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(c) DEFINITIONS.—In subsection (a):

(1) OUTLYING AREA.—The term "outlying area" means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE.—The term "State" does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

(2) an assurance that the alternative financing program will continue on a permanent basis;

(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

(5) an assurance that the State will ensure that—

(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

(6) an assurance that—

(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

(b) PROVISIONS.—The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

(3) A procedure to assure consumer-controlled oversight of the program.

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

(1) providing assistance in preparing applications for grants under this title;

(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

SEC. 402. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

(1) in paragraph (3), by striking "section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))" and inserting "section 3 of the Assistive Technology Act of 1998"; and

(2) in paragraph (4), by striking "section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))" and inserting "section 3 of the Assistive Technology Act of 1998".

(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

(1) in subparagraph (C)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998"; and

(2) in subparagraph (G)(i), by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)" and inserting "the Assistive Technology Act of 1998".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

HEALTH PROFESSIONS EDUCATION PARTNERSHIP ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1754) entitled "An Act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Partnerships Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

Sec. 101. Under-represented minority health professions grant program.
Sec. 102. Training in primary care medicine and dentistry.
Sec. 103. Interdisciplinary, community-based linkages.
Sec. 104. Health professions workforce information and analysis.
Sec. 105. Public health workforce development.
Sec. 106. General provisions.
Sec. 107. Preference in certain programs.
Sec. 108. Definitions.
Sec. 109. Technical amendment on National Health Service Corps.
Sec. 110. Savings provision.

Subtitle B—Nursing Workforce Development

Sec. 121. Short title.
Sec. 122. Purpose.
Sec. 123. Amendments to Public Health Service Act.
Sec. 124. Savings provision.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

Sec. 131. Primary care loan program.
Sec. 132. Loans for disadvantaged students.
Sec. 133. Student loans regarding schools of nursing.
Sec. 134. General provisions.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 141. Health Education Assistance Loan Program.
Sec. 142. HEAL lender and holder performance standards.
Sec. 143. Insurance Program.
Sec. 144. HEAL bankruptcy.
Sec. 145. HEAL refinancing.

TITLE II—OFFICE OF MINORITY HEALTH

Sec. 201. Revision and extension of programs of Office of Minority Health.

TITLE III—SELECTED INITIATIVES

Sec. 301. State offices of rural health.
Sec. 302. Demonstration projects regarding Alzheimer's Disease.
Sec. 303. Project grants for immunization services.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Technical corrections regarding Public Law 103-183.
Sec. 402. Miscellaneous amendments regarding PHS commissioned officers.
Sec. 403. Clinical traineeships.
Sec. 404. Project grants for screenings, referrals, and education regarding lead poisoning.
Sec. 405. Project grants for preventive health services regarding tuberculosis.
Sec. 406. CDC loan repayment program.
Sec. 407. Community programs on domestic violence.
Sec. 408. State loan repayment program.
Sec. 409. Authority of the director of NIH.
Sec. 410. Raise in maximum level of loan repayments.
Sec. 411. Construction of regional centers for research on primates.
Sec. 412. Peer review.
Sec. 413. Funding for trauma care.
Sec. 414. Health information and health promotion.
Sec. 415. Emergency medical services for children.
Sec. 416. Administration of certain requirements.
Sec. 417. Aids drug assistance program.
Sec. 418. National Foundation for Biomedical Research.
Sec. 419. Fetal Alcohol Syndrome prevention and services.

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

"PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

"SEC. 736. CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, designated health professions schools described in subsection (c), and other public and nonprofit health or educational entities, for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

"(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

"(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

"(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

"(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

"(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

"(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care;

"(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

"(A) provide such health services; and

"(B) are located at a site remote from the main site of the teaching facilities of the school; and

"(7) to provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate.

"(c) CENTERS OF EXCELLENCE.—

"(1) DESIGNATED SCHOOLS.—

"(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

"(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

"(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

"(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

"(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

"(i) is a school described in section 799B(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

"(I) to identify Hispanic students who are interested in a career in the health profession involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

"(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

"(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

"(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

"(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

"(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

"(1) the school has formed a consortium in accordance with subsection (d)(1); and

"(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

"(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

"(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

"(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

"(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

"(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

"(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are $24,000,000 or less—

"(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to

health professions schools that meet the conditions described in subsection (c)(2)(A); and

"(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

"(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

"(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

"(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

"(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

"(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year are $30,000,000 or more, the Secretary shall make available—

"(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

"(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

"(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

"(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

"(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

"(4) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

"(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

"(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

"(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

"(d) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

"(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

"(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

"(A) is from a disadvantaged background;

"(B) has a financial need for a scholarship; and

"(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

"(a) LOAN REPAYMENTS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

"(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

"(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

"(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

"(C) are enrolled as full-time students—

"(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

"(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

"(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

"(4) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

"(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

"(B) the contract referred to in subparagraph (A) provides that—

"(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

"(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

"(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

"(5) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

"(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

"(b) FELLOWSHIPS.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

"(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

"(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

"(B) each fellowship awarded pursuant to the grant or contract will include—

"(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

"(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

"(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

"(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

"(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

"(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

"(D) provide health services to rural or medically underserved populations.

"(4) REQUIREMENTS.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

"(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

"(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

"(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

"(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

"(5) DEFINITION.—For purposes of this subsection, the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

"SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR GRANTS.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

"(2) AUTHORIZED EXPENDITURES.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

"(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

"(B) facilitating the entry of such individuals into such a school;

"(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

"(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

"(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

"(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a health professions school;

"(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

"(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

"(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

"(3) DEFINITION.—In this section, the term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in behavioral or mental health.

"(b) REQUIREMENTS FOR AWARDS.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

"(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

"(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

"(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

"(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

"(c) EQUITABLE ALLOCATION OF FINANCIAL ASSISTANCE.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

"(d) MATCHING REQUIREMENTS.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 740. AUTHORIZATION OF APPROPRIATION.

"(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

"(b) LOAN REPAYMENTS AND FELLOWSHIPS.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(c) EDUCATIONAL ASSISTANCE IN HEALTH PROFESSIONS REGARDING INDIVIDUALS FOR DISADVANTAGED BACKGROUNDS.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

"(d) REPORT.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.".

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a–2(c)(3)(D)(i)) is amended by striking "section 739" and inserting "part B of title VII".

SEC. 102. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

(1) in the part heading by striking "**PRIMARY HEALTH CARE**" and inserting "**FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY**";

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

"SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.";

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", internal medicine, or pediatrics" after "family medicine"; and

(II) by inserting before the semicolon the following: "that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)";

(ii) in paragraph (2), by inserting ", general internal medicine, or general pediatrics" before the semicolon;

(iii) in paragraphs (3) and (4), by inserting "(including geriatrics), general internal medicine or general pediatrics" after "family medicine";

(iv) in paragraph (3), by striking "and" at the end thereof;

(v) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

"(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

"(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.";

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting ", general internal medicine, or general pediatrics" after "family medicine";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "or" at the end; and

(II) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding at the end the following:

"(3) PRIORITY IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.";

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

"(c) PRIORITY.—

"(1) IN GENERAL.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

"(2) DISADVANTAGED INDIVIDUALS.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence."; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking "$54,000,000" and all that follows and inserting "$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002."; and

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

"(2) ALLOCATION.—

"(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

"(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

"(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

"(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

"(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

"(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly."; and

(4) by repealing sections 748 through 752 (42 U.S.C. 293l through 293p) and inserting the following:

"SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of such members shall serve for a term of 1 year;

"(B) ⅓ of such members shall serve for a term of 2 years; and

"(C) ⅓ of such members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.".

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

"PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

"SEC. 750. GENERAL PROVISIONS.

"(a) COLLABORATION.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

"(b) ACTIVITIES.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-

based linkages. Such assistance may be used consistent with this part—

"(1) to develop and support training programs;

"(2) for faculty development;

"(3) for model demonstration programs;

"(4) for the provision of stipends for fellowship trainees;

"(5) to provide technical assistance; and

"(6) for other activities that will produce outcomes consistent with the purposes of this part.

"SEC. 751. AREA HEALTH EDUCATION CENTERS.

"(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

"(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

"(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

"(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

"(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

"(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

"(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

"(v) conduct health professions education and training activities for students of health professions schools and medical residents;

"(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

"(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

"(B) OTHER ELIGIBLE ENTITIES.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

"(C) PROJECT TERMS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

"(I) in the case of a project, 12 years or

"(II) in the case of a center within a project, 6 years.

"(ii) EXCEPTION.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

"(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

"(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

"(i) has previously received funds under this section;

"(ii) is operating an area health education center program; and

"(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

"(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

"(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

"(i) $2,000,000; or

"(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

"(b) REQUIREMENTS FOR CENTERS.—

"(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

"(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

"(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

"(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

"(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

"(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

"(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

"(c) CERTAIN PROVISIONS REGARDING FUNDING.—

"(1) ALLOCATION TO CENTER.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

"(2) OPERATING COSTS.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

"SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

"(a) IN GENERAL.—To be eligible for funds under this section, a health education training center shall be an entity otherwise eligible for funds under section 751 that—

"(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

"(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

"(3) conducts training and education programs for health professions students in these areas;

"(4) conducts training in health education services, including training to prepare community health workers; and

"(5) supports health professionals (including nursing) practicing in the area through educational and other services.

"(b) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

"SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

"(a) GERIATRIC EDUCATION CENTERS.—

"(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

"(2) REQUIREMENTS.—A geriatric education center is a program that—

"(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

"(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

"(C) supports the training and retraining of faculty to provide instruction in geriatrics;

"(D) supports continuing education of health professionals who provide geriatric care; and

"(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

"(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—

"(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

"(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

"(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

"(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

"(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

"(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

"(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

"(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

"(3) TRAINING OPTIONS.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

"(A) A 1-year retraining program in geriatrics for—

"(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

"(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

"(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

"(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

"(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

"(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

"(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'graduate medical education program' means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

"(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

"(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

"(B) The term 'post-doctoral dental education program' means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

"(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

"(ii) has been accredited by the Commission on Dental Accreditation.

"(c) GERIATRIC FACULTY FELLOWSHIPS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

"(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

"(A) be board certified or board eligible in internal medicine, family practice, or psychiatry;

"(B) have completed an approved fellowship program in geriatrics; and

"(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

"(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

"(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

"(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

"(4) AMOUNT AND TERM.—

"(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

"(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

"(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

"SEC. 754. QUENTIN N. BURDICK PROGRAM FOR RURAL INTERDISCIPLINARY TRAINING.

"(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

"(b) USE OF AMOUNTS.—

"(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

"(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

"(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

"(C) deliver health care services to individuals residing in rural areas;

"(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

"(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

"(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

"(A) the distribution of stipends to students of eligible applicants;

"(B) the establishment of a post-doctoral fellowship program;

"(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

"(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

"(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

"(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

"(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

"(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

"(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

"(d) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

"SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

"(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

"(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

"(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

"(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

"(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

"(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

"(D) those that provide career advancement training for practicing allied health professionals;

"(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

"(F) those that develop curriculum that will emphasize knowledge and practice in the areas

of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

"(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

"(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

"(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

"(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

"(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

"(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

"(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

"(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

"SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the 'Advisory Committee').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

"(c) TERMS.—

"(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

"(A) ⅓ of the members shall serve for a term of 1 year;

"(B) ⅓ of the members shall serve for a term of 2 years; and

"(C) ⅓ of the members shall serve for a term of 3 years.

"(2) VACANCIES.—

"(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

"(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

"(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

"(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATION.—

"(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

"(A) not less than $28,587,000 for awards of grants and contracts under section 751;

"(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

"(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

"(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

"(3) INCREASE IN AMOUNTS.—If amounts appropriated for a fiscal year under subsection (a) exceed the amount authorized under such subsection for such fiscal year, the Secretary may increase the amount to be made available for programs and activities under this part without regard to the amounts specified in each of subparagraphs (A) through (C) of paragraph (2).

"(c) OBLIGATION OF CERTAIN AMOUNTS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

"(A) not less than 23 percent of such amounts in fiscal year 1998;

"(B) not less than 30 percent of such amounts in fiscal year 1999;

"(C) not less than 35 percent of such amounts in fiscal year 2000;

"(D) not less than 40 percent of such amounts in fiscal year 2001; and

"(E) not less than 45 percent of such amounts in fiscal year 2002.

"(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

"(A) every State have an area health education center program in effect under this section; and

"(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.".

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

"PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

"Subpart 1—Health Professions Workforce Information and Analysis

"SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

"(a) PURPOSE.—It is the purpose of this section to—

"(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

"(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

"(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

"(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

"(2) research on high priority workforce questions;

"(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

"(4) the conduct of program evaluation and assessment.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

"(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.".

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is amended—

(1) in subsection (j), by striking "1995" and inserting "2002";

(2) in subsection (k), by striking "1995" and inserting "2002";

(3) by adding at the end thereof the following new subsection:

"(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.";

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 762; and

(6) by inserting such section after section 761.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

"Subpart 2—Public Health Workforce

"SEC. 765. GENERAL PROVISIONS.

"(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

"(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

"(1) be—

"(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

"(B) an academic health center;

"(C) a State or local government; or

"(D) any other appropriate public or private nonprofit entity; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(c) PREFERENCE.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

"(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

"(2) graduating large proportions of individuals who serve in underserved communities.

"(d) ACTIVITIES.—Amounts provided under a grant or contract awarded under this section may be used for—

"(1) the costs of planning, developing, or operating demonstration training programs;

"(2) faculty development;

"(3) trainee support;

"(4) technical assistance;

"(5) to meet the costs of projects—

"(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

"(B) to provide financial assistance to residency trainees enrolled in such programs;

"(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

"(7) preparing public health professionals for employment at the State and community levels; or

"(8) other activities that may produce outcomes that are consistent with the purposes of this section

"(e) TRAINEESHIPS.—

"(1) IN GENERAL.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

"(A) make public health education more accessible to the public and private health workforce;

"(B) increase the relevance of public health academic preparation to public health practice in the future;

"(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

"(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

"(2) SEVERE SHORTAGE DISCIPLINES.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

"SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

"(a) IN GENERAL.—The Secretary may make grants or contracts for the operation of public health training centers.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

"(2) PREFERENCE.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

"(c) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

"(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

"(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

"SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

"(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) CERTAIN REQUIREMENTS.—

"(1) AMOUNT.—The amount of any grant under this section shall be determined by the Secretary.

"(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

"SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) ADMINISTRATION.—

"(1) AMOUNT.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(3) OTHER FUNDS.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

"(1) to provide traineeships for students enrolled in such a program; and

"(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

"(b) RELEVANT PROGRAMS.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

"(c) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

"(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

"(2) The applicant recruits and admits students from medically underserved communities.

"(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

"(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

"(d) CERTAIN PROVISIONS REGARDING TRAINEESHIPS.—

"(1) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(2) PREFERENCE FOR CERTAIN STUDENTS.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

"SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.".

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

"SEC. 796. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

"SEC. 797. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 798. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 799. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

"(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

"(c) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in a manner that takes into account age, sex, race, and ethnicity.

"(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

"(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(e) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure sex, racial, ethnic, and geographic balance among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

"(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

"(2) discipline-specific workforce information and analytical activities are carried out as part of—

"(A) the community-based linkage program under part D; and

"(B) the health workforce development program under subpart 2 of part E.

"(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

"(1) medical schools shall include osteopathic medical schools; and

"(2) medical students shall include osteopathic medical students.

"SEC. 799A. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting "professional counselors," after "clinical psychologists,".

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

"(c) EXCEPTIONS FOR NEW PROGRAMS.—

"(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

"(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

"(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

"(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

"(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

"(C) Substantial clinical training experience is required under the program in medically underserved communities.

"(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

"(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

"(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

"(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.".

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking "sections 747" and all that follows through "767" and inserting "sections 747 and 750"; and

(2) in paragraph (2), by striking "under section 798(a)".

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting "behavioral health and" before "mental"; and

(2) by inserting "behavioral health and mental health practice," before "clinical".

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting "and 'graduate program in professional counseling'" after "graduate program in marriage and family therapy'"; and

(ii) by inserting before the period the following: "and a concentration leading to a graduate degree in counseling";

(B) in subparagraph (D), by inserting "professional counseling," after "social work,"; and

(C) in subparagraph (E), by inserting "professional counseling," after "social work,"; and

(2) in paragraph (5)(C), by inserting before the period the following: "or a degree in counseling or an equivalent degree".

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking "or" at the end thereof;

(2) in subparagraph (C), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.".

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

"(B) extends for at least one academic year and consists of—

"(i) supervised clinical practice; and

"(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(C) has an enrollment of not less than eight students; and

"(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.".

(e) PSYCHOLOGIST.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended by adding at the end the following:

"(11) The term 'psychologist' means an individual who—

"(A) holds a doctoral degree in psychology; and

"(B) is licensed or certified on the basis of the doctoral degree in psychology, by the State in which the individual practices, at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.".

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) is amended by striking "or other health profession" and inserting "behavioral and mental health, or other health profession".

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Nursing Education and Practice Improvement Act of 1998".

SEC. 122. PURPOSE.

It is the purpose of this subtitle to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

"TITLE VIII—NURSING WORKFORCE DEVELOPMENT";

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

"PART E—STUDENT LOANS";

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

"PART A—GENERAL PROVISIONS

"SEC. 801. DEFINITIONS.

"As used in this title:

"(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

"(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

"(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

"(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

"(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an

independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

"(6) ACCREDITED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

"(B) NEW PROGRAMS.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

"(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"SEC. 802. APPLICATION.

"(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

"(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

"(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

"(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

"SEC. 803. USE OF FUNDS.

"(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

"(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

"SEC. 804. MATCHING REQUIREMENT.

"The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

"SEC. 805. PREFERENCE.

"In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

"SEC. 806. GENERALLY APPLICABLE PROVISIONS.

"(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

"(b) INFORMATION REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

"(2) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

"(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

"(d) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

"(1) IN GENERAL.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

"(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

"(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(f) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

"(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

"(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

"(A) the advanced education nursing activities under part B;

"(B) the workforce diversity activities under part C; and

"(C) basic nursing education and practice activities under part D.

"(g) STATE AND REGIONAL PRIORITIES.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

"(h) FILING OF APPLICATIONS.—

"(1) IN GENERAL.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

"(2) FOR PROFIT ENTITIES.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriate by the Secretary.

"SEC. 807. TECHNICAL ASSISTANCE.

"Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES

"SEC. 811. ADVANCED EDUCATION NURSING GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

"(1) projects that support the enhancement of advanced nursing education and practice; and

"(2) traineeships for individuals in advanced nursing education programs.

"(b) DEFINITION OF ADVANCED EDUCATION NURSES.—For purposes of this section, the term 'advanced education nurses' means individuals

trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

"(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(1) meet guidelines prescribed by the Secretary; and

"(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

"(d) AUTHORIZED NURSE ANESTHESIA PROGRAMS.—Nurse anesthesia programs eligible for support under this section are education programs that—

"(1) provide registered nurses with full-time anesthetist education; and

"(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

"(e) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced nurse education programs eligible for support under this section.

"(f) TRAINEESHIPS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of advanced nurse education with respect to which the traineeship is provided; and

"(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

"(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

"(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in health professional shortage areas designated under section 332.

"PART C—INCREASING NURSING WORKFORCE DIVERSITY

"SEC. 821. WORKFORCE DIVERSITY GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, pre-entry preparation, and retention activities.

"(b) GUIDANCE.—In carrying out subsection (a), the Secretary shall take into consideration the recommendations of the First, Second and Third Invitational Congresses for Minority Nurse Leaders on 'Caring for the Emerging Majority,' in 1992, 1993 and 1997, and consult with nursing associations including the American Nurses Association, the National League for Nursing, the American Association of Colleges of Nursing, the National Black Nurses Association, the National Association of Hispanic Nurses, the Association of Asian American and Pacific Islander Nurses, the Native American Indian and Alaskan Nurses Association, and the National Council of State Boards of Nursing.

"(c) REQUIRED INFORMATION AND CONDITIONS FOR AWARD RECIPIENTS.—

"(1) IN GENERAL.—Recipients of awards under this section may be required, where requested, to report to the Secretary concerning the annual admission, retention, and graduation rates for individuals from disadvantaged backgrounds and ethnic and racial minorities in the school or schools involved in the projects.

"(2) FALLING RATES.—If any of the rates reported under paragraph (1) fall below the average of the two previous years, the grant or contract recipient shall provide the Secretary with plans for immediately improving such rates.

"(3) INELIGIBILITY.—A recipient described in paragraph (2) shall be ineligible for continued funding under this section if the plan of the recipient fails to improve the rates within the 1-year period beginning on the date such plan is implemented.

"PART D—STRENGTHENING CAPACITY FOR BASIC NURSE EDUCATION AND PRACTICE

"SEC. 831. BASIC NURSE EDUCATION AND PRACTICE GRANTS.

"(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities for projects to strengthen capacity for basic nurse education and practice.

"(b) PRIORITY AREAS.—In awarding grants or contracts under this section the Secretary shall give priority to entities that will use amounts provided under such a grant or contract to enhance the educational mix and utilization of the basic nursing workforce by strengthening programs that provide basic nurse education, such as through—

"(1) establishing or expanding nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities;

"(2) providing care for underserved populations and other high-risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, the homeless, and victims of domestic violence;

"(3) providing managed care, quality improvement, and other skills needed to practice in existing and emerging organized health care systems;

"(4) developing cultural competencies among nurses;

"(5) expanding the enrollment in baccalaureate nursing programs;

"(6) promoting career mobility for nursing personnel in a variety of training settings and cross training or specialty training among diverse population groups;

"(7) providing education in informatics, including distance learning methodologies; or

"(8) other priority areas as determined by the Secretary.";

(5) by adding at the end the following:

"PART F—FUNDING

"SEC. 841. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts B, C, and D (subject to section 845(g)), there are authorized to be appropriated $65,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) ALLOCATIONS FOR FISCAL YEARS 1998 THROUGH 2002.—

"(1) NURSE PRACTITIONERS; NURSE MIDWIVES.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $17,564,000 for making awards of grants and contracts under section 822 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse practitioners and nurse midwives, not less than the percentage constituted by the ratio of the amount appropriated under section 822 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 822 as such section was in effect for fiscal year 1998.

"(2) NURSE ANESTHETISTS.—

"(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $2,761,000 for making awards of grants and contracts under section 831 as such section was in effect for fiscal year 1998.

"(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse anesthetists, not less than the percentage constituted by the ratio of the amount appropriated under section 831 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 831 as such section was in effect for fiscal year 1998.

"(c) ALLOCATIONS AFTER FISCAL YEAR 2002.—

"(1) IN GENERAL.—For fiscal year 2003 and subsequent fiscal years, amounts appropriated under subsection (a) for the fiscal year involved shall be allocated by the Secretary among parts B, C, and D (and programs within such parts) according to a methodology that is developed in accordance with paragraph (2). The Secretary shall enter into a contract with a public or private entity for the purpose of developing the methodology. The contract shall require that the development of the methodology be completed not later than February 1, 2002.

"(2) USE OF CERTAIN FACTORS.—The contract under paragraph (1) shall provide that the methodology under such paragraph will be developed in accordance with the following:

"(A) The methodology will take into account the need for and the distribution of health services among medically underserved populations, as determined according to the factors that apply under section 330(b)(3).

"(B) The methodology will take into account the need for and the distribution of health services in health professional shortage areas, as determined according to the factors that apply under section 332(b).

"(C) The methodology will take into account the need for and the distribution of mental health services among medically underserved

populations and in health professional shortage areas.

"(D) The methodology will be developed in consultation with individuals in the field of nursing, including registered nurses, nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists, nursing educators and educational institutions, nurse executives, pediatric nurse associates and practitioners, and women's health, obstetric, and neonatal nurses.

"(E) The methodology will take into account the following factors with respect to the States:

"(i) A provider population ratio equivalent to a managed care formula of 1/1,500 for primary care services.

"(ii) The use of whole rather than fractional counts in determining the number of health care providers.

"(iii) The counting of only employed health care providers in determining the number of health care providers.

"(iv) The number of families whose income is less than 200 percent of the official poverty line (as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981).

"(v) The rate of infant mortality and the rate of low-birthweight births.

"(vi) The percentage of the general population constituted by individuals who are members or racial or ethnic minority groups, stated both by minority group and in the aggregate.

"(vii) The percentage of the general population constituted by individuals who are of Hispanic ethnicity.

"(viii) The number of individuals residing in health professional shortage areas, and the number of individuals who are members of medically underserved populations.

"(ix) The percentage of the general population constituted by elderly individuals.

"(x) The extent to which the populations served have a choice of providers.

"(xi) The impact of care on hospitalizations and emergency room use.

"(xii) The number of individuals who lack proficiency in speaking the English language.

"(xiii) Such additional factors as the Secretary determines to be appropriate.

"(3) REPORT TO CONGRESS.—Not later than 30 days after the completion of the development of the methodology required in paragraph (1), the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the methodology and explaining the effects of the methodology on the allocation among parts B, C, and D (and programs within such parts) of amounts appropriated under subsection (a) for the first fiscal year for which the methodology will be in effect. Such explanation shall include a comparison of the allocation for such fiscal year with the allocation made under this section for the preceding fiscal year.

"(d) USE OF METHODOLOGY BEFORE FISCAL YEAR 2003.—With respect to the fiscal years 1999 through 2002, if the report required in subsection (c)(3) is submitted in accordance with such subsection not later than 90 days before the beginning of such a fiscal year, the Secretary may for such year implement the methodology described in the report (rather than implementing the methodology in fiscal year 2003), in which case subsection (b) ceases to be in effect. The authority under the preceding sentence is subject to the condition that the fiscal year for which the methodology is implemented be the same fiscal year identified in such report as the fiscal year for which the methodology will first be in effect.

"(e) AUTHORITY FOR USE OF ADDITIONAL FACTORS IN METHODOLOGY.—

"(1) IN GENERAL.—The Secretary shall make the determinations specified in paragraph (2). For any fiscal year beginning after the first fiscal year for which the methodology under subsection (c)(1) is in effect, the Secretary may alter the methodology by including the information from such determinations as factors in the methodology.

"(2) RELEVANT DETERMINATIONS.—The determinations referred to in paragraph (1) are as follows:

"(A) The need for and the distribution of health services among populations for which it is difficult to determine the number of individuals who are in the population, such as homeless individuals; migratory and seasonal agricultural workers and their families; individuals infected with the human immunodeficiency virus, and individuals who abuse drugs.

"(B) In the case of a population for which the determinations under subparagraph (A) are made, the extent to which the population includes individuals who are members of racial or ethnic minority groups and a specification of the skills needed to provide health services to such individuals in the language and the educational and cultural context that is most appropriate to the individuals.

"(C) Data, obtained from the Director of the Centers for Disease Control and Prevention, on rates of morbidity and mortality among various populations (including data on the rates of maternal and infant mortality and data on the rates of low-birthweight births of living infants).

"(D) Data from the Health Plan Employer Data and Information Set, as appropriate.

"PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

"SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

"(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Advisory Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Advisory Council shall be composed of

"(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

"(i) 2 shall be selected from full-time students enrolled in schools of nursing;

"(ii) 2 shall be selected from the general public;

"(iii) 2 shall be selected from practicing professional nurses; and

"(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

"(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

"(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

"(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

"(c) VACANCIES.—

"(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

"(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(d) DUTIES.—The Advisory Council shall—

"(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

"(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range of issues relating to nurse supply, education and practice improvement; and

"(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

"(e) MEETINGS AND DOCUMENTS.—

"(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

"(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

"(f) COMPENSATION AND EXPENSES.—

"(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

"(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

"(g) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

"(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section."; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking "3 years before" and inserting "4 years before".

(b) NONCOMPLIANCE.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

"(3) NONCOMPLIANCE BY STUDENT.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.".

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking "$15,000,000 for fiscal year 1993" and inserting "$8,000,000 for each of the fiscal years 1998 through 2002".

(b) REPEAL.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end; and

(B) by inserting before the semicolon at the end the following: ", and (C) such additional periods under the terms of paragraph (8) of this subsection";

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following paragraph:

"(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.".

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking "$15" and inserting "$40".

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

"(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end thereof the following new subsection:

"(h) BREACH OF AGREEMENT.—

"(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.".

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

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

"(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:"; and

(B) in paragraph (1), by striking "at the close of September 30, 1999," and inserting "on the date of termination of the fund"; and

(2) in subsection (b), to read as follows:

"(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).".

SEC. 134. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the sum of" and all that follows through the end thereof and inserting "the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).".

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "the amount $2,500" and all that follows through "including such $2,500)" and inserting "the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary".

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking "TEN-YEAR" and inserting "REPAYMENT";

(B) by striking "ten-year period which begins" and inserting "period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins"; and

(C) by striking "such ten-year period" and inserting "such period".

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking "$15" and inserting $40".

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

"(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

"(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

"(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

"(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.".

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking "and (x)" and inserting "(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)".

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking "(ix)" and inserting "(x)"; and

(B) in the matter following such clause (xi), by striking "(x)" and inserting "(xi)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding "and" after the semicolon;

(2) in paragraph (5), by striking "; and" and inserting a period; and

(3) by striking paragraph (6).

(c) PROGRAM ELIGIBILITY.—

(1) LIMITATIONS ON LOANS.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

(2) DEFINITION OF ELIGIBLE INSTITUTION.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking "or clinical psychology" and inserting "or behavioral and mental health practice, including clinical psychology".

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking "determined." and inserting "determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.";

(3) by striking "Upon" and inserting:

"(1) IN GENERAL.—Upon"; and

(4) by adding at the end the following new paragraph:

"(2) EXCEPTIONAL PERFORMANCE.—

"(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

"(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

"(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

"(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

"(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

"(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

"(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

"(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

"(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

"(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.".

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

"(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. INSURANCE PROGRAM.

Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking "any of the fiscal years 1993 through 1996" and inserting "fiscal year 1993 and subsequent fiscal years".

SEC. 144. HEAL BANKRUPTCY.

(a) IN GENERAL.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking "A debt which is a loan insured" and inserting "Notwithstanding any other provision of Federal or State law, a debt that is a loan insured".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking "CONSOLIDATION" and inserting "REFINANCING OR CONSOLIDATION"; and

(B) in the first sentence, by striking "indebtedness" and inserting "indebtedness or the refinancing of a single loan"; and

(2) in subsection (e)—

(A) in the subsection heading, by striking "DEBTS" and inserting "DEBTS AND REFINANCING";

(B) in the first sentence, by striking "all of the borrower's debts into a single instrument"

and inserting "all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)"; and

(C) in the second sentence, by striking "consolidation" and inserting "consolidation or refinancing".

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) DUTIES AND REQUIREMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

"(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

"(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

"(2) Enter into interagency agreements with other agencies of the Public Health Service.

"(3) Support research, demonstrations and evaluations to test new and innovative models.

"(4) Increase knowledge and understanding of health risk factors.

"(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

"(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

"(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

"(8) Support a national minority health resource center to carry out the following:

"(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

"(B) Facilitate access to such information.

"(C) Assist in the analysis of issues and problems relating to such matters.

"(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

"(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

"(c) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

"(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

"(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

"(4) COMPOSITION.—

"(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

"(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

"(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

"(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

"(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

"(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

"(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

"(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

"(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In carrying out subsection (b), the Secretary shall ensure that services provided under such subsection are equitably allocated among all groups served under this section by the Secretary.

"(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

"(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

"(1) IN GENERAL.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

"(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

"(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

"(f) REPORTS.—

"(1) IN GENERAL.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

"(2) AGENCY REPORTS.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

"(g) DEFINITION.—For purposes of this section:

"(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

"(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.".

(b) AUTHORIZATION FOR NATIONAL CENTER FOR HEALTH STATISTICS.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m), by adding at the end the following:

"(4)(A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

"(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.";

(2) in subsection (n)(1), by striking "through 1998" and inserting "through 2003"; and

(3) in subsection (n)

(A) in the first sentence of paragraph (2)—

(i) by striking "authorized in subsection (m)" and inserting "authorized in paragraphs (1) through (3) of subsection (m)"; and

(ii) by striking "$5,000,000" and all that follows through the period and inserting "such sums as may be necessary for each of the fiscal years 1999 through 2003."; and

(B) by adding at the end the following:

"(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated $1,000,000 for fiscal year 1998, and such sums as

may be necessary for each of the fiscal years 1999 through 2002.".

(c) MISCELLANEOUS AMENDMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in the heading for the section by striking "ESTABLISHMENT OF"; and

(2) in subsection (a), by striking "Office of the Assistant Secretary for Health" and inserting "Office of Public Health and Science".

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "in cash"; and

(2) in subsection (j)(1)—

(A) by striking "and" after "1992,"; and

(B) by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 1998 through 2002"; and

(3) in subsection (k), by striking "$10,000,000" and inserting "$36,000,000".

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "not less than 5, and not more than 15,";

(2) in paragraph (2)—

(A) by inserting after "disorders" the following: "who are living in single family homes or in congregate settings"; and

(B) by striking "and" at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

"(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and".

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

*(1) in the heading for the section, by striking "**LIMITATION**" and all that follows and inserting "**REQUIREMENT OF MATCHING FUNDS**";*

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking "third year" and inserting "third or subsequent year".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the period the following: ", $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002".

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking "individuals against vaccine-preventable diseases" and all that follows through the first period and inserting the following: "children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002."; and

(2) in paragraph (2), by striking "1990" and inserting "1997".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking "Section 1201 of the Public Health Service Act (42 U.S.C. 300d)" and inserting "Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)"; and

(B) in subsection (f)(1), by striking "in section 1204(c)" and inserting "in section 1203(c) (as redesignated by subsection (b)(2) of this section)";

(2) in section 602, by striking "for the purpose" and inserting "For the purpose"; and

(3) in section 705(b), by striking "317D((l)(1)" and inserting "317D(l)(1)".

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking "making grants under subsection (b)" and inserting "carrying out subsection (b)";

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking "provides for for" and inserting "provides for";

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking "nonprofit".

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking "(d)(5)" and inserting "(e)(5)".

(d) CONFORMING AMENDMENT.—Section 308(b) of the Public Health Service Act (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (2)(A), by striking "306(n)" and inserting "306(m)"; and

(2) in paragraph (2)(C), by striking "306(n)" and inserting "306(m)".

(e) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) ANTI-DISCRIMINATION LAWS.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

"(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability."

(b) TRAINING IN LEAVE WITHOUT PAY STATUS.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding at the end the following:

"(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.".

(c) UTILIZATION OF ALCOHOL AND DRUG ABUSE RECORDS THAT APPLY TO THE ARMED FORCES.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking "Armed Forces" each place that such term appears and inserting "Uniformed Services".

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting "counseling," after "family therapy,".

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking "1998" and inserting "2002".

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g) of the Public Health Service Act (42 U.S.C. 247b–6(g)(1)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "1998" and inserting "2002"; and

(B) in subparagraph (B), by striking "$50,000,000" and inserting "25 percent"; and

(2) in paragraph (2), by striking "1998" and inserting "2002".

SEC. 406. CDC LOAN REPAYMENT PROGRAM.

Section 317F of the Public Health Service Act (42 U.S.C. 247b-7) is amended—

(1) in subsection (a)(1), by striking "$20,000" and inserting "$35,000";

(2) in subsection (c), by striking "1998" and inserting "2002"; and

(3) by adding at the end the following:

"(d) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking "fiscal year 1997" and inserting "for each of the fiscal years 1997 through 2002".

(b) STUDY.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q–1(i)(1)) is amended by inserting before the period ", and such sums as may be necessary for each of the fiscal years 1998 through 2002".

SEC. 409. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking "and" at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

"(13) may conduct and support research training—

"(A) for which fellowship support is not provided under section 487; and

"(B) which does not consist of residency training of physicians or other health professionals; and

"(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.".

SEC. 410. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking "$20,000" and inserting "$35,000"; and

(2) in subsection (c), by striking "1996" and inserting "2001".

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) of the Public Health Service Act (42 U.S.C. 288–2(a)) is amended by striking "$20,000" and inserting "$35,000".

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) of the Public Health Service Act (42 U.S.C. 288–3(a)(1)) is amended by striking "$20,000" and inserting "$35,000".

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking "$20,000" and inserting "$35,000"; and

(2) in paragraph (3), by striking "338C" and inserting "338B, 338C".

SEC. 411. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended—

(1) by striking "shall" and inserting "may"; and

(2) by striking "$5,000,000" and inserting "up to $2,500,000".

SEC. 412. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa–3(d)(2)) is amended by striking "cooperative agreement, or contract" each place that such appears and inserting "or cooperative agreement".

SEC. 413. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32) is amended by striking "and 1996" and inserting "through 2002".

SEC. 414. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking "through 1996" and inserting "through 2002".

SEC. 415. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a)—

(A) by striking "two-year period" and inserting "3-year period (with an optional 4th year based on performance)"; and

(B) by striking "one grant" and inserting "3 grants"; and

(2) in subsection (d), by striking "1997" and inserting "2005".

SEC. 416. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking "(b) SENSE" and all that follows through "In the case" and inserting the following:

"(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case";

(2) by striking "(2) NOTICE TO RECIPIENTS OF ASSISTANCE" and inserting the following:

"(b) NOTICE TO RECIPIENTS OF ASSISTANCE"; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking "paragraph (1)" and inserting "subsection (a)".

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 417. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)) is amended—

(1) in subparagraph (A), by striking "and the Commonwealth of Puerto Rico" and inserting ", the Commonwealth of Puerto Rico, the Virgin Islands, and Guam"; and

(2) in subparagraph (B), by striking "the Virgin Islands, Guam".

SEC. 418. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Part I of title IV of the Public Health Service Act (42 U.S.C. 290b et seq.) is amended—

(1) by striking the part heading and inserting the following:

"PART I—FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH";

and

(2) in section 499—

(A) in subsection (a), by striking "National Foundation for Biomedical Research" and inserting "Foundation for the National Institutes of Health";

(B) in subsection (k)(10)—

(i) by striking "not"; and

(ii) by adding at the end the following: "Any funds transferred under this paragraph shall be subject to all Federal limitations relating to Federally-funded research."; and

(C) in subsection (m)(1), by striking "$200,000" and all that follows through "1995" and inserting "$500,000 for each fiscal year".

SEC. 419. FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES.

(a) SHORT TITLE.—This section may be cited as the "Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act".

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading preventable cause of mental retardation, and it is 100 percent preventable;

(2) estimates on the number of children each year vary, but according to some researchers, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

"(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

"(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development,

and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

"(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

"(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

"(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

"(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

"(d) NATIONAL TASK FORCE.—

"(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

"(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

"(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

"(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and representatives from advocacy and research organization such as the Research Society on Alcoholism, the FAS Family Resource Institute, the National Organization of Fetal Alcohol Syndrome, the Arc, the academic community, and Federal, State and local government agencies and offices.

"(3) FUNCTIONS.—The Task Force shall—

"(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

"(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

"(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

"This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

THE CALENDAR

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following bills: S. 2039, S. 2276 and H.R. 3687.

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

Mr. THOMAS. Mr. President, I further ask unanimous consent that the committee amendments to S. 2276 be agreed to, the committee amendment to H.R. 3687 not be agreed to, the bills then be read a third time and passed, the motion to reconsider be laid upon the table, and the statements relating to the bill be printed in the RECORD, with the above occurring en bloc.

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

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The bill (S. 2039) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2039

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 "El Camino Real de Tierra Adentro National Historic Trail Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600-1609) and Santa Fe (1610–1821);

(2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) in 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States;

(7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail

from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.

"(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 1998

The Senate proceeded to consider the bill (S. 2276) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2276

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 "El Camino Real de los Tejas National Historic Trail Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and **[**Loredo**]** *Laredo*, Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"**[**(21)**]** *(22)* EL CAMINO REAL DE LOS TEJAS.—

"(A) IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated **[**__ 1998**]** *July 1998*. A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

"(B) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

The Committee amendments were agreed to.

The bill (S. 2276), as amended, was passed.

CANADIAN RIVER PROJECT PREPAYMENT ACT

The Senate proceeded to consider the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 4 to strike "shall have the right" and insert in lieu thereof "may be permitted", as follows:

H.R. 3687

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 "Canadian River Project Prepayment Act".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term "Authority" means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term "Canadian River Project Authorization Act" means the Act entitled "An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas", approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term "Project" means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term "Secretary" means the Secretary of the Interior.

SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) $34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this Act; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing.

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

(e) SANFORD DAM PROPERTY.—The Authority [shall have the right] *may be permitted* to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority's headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with section 3(b) shall extinguish all payment obligations under contract numbered 14-06-500-485 between the Authority and the Secretary.

(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 3, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

(c) GENERAL.—Rights and obligations under the existing contract No. 14-06-500-485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

SEC. 6. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this Act, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 7. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.

The Committee amendment was rejected.

The bill (H.R. 3687) was passed.

WEIR FARM NATIONAL HISTORIC SITE

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1718) entitled "An Act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101-485; 104 Stat. 1171) is amended by adding at the end the following:

"(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

"(1) ACQUISITION.—

"(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

"(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

"(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

"(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

"(A) developing the parking, visitor, and administrative facilities for the historic site; and

"(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.".

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101-485; 104 Stat. 1173) is amended by striking "$1,500,000" and inserting "$4,000,000".

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than $5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b)

are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled "El Portal Administrative Site Land Exchange", dated June 1998.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) EQUALIZATION OF VALUES.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

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

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1408) entitled "An Act to establish the Lower East Side Tenement National Historic Site, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation

of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled "An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes" (16 U.S.C. 460s-5), is amended as follows:

(1) In subsection (b)(1) by striking "including a scenic shoreline drive" and inserting "including appropriate improvements to Alger County Road H-58".

(2) By adding at the end the following new subsection:

"(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.".

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

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

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

Mr. THOMAS. Mr. President, I ask unanimous consent the Senator proceed to the immediate consideration of H.R. 4326, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4326) to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4326) was considered read the third time and passed.

AUTOMOBILE NATIONAL HERITAGE AREA

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3910, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. THOMAS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3910) was considered read the third time and passed.

Mr. THOMAS. I thank the Chair very much.

I thank the Senator from Texas for his time in allowing us to complete these bills.

Mr. GRAMM. Mr. President, I yield to the Senator from Pennsylvania for the purpose of a unanimous consent request.

Mr. SPECTER. Mr. President, my understanding is the Senator from Texas has the floor now.

I ask unanimous consent that at the conclusion of his 30-minute allocation that I be permitted to speak as if in morning business for 15 minutes.

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

Mr. SPECTER. I thank the Chair. I thank my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, thank you for the recognition. I guess before I speak I need to thank several people. I thank Senator BYRD, who has left the floor, for insisting on a unanimous consent request that allowed me to have the opportunity to speak today. Senator BYRD is a Member who always reminds us that we do well to be courteous to one another. I appreciate his generosity.

Second, I am going to speak today on education and on other subjects. Much of the material that I am going to use was developed by Senator FRIST in the Budget Committee Task Force on Education. I want to be sure to give Senator FRIST credit for developing much of this material.

Mr. President, today, as we reach the end of the term, I want to say a little bit about four different subjects. I rarely get up and speak on more than one subject because many Senators, myself included, have trouble doing one subject justice. But I need to say a few words about education. I want to say a few things about home health care. I want to talk a little bit about R&D tax credits that are now pending in both Houses. And, finally, I want to talk about the world economy and what I see the lessons to be, and say a little bit about IMF.

EDUCATION

Mr. GRAMM. Mr. President, let me begin with education. First of all, I want to express some concern about the fact that the administration has decided, in the waning hours of this Congress, to suddenly bring education up as an issue in this omnibus spending bill that we are working on. I want to explain why I have concerns about this.

First of all, so far as I am aware, the administration never mentioned education as an issue, despite the fact that we have been negotiating now for several weeks, until last Friday. All the time we were working, trying to finish the business of the American people, the administration never raised education as an issue, and suddenly on Saturday the President brings it up in his radio address, and now every day the President is somewhere doing a photo opportunity, or a press conference, or having a fundraiser on the education issue.

I want to say a little bit about that because part of what makes it possible for you to finish your work, under very difficult circumstances at the end of a session, is when you have mutual trust, when you believe that both sides to the negotiation are acting in good faith and that we are trying to do the work of the American people and not gain political advantage. I am afraid that in this case the President is not acting in good faith in dealing with us on this issue.

A second reason I was surprised this issue surfaced so late in our negotiations is that the President, in January, proposed in his initial budget that we spend $32 billion in appropriations on education. When we reported our funding bill, we spent $32 billion on education. So it seems strange to me to now have this issue raised about education when, in fact, we have provided almost exactly the amount of money that the President sought in January. But whether we think it is political or not, whether it makes any sense, given that we have funded almost identical levels to those requested by the President, the President has raised the education issue and I thought it was important to give a brief response of what the difference is.

The dispute is not about how much money is going to be spent on education. As I said earlier, the President requested $32 billion; we have provided $32 billion. The question is not about how much money is going to be spent but the debate is about who is going to do the spending. Despite all the rhetoric of the President and the administration, the debate is not about the level of spending but who is going to do the spending. They want the Federal Government to do the spending. They want bureaucrats in Washington, DC, to do the spending. And what Republicans have done in the first change in national education policy in over 30 years is, we have voted to pass money back to local school districts so that local parents, local teachers, and locally elected school board members can set education priority. So the debate is not about how much money is going to be spent, the debate is about who is going to do the spending.

Since the President has raised the issue, let me tell you our side of the story. Our side of the story first points out that we spend a lot of money on education, and we should. In 1969, we were spending $68.5 billion on primary and secondary education in America. Today, we are spending a whopping $564.2 billion. So, in dollar terms, we have almost increased education funding tenfold.

But yet, while education funding has exploded since 1969, we have seen SAT scores, which measure high school achievement, stagnate, we have seen reading stores stagnate, and we have seen, since 1969, a systematic decline of American student performance on international tests, where we have gone from virtually the top of each major learning category to near the bottom on each learning category.

In fact, I just pick two here. This last year on international tests on physics, of all the nations that participated in the program, the United States of America ranked dead last. On math, a critically important ability given the modern era we live in—and we all understand the importance of mathematical skills in the information age—America ranked second to last of all nations that participated in the math testing program. This despite the fact that, on a per capita basis, we are one of the largest spenders on education in the world, spending in some cases two or three times as much per student as the nations that achieved the top scores on these tests.

One of the reasons we are spending so much money and getting so little for it is really encapsulated in this chart. What this chart seeks to do is to show the 23 different federal government agencies that we have funding education through 300 different Federal programs, in trying to provide money for teachers, for at-risk students, and for young children. As you can see, looking at this chart, what we have created is a massive bureaucracy which has overlapping responsibilities and where we have 300 different programs basically all trying to achieve the same thing.

Looking at this chart, you will not be shocked by the next chart. The next chart really is the measure of how efficient we are in getting the dollar we spend in Washington through to the classroom where the child is learning. What this tries to show is, starting out with $1 we spend here—not just through the Department of Education, but all federal education spending—how much of it actually gets to the classroom. Fifteen cents of every dollar we spend never gets to the school district because, for all practical purposes, it never gets out of the State and Federal bureaucracy. It basically is consumed here and in various State capitals, with Federal bureaucracies that we are basically paying to tell people how to run education. Forty-eight cents out of every dollar can go to support local bureaucracies—support staff, administration staff, people who are not directly involved in classroom instruction.

So the bottom line is, from all of this mass of bureaucracy, we are getting 37 cents out of every dollar the federal government is spending on education into the classroom. So no wonder we are spending all this money with such poor results. This is the existing system. It is the 37-cent solution. And the President says, many of our colleagues say, give this system more money.

Our answer has been, look, if this system can only get 37 cents out of every dollar to the classroom, this system is fundamentally broken and it needs to be changed. What we would do in changing it is, basically, we want to go to a block grant system which takes much of the money that we spend in Washington, except for the amount that is targeted to critical needs such as children with special learning disabilities, special education programs, and what we would like to do is take $10.2 billion of the money we are spending in Washington and, rather than giving 63 cents out of every dollar of it to bureaucrats, which we do now, we would like to take the $10.2 billion and give it directly to local school systems. So local parents, local teachers, and locally elected school board members would determine how that money is spent. That gives us a 100-cent solution, because then every dollar will go to local teachers, local parents, and locally elected school board members.

The President and, obviously, many people in Washington believe we know better; that it is worth having a program where only 37 cents out of every dollar gets to the classroom because the bureaucracy is adding so much value by telling parents and teachers and locally elected school board members, who do not understand education, how to do it.

If anybody ever believed that, surely when we are in a situation where our test scores have stagnated, our reading scores are flat or declining, and where we are ranking last, or near last, in every achievement test given internationally, I just think it is unconscionable and hurtful to the country and to the children to stay with a system where only 37 cents out of every dollar we spend gets through to the classroom.

That is what the debate is about. When you hear the President say, "We want Congress to act on education," we have already acted. The President wanted $32 billion. We have given the President $32 billion. But where the difference is, the President wanted the Federal Government to spend the money, the President wanted to keep a system where 63 cents out of every dollar gets lost before it gets to the classroom, and what we are trying to do is to give the money directly to local school systems and cut the bureaucrats out of it.

When you hear the President talking about this issue, understand that, despite what he appears to be saying, the dispute is not about how much money is going to be spent, the dispute is about who is going to do the spending. Bill Clinton and our Democrat colleagues want the Federal Government to do the spending with an old system where bureaucrats get 63 cents out of every dollar. We want local parents, local teachers, locally elected school board members to do the spending, because we believe that people love their children more than the Government does. We believe that parents know better about education than the Government does.

Let me also say for those who say, "Where are the education bills that have been passed in this Congress?" let me just remind those who are interested that we passed a bill in this Congress, this year, that provided parents with the ability to set aside tax free up to $2,000 a year to use to send their children to summer school or to get afterschool tutoring or to buy education equipment, like a computer, or to send their children to parochial or private schools, if they choose. The President vetoed that bill.

We passed literacy funding. The President vetoed that bill.

We passed a teacher merit pay program. The President, standing with the teachers unions and not with the students, vetoed that bill.

We passed a bill giving low-income families some choice in education. The President sent his child to private school in the District of Columbia, and he had every right to do it. The point is, however, that we wanted to give working families the same rights the President had, and the President vetoed it.

We had tax relief for parents whose children use the State tuition prepaid plan where you can start paying, even before your child is born, for him or her to go to Texas A&M, and you can do it at a discount because your money is building up. If they pass the test and can get in, you have paid for it. We wanted to give tax advantages to encourage families to do that. The President vetoed it.

We had tax relief for employer-provided education assistance. We have all heard employers everywhere saying to us, "The kids who come to work for us out of high school don't have the skills they need. They can't read, they can't write, they can't reason." So employers are beginning to pay their own money to reeducate their workers. We wanted to encourage it by making it tax free if they do that, because they know the skills they need. The President vetoed it.

Finally, we now are trying to give local school systems more control, to take control away from Federal bureaucrats. The President says he will veto it unless we change it to spend the money his way, which is 63 cents for bureaucrats and 37 cents for classrooms. That is not good enough for America anymore.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes left.

HOME HEALTH CARE, R&D TAX AND THE WORLD ECONOMY

Mr. GRAMM. Mr. President, let me now turn to home health care, R&D tax credit and the world economy.

HOME HEALTH CARE

We put together a bill in the Finance Committee to provide $1 billion to the home health care industry, which has been hit by a failure of HCFA to implement a workable program to try to control the exploding cost of home health care.

As my colleagues will remember, we passed a bill to have a simple $5 copayment for home health care. That copayment would not apply to moderate-income people who would have their cost paid by Medicaid. The administration said, no, that they could save the money in another way, that they could reform the system. So in the omnibus reconciliation bill for the 1997 budget last Congress, we gave them the ability to do that. Now they have come up with a totally unworkable program which they say they can't fix.

We responded in two ways: No. 1, we in the Senate Finance Committee came up with a bill to provide $1 billion for home health care, and we paid for it by going back and correcting a technical error in the 1997 bill. We meant in that bill to require the Federal Government to reduce payments to health care providers for bad debt because it was producing perverse incentives where they were not trying to collect debts, since the Government paid them off 100 cents on the dollar, and where they were basically extending credit where there was no hope of collection because, again, it wasn't their money.

We meant to do that for every health care provider, but by a technical drafting error, it only applied to hospitals. So we were going to expand it to every other health care provider. It saved us about $1 billion from current law, and we were going to provide $1 billion for home health care relief to give the administration another year or 18 months to try to fix the problem that they have created. We have now had Members of the Senate—at least one Member—object to that funding mechanism.

Look, I don't object to the fact that Senators have a right to stop a bill in the waning hours of the session. I think that represents part of the strength of the Senate and, quite frankly, if you are going to make laws in the last hour of the session, you ought to have unanimous agreement.

I am disappointed, because I thought that was a reasonable way to try to fix the problem. We now have many other people trying to come up with ways of funding this $1 billion, including some proposals that we have a bunch of little tax increases.

I don't think that is the way to go. I hope we can work out a compromise, but there has been so much said about this issue that I wanted to come to the floor and go on record as saying I am for the solution that we reached in the Finance Committee that would pay for another $1 billion of aid to home health care by changing the 1997 law to stop payments for bad debt so that if you don't collect your bills, you have to pay for it, and not the taxpayer. I hope we can work out something.

I certainly believe it is possible to come up with a solution. I thought we had a good one. Someone objected to it. So now we are scrambling trying to find another solution.

R&D CREDIT

I am for the R&D tax credit. I think it should be extended. I think the House has come up with a good extender bill. I am for the House bill. I am afraid that if we fool around trying to add items, like tax credits for biomass energy, which I think is a wasteful subsidy, that we are going to end up with one bill in the Senate, one bill in the House, and we are not going to get the tax extenders. I hope we can just adopt the House bill which deals fundamentally with the major issue in the tax extenders, and that major issue is the R&D tax credit.

WORLD ECONOMY

Finally, in the few minutes I have left, let me say a little bit about the world economy. I think that something fundamentally is getting lost in all of this discussion in the last couple of weeks about the world economy. One would think in listening to the administration and the many commentators that the problem in the world economy is that there is some economic equivalent to the flu which is going around the world and it is being caught randomly.

The plain truth is, the collapse of the economies in Asia was due to crony capitalism where government was directing capital politically rather than economically. That system failed. As a result, it pulled down the economies, first of Thailand, and now several countries in Asia, including Japan.

The solution to the problem is to end crony capitalism. The solution to the problem is to open their markets for competition from American goods and goods produced all around the world, and eliminate the crony capitalism in places like Japan, where American goods had been kept out and in the process it has weakened their economy and it has hurt the world economy. The solution is not to engage in capital controls. And the solution is not to simply have the world use its money to support economic systems that do not work.

So I think it is important to remember that the problem in the world economy is that we had countries practicing crony capitalism. I think in the end this can turn out to be a good thing, not a bad thing. I think if we reform economies in Asia, if we learn the lesson in America that the Government should not be deciding where investments are made, I think the world economy can come back and be strong.

I am very concerned about the International Monetary Fund. It was set up at the end of World War II as part of the Bretton Woods agreement. In those days, we had fixed exchange rates, and the IMF was supposed to provide financing to make the system work. The United States, in 1969, went on flexible exchange rates. The Bretton Woods agreement died. We have not had an international financial crisis come out of America since. So IMF has been scrambling to try to find something to do.

I do not believe they have done a good job. I think in Russia they provided money most of which was simply stolen. I think they did not get the economic reforms they sought, and they squandered their money and ours. I am very concerned about what is happening in much of Asia. But I have decided, with some concrete reforms, to go along with additional money for IMF. But they are going to have to make the reforms to get the money.

The reforms are: If you want to use your money, you can do anything you want to do economically in the world. If you want to shoot your economy in the foot, or someplace worse, you have a right to do it, but you do not have a right to do it with our money. If you

want our money, you are going to have to set out a plan to open up your economy for world trade, you are going to have to have movement toward free trade and free capital movement, you are going to have to set up a system where you give everybody equal justice under the law in areas like bankruptcy, and you are going to have to end crony capitalism where the kinfolks of rulers, where politically favored members of political parties, end up getting ownership of property and end up getting investment under their control.

The point is, these reforms are critically important if we are to avoid a world financial crisis. And these reforms are going to have to be made if we are going to provide the IMF the money.

I just want to respond very briefly to the representative from France, and others, who said, "How dare the United States of America try to tell us what to do." Let me make it clear, we do not care what they do with their money. But if they are going to spend our money, they are going to have to use it on programs that we believe can work. And if they do not want to do it our way, that is great, just do not take our money; and they are not going to get it unless they do it our way.

Finally, I think in some ways we are adding to the world financial crisis by using rhetoric that seems akin to the sort of "The sky is falling" logic. Crony capitalism failed. Government does not work as an allocator of capital. That is hardly a surprise, but it is a lesson that is proven in Japan and all over Asia.

I remember not long ago sitting down with a President and with a Cabinet Member and another Member of the Senate, and there was really a discussion about our Government funding high-definition television as part of industrial policy; the Japanese were doing it, and we could lose our cutting edge in technology.

Well, what happened? Fortunately, we did not do it. I opposed it. The Japanese invested over $1 billion in their technology, which failed. The world adopted our private technology, and we now dominate the world market. Crony capitalism does not work in America, it does not work in Japan, it certainly did not work in Korea and Thailand, and the sooner they change their system, the better off they are going to be.

If they want to set their economy right by using a system that we know works—capitalism and democracy—then we want to help. If they want to keep trying crony capitalism and socialism, we wish them good luck, we will include them in our prayers, but we will not fund that experiment, because we know it does not work.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—2-DAY CONTINUING RESOLUTION

Mr. SPECTER. Mr. President, I have been asked to make a unanimous consent request on behalf of our leader, Senator LOTT.

I ask unanimous consent that when the Senate begins consideration of the two-day continuing resolution, there be 10 minutes equally divided between the chairman and ranking minority member of the Appropriations Committee, and following the conclusion or yielding back of time, the resolution be agreed to and the motion to reconsider be laid upon the table, all without additional action or debate.

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

THE BUDGET PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the budget process and the status of events now pending between the Congress and the Administration.

We have come to a stage on appropriations where so many decisions are left, in the final analysis, to negotiations which involve only four Members of Congress and now the Chief of Staff of the President's administration, which I believe is far removed from the regular order of the United States Congress and the regular order as envisioned by the Constitution where the Congress legislates, presents bills to the President, and the President either signs or vetoes those bills.

We have, as we all know, 100 Members of the Senate and 435 Members of the House of Representatives. And it is my view that, if unconstitutional, it is certainly an unwise de facto delegation of power to four Members of Congress: The Majority and Minority Leaders of the Senate, the Speaker, and the Minority Leader of the House of Representatives.

My bill is illustrative. I chair the appropriations subcommittee which has jurisdiction of three major Departments: The Department of Education, the Department of Health and Human Services, and the Department of Labor. And my staff and I worked during the month of August, a recess month, so that when we came back into session on August 31 we would be prepared, as we were on September 1, to have the subcommittee act. The full committee then acted on September 3 in an effort to have this complex and important bill considered early on by the Senate.

The bill never came to the Senate floor because of other pressing business and candidly, because the bill was so controversial that it would likely be tied up in matters which might not be resolved. However, I believe that had these issues been debated on the Senate floor, I think that they would have had chance, a realistic chance. Ultimately, with enough time and effort, we could have prevailed. Similarly, in the House of Representatives there was never floor consideration to the legislation covering these three important departments.

So the subcommittee chairman and the ranking members met and tried to work out many of the points of contention. The matters have never been considered on the floor of the Senate where under our procedures Senators have the right to offer amendments, the right to modify figures in the regular legislative consideration.

We are going to have to take a hard look at our procedures when we reconvene next January so that we go back to the regular order and to the process under which this body, the Senate, considers the legislation we have handled on the floor and then in the conference report and then present it to the President for his signature or for his veto, as he exercises his Presidential judgment.

We had a conference last Friday with representatives from the Office of Management and Budget and the chairmen of the Appropriations Committees from both Houses, as well as the chairmen of the subcommittees and ranking members. At that time we were considering an objection which the President had raised to the appropriations bill covering education. The President had just had a rose garden news conference and was very, very critical of Congress for failing to meet his demands, his requests, his priorities on education.

I was asked to participate in a responsive news conference which, unlike the President's power of the bully pulpit, received virtually no attention. The facts are these: The President has requested for education $31,185,302,000; on Friday the House-Senate Conference Committee had come to a figure of $31,832,358,000. Rounding off the numbers, the President was at $31.2 billion and the House-Senate conference was at $31.8 billion. We were $600 million over the President's figure. It led me at that news conference to comment that the President either did not know what the figures were or was negotiating not in good faith in representing that the Congress had not met his requests for an education funding figure.

A further controversy developed, and I believe is still pending, although those negotiations are ongoing. And minute by minute we do not know whether agreements are made or not until we hear their final report. The President asked for $1.1 billion for classroom size. The President proposed paying for that item with the proceeds from the tobacco settlement, except there never was a tobacco settlement and we never had those proceeds to work with.

My subcommittee had anticipated that problem and had, in the report which we filed, provided for reduction

in classroom size to meet what the President considered a priority. We agreed with him that it was a priority. We allocated some $300 million for that effort. According to the information presented in our conference, the maximum expenditure for the next fiscal year would have been $50 million. So we had adequately taken care of the President's priority and we had more than enough funding to proceed for the first year.

It was our concern that the congressional authorizing committees had not taken up the item, which should be done in the context where we saw there was adequate funding. Had we had the tobacco proceeds, I think a good bit more attention would have been paid to this. When the funding did not come through, the subcommittee made its best efforts. I believe the facts are illustrated on these items, which were the bones of contention. The subcommittee had provided more funding for education than the President had requested, and it made an appropriate allocation for classroom reduction size. Congress had done its job on education.

It is obvious that when the President speaks from that bully pulpit he may even get more attention than when a Senator addresses the same subject on the Senate floor, seen by very few people on C-SPAN2. But at least we do what we can to establish the record for the propriety of our congressional action.

The business of having 535 elected Members of the Congress delegate authority to four individual Members, short-circuiting our process, is not in the national interest.

One of the items which has been under consideration in the subcommittee has been a complex question of organ transplants. The subcommittee has adopted the recommendation of the administration, put forward by Secretary of Health and Human Services Donna Shalala, to establish regulations issued by her Department. We held a hearing on the subject and tried to come to grips with that issue. A differing point of view was put forth by the House of Representatives.

I concede that while the House advocates had parochial interests of their State, I, too, had an interest in Pennsylvania on this issue. Looking at the broader national aspects, it really is a matter to be decided by the medical experts. I think that was provided for in the regulations proposed by the Secretary of Health and Human Services. The Secretary had no parochial interest and was speaking for the national interest. If the Secretary was wrong, that is a matter which ought to be decided by the authorizing committee. It ought not to be left to the appropriators.

That is only illustrative of many, many riders we have where the appropriators are called upon to decide very, very complex questions which ought to be resolved after hearings, analysis, floor debate, and a decision on what is public policy. They really are not issues to be decided by how much money ought to be allocated to a specific line, which is the function of appropriations.

It is my hope that these procedures will be corrected when the Congress reconvenes next January, to find a way to return to regular order and to have these issues considered by the full Senate, considered in a Conference Committee, and presented to the President.

When we had our conference last Friday, I raised the question head on with members of the Office of Management and Budget where this education item was a matter for veto. He had some difference of opinion of some $330 million, which is not insignificant, but is not enormous on a $32 billion budget. The representative of the administration couldn't answer the question. If we had passed a bill and submitted it to the President, I think he would not have vetoed. My instinct is if we passed a bill and submitted it to the President, the funding figure which he wished for, classroom size reduction, which has now been conceded by the congressional negotiators, but it left open the issue of whether it would be decided by the States and local government or decided by the Federal Government, with the President pressing to have a mandate from the Federal Government operated out of Washington instead of leaving it to local government.

Here again, I think the President would not have exercised his veto, or at least had we followed regular order and the constitutional procedure without having the President in the negotiations on the appropriations bill—where he ought not to be, his representative ought not to be—we would have had a determination as to whether it rose to the magnitude of a Presidential veto.

Our institutions have been well served, as we know, when we follow constitutional procedures, when you follow regular order on what has been established. I do believe that these shortcuts are not in the public interest and we ought to return to the tried and tested ways of the appropriations process.

I ask unanimous consent to have printed in the RECORD the chart I referred to earlier.

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

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title II—Department of HHS, current year (federal)	162,167,174	177,149,724	176,289,059	176,178,717	178,665,109	178,695,109	30,000
Prior year advances	31,036,993	31,718,189	31,718,189	31,718,189	31,718,189	31,718,189	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Total	195,002,239	210,819,578	209,958,913	209,591,621	212,338,963	212,368,963	30,000
Mandatory, current year	132,981,566	145,960,968	146,055,968	146,040,968	146,230,968	146,230,968	
Prior year advances	29,099,993	29,618,189	29,618,189	29,618,189	29,618,189	29,618,189	
Subtotal: Mandatory	162,081,559	175,579,157	175,674,157	175,659,157	175,849,157	175,849,157	
Discretionary	29,185,608	31,188,756	30,233,091	30,137,749	32,434,141	32,464,141	30,000
Prior year advances	1,937,000	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Projected HCFA user fee collections		(264,500)					
Child Care Welfare Reform rescission	(3,000)						
Viagra Limitation			(40,000)		(40,000)		40,000
Adjustment for legislative cap on Title XX SSBGs	(81,000)	(471,000)	(81,000)	(471,000)	(81,000)	(81,000)	
Subtotal: Discretionary	32,836,680	34,504,921	34,163,756	33,461,464	36,368,806	36,438,806	70,000
Total: 302(b) scorekeeping	194,918,239	210,084,078	309,837,913	209,120,621	212,217,963	212,287,963	70,000
Title III—Department of Education current year (federal funds)	30,701,330	32,142,182	31,481,671	31,867,651	32,250,768	32,797,056	546,288
Mandatory, current year	2,555,086	2,615,266	2,616,640	2,615,266	2,622,584	2,622,584	
Discretionary, current year (federal funds)	28,146,244	29,526,916	28,865,031	29,252,385	29,628,184	30,174,472	546,288
Prior year advances	1,298,386	1,658,386	1,658,386	1,658,386	1,658,386	1,658,386	
Subtotal, Discretionary	29,444,630	31,185,302	30,523,417	30,910,771	31,286,570	31,832,858	546,288
Total, 302(b) scorekeeping	31,999,716	33,800,568	33,140,057	33,526,037	33,909,154	34,455,442	546,288

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS—Continued

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title IV—Related Agencies (federal funds, current year)	17,738,380	23,195,669	23,058,541	23,207,418	23,173,046	23,182,836	9,790

HATE CRIMES

Mr. SPECTER. Mr. President, we have seen the issue of hate crimes again tragically before the American people with a horrendous event in Laramie, WY, on October 6, just last week, where a young man, Matthew Shepard, was kidnaped, robbed, severely beaten, and left tied to a fence in freezing weather. He died 5 days later from his wounds.

Two men have been charged with the murder. It appears that the attack was motivated at least in part by an antigay bias. Police have stated that while robbery was the main motive for the attack, that Mr. Shepard was apparently chosen as a victim because he was gay.

It has been reported by the investigators that the two suspects lured Mr. Shepard from the bar by stating that they, too, were gay and wanted to meet with him. The girlfriend of one of the two suspects has stated that Shepard was targeted because he had flirted with the suspect earlier that evening and allegedly embarrassed him.

The issue of hate crimes was very much a national focus months ago, on June 7 of 1998, when Mr. James Byrd, Jr., an African-American, was kidnaped and killed by being dragged from the back of a pickup truck. Three white men have been charged with the murder. The evidence indicates that there was racial motivation for the attack. Authorities have stated that all three suspects were white supremacists and had white supremacist tattoos on their bodies. All three were identified as belonging to the Ku Klux Klan and the Confederate Knights of America while serving in prison. Racist literature was seized from the home shared by the suspects.

The current hate crime legislation was deemed inadequate on the murder of Mr. Byrd because the victim was attacked in a way where he was not seeking to exercise a federally protected right.

On November 13, 1997, Senator KENNEDY, Senator WYDEN, and I introduced the Hate Crimes Prevention Act, which has not moved forward. It is my view that there is no place in America for hate. There is just no place in America for hate. There is no place for hatred of African-Americans, hatred of Asians, and there is no place for hatred of Jews, Muslims, gays, or anyone else. That is antithetical to America, antithetical to the concepts of the melting pot. We see around the world what has happened in places like Bosnia, and we see what has happened in Kosovo, and we have seen what has happened in Africa. But in the United States, there is no place for hate.

I have asked both leaders in the Congress and the President to push to have this legislation included in the final Omnibus Appropriations Act. I know it is difficult to do. Let's see what happens on it. There ought to be a very, very strong stand taken against hate. Gays ought to be included in the protection, and we ought not to have the highly technical, legalistic concepts of the exercise of a federally protected right.

I served for 8 years as district attorney of Philadelphia and 4 years as assistant district attorney before that, and crime was horrendous. But when hate is added to the crime, it becomes an intolerable circumstance, something which should be acted upon by the Congress of the United States. The legislation has been modified to arrive at a situation where local authorities would call for Federal assistance. I am not sure that is a wise provision, because so frequently we find local authorities unwilling to act, and that is really the reason for the necessity for Federal action. But the legislation has been modified in a number of important respects to try to give an impetus for enactment. We should not await the next tragedy on hate—whether it is directed to someone of Asian ancestry, or someone who is Jewish, or a Muslim, or a gay, or an African-American—to motivate us to take the appropriate steps and be very, very tough in the response and prosecution of those offenses.

Mr. President, in the absence of anyone else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 5 minutes.

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

The Senator from New Hampshire is recognized.

EDUCATION

Mr. GREGG. Mr. President, we have heard a lot of talk about education in the last few days, especially from the White House, and about adequate funding for education. I think no item more clearly defines the difference between the two parties on the issue of funding education than the issue of special education.

This White House has been so enthusiastic for creating new programs, that are controlled here in Washington, which tell the teachers, principals, parents, and students back in my State, and in the State of Mississippi, where the occupant of the Chair comes from, and every State of this country, how they shall run their schools on a day-to-day basis, how to manage curriculums, whom they shall hire, when they shall hire them, what they will do after school. This administration has been so insistent in trying to move the control of education to the Federal level and now has come forward with a new series of efforts to accomplish that. But this administration has failed consistently to fund the most fundamental obligation of the Federal Government in the area of education—specifically, the obligation under special education.

Back in 1976, I think, when the special education bill was passed, which was a major step forward in this Nation toward caring for kids who have special needs, the Federal Government committed to the local communities of this country that it would pay 40 percent of the cost of those children's educational needs. But what has happened? Well, when the Republican Congress took control of Congress 4 years ago, at that point, the obligations being paid by the Federal Government weren't 40 percent of the cost of special ed needs, they were only 6 percent of the costs. The difference, 34 percent, which was supposed to be picked up by the Federal Government, was being borne by the local taxpayer.

What was the practical effect of that? The practical effect of that was that the local tax burden was skewed and the local school districts' ability to support their educational agenda was controlled not by what they wanted to do but by their need to meet a Federal mandate that was not being paid for by the Federal Government—specifically, special education. So where a local school board might have wanted to add new teachers, or an afterschool program, or a new language program, or put in new computers, they could not do it. Why? Because they had to pay the cost of the special education students, which costs were supposed to be borne by the Federal Government, at least to the extent of 40 percent.

So you would have thought that this "education Presidency"—as it tries to proclaim itself—would have wanted to correct that problem, would have recognized that as the first step in its efforts on education, and would have fulfilled the underlying obligation to special needs kids and paid the 40 percent

the Federal Government is obliged to pay under the law.

What actually happened? In every budget that the President of the United States has sent up to this Congress since this Congress was taken over by the Republican Party, there has been essentially no increase in funding for special education. As a result, what this administration has said is: Rather than funding the needs of special ed kids, we want to create brand new programs, we want to go out and tell the school districts what they are going to have to do with Federal dollars, rather than using the Federal dollars to fund the needs of the special needs kids the way we are supposed to under the law.

So they set up this scenario where they say to local school districts: We are not going to pay you what we are supposed to and allow you to free up your money to spend it on what you need, such as books and teachers—or whatever the local school district thinks it needs. Rather, we are going to tell you what you need, and we are going to make you come to the Federal Government, come to the Federal bureaucrat, and say, "Please, Federal bureaucrat, give us back some of our money so we can pay for new educational initiatives." But we have to do exactly what you tell us in initiating those initiatives. It obviously makes no sense.

What did the Republican Congress do? It said let's live up to our obligations as a Congress first. So we made a priority. In fact, S. 1, the No. 1 bill of the Senate, made as its priority setting a course to fully fund special education at the 40 percent required under the law. We made great strides in this under the leadership of the majority leader, under the leadership of the Senator from Pennsylvania, who is the head of the appropriations subcommittee, with the strong effort of the coalition here on our side of the aisle.

We have increased funding for special education dramatically in the last 3 years, with no help from the administration. Three years ago, we put it up; we increased special education funding by almost $700 million. Last year, we increased it by almost $690 million. This year, we have increased it again by $500 million. So we have taken the percentage which the Federal Government is paying for special education from 6 percent when we took control of the Congress up to over 10 percent now, and it is moving in the right direction.

Now, one more time this week, we hear this disingenuous argument coming from the administration that if we are going to have good education, we have to create a new program where the Federal Government, the President, and his friends at some national labor union and down here at the Department of Education tell local educators how to spend their dollars and what they must spend their dollars on.

If the President really wanted to address the educational needs of this country, he would say to local school districts: I want another $1 billion, but I want to give it back to the local school districts to help them with special education, and that will free up the local school districts to be able to spend money for what they think they need.

Not every school district in this country needs more teachers. Not every school district in this country has a terrible school building. Some school districts need more computers. Some school districts want to expand their language programs. Some school districts want to expand their dance programs. Some may want to expand their math programs. That decision should be made at the local level. Only the parents, only the teachers, only the principals really know what a local school district needs in order to make it a better place for kids to learn in. We don't know in Washington.

Yet, the President and his friends and his supporters seem to feel that they know best, that they can run all the school districts in this country out of some building down here on Constitution Avenue. It doesn't work that way.

If we really want to help out local school districts, what we will do is relieve them of having to fulfill the obligations of the Federal Government by paying the costs of special education and free up those dollars so that the local school districts can spend them where they see fit, where they feel they will get the best return. If we really want to help local education, what we will do as a Congress and what the President should be suggesting is that we will fund the special education needs of kids in this country to the tune of 40 percent, which we committed to.

Ironically, if you take the dollars being proposed by the President to be spent on his new categorical programs where he tells everybody in the country how to run their school districts, and you add them up, in 5 years—which is the goal that we have set as a Republican Congress—in 5 years, you will be at just about the 40 percent that the Federal Government said it was going to spend on special education. If you take those dollars and you move them over to special education, you will be accomplishing what we said we were going to do back in the 1970s. But, more importantly, we will be freeing up the local school districts to educate kids the way they know they must be educated rather than the way some bureaucrat down here in Washington thinks they should be educated.

That is the difference. That is what the debate is about. The Republicans believe that schools should be operated at the local level, that it should be the parents, the teachers, and the principals who make the decisions on education. Regrettably, some of our colleagues on the other side, and clearly the people down on Pennsylvania Avenue, feel that they know better than parents, teachers, and principals—they should be the ones operating our schools.

This is not a dollar fight. It is not a question of putting more dollars in education. It is a question of where the dollars go, how they are better managed, how they can give the best return for the dollars spent for education which we need.

So there is the difference.

The Republican Congress is showing the right way. We have put our money in the right programs. We have committed to special education the huge increase in spending. I just wish the President would join us in that.

Mr. President, I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that all the debate time on the 2-day continuing resolution be yielded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the order, the joint resolution is passed.

The joint resolution (H.J.Res. 135) was considered read a third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. with Senators permitted to speak for up to 5 minutes each.

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

Mr. GORTON. Mr. President, I ask unanimous consent that I may go over that 5-minute limit by not to exceed an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE DEBATE OVER EDUCATION

Mr. GORTON. Mr. President, I can do no better than to echo the eloquent remarks of my friend and colleague from New Hampshire. The debate over education today is not a debate over its importance. It is not a debate over the relative commitment of Republicans and Democrats to increase the educational opportunities for our children. The debate, as we have it today, is over

who determines how and where that money should be spent—bureaucrats in Washington, DC, or the parents, teachers, principals, and elected school board members in thousands of school districts across the United States. That debate is a vitally important one.

In his 1997 state of education speech, Secretary Riley said, "We should not cloud our children's future with silly arguments about Federal Government intrusion." But that is exactly what this debate is about. It isn't silly, and it couldn't possibly be more important.

Secretary Riley may feel it very natural that he and the President and his bureaucrats in the Department of Education here in Washington, DC, should set those priorities for all of the thousands of school districts across the country. We do not. We believe in the wisdom of school board members and in the dedication of principals and teachers and parents to the quality of their children's education.

I want to emphasize once again, the President in his budget this year asked for $31.4 billion for education. The budget passed by the Senate of the United States has $31.4 billion for education. Later, the President came back and asked for an additional $1.1 billion. Republicans have agreed that that $1.1 billion is appropriate.

But in negotiations, of which I have been a part, the President has narrow prescriptions for the use of that $1.1 billion. In fact, when I looked at the statutory language that the President's people asked for, the first two lines were about the appropriation of $1.1 billion. All of the rest of the language was designed to restrict the discretion of State and local education agencies in connection with the spending of that $1.1 billion, narrowly focused on teachers, focused even more on teachers in the first three grades; subject to the rules and regulations of the Federal Department of Education at every possible turn, the distribution formula and the set of rules already adopted for the spending of money from the pot into which this $1.1 billion is to go, according to the President. The formal rules take up just 15 pages of regulations—perhaps 15 pages too many. But the nonregulatory guidance for those regulations is another 171 pages. And, of course, there would have to be additional regulations on top of those, and additional guidance on top of those, for this program as the President has recommended it.

In its publication called "Education At The Crossroads," the Education Committee of the House of Representatives reports that there are now 760 Federal education programs, requiring something over 48,600,000 hours of paperwork per year—48,600,000 hours of paperwork. We simply need not add to that burden. Mr. President, 90 percent of those hours now paid for out of the education budgets of our school districts and of our States, 90 percent of those hours could be far more profitably spent on additional instruction for our students or the money spent on improving the physical quality of our schools or the equipment that our schools and our teachers use to train our children. But those moneys are now spent meeting the regulations of the Federal Government accompanying the modest amount of money—some 7 percent to 8 percent—the modest amount of money that the Federal Government supplies as against the States and local taxpayers for the maintenance and the instruction in our public school program.

We, on the other hand, without a debate with the President over the amount of money to be spent on education, prefer that it be distributed through an existing Federal program, the one existing Federal program that carries very few regulations with it, directly to the school districts of the United States, to be spent in the way that each of those school districts feels most appropriate. More teachers? Yes, where those school districts feel that is their No. 1 priority. Focused on special education where, as the Senator from New Hampshire pointed out, we have imposed innumerable burdens and regulations on our school districts but supply less than 10 percent of the money to meet those regulations? On other matters that may be more significant to particular school districts across the country? Yes.

In discussion of this issue in the course of the last 24 hours with a distinguished Democratic Member of the House of Representatives on the committee there dealing with education, we were told that even in that Representative's own district, the school boards could not be trusted. This Representative was eloquent on the tumbled-down nature of many of the schools in his city, eloquent on the lack of adequate teaching in that school district, but he was totally unwilling to let the people who elected both him and the school board members in his city—he was unwilling to allow those elected school board members to decide how this new money should be used. He was convinced, for some reason or another, that they would ignore the condition of their schools and the quality of their teachers and find something else to spend the money on.

Between that idea and ours, there is a great gulf fixed. We feel that if the school boards are allowed to determine how this money should be spent, it will, in the vast majority of all cases, be spent more wisely than it could possibly be spent under a set of one-size-fits-all regulations from Washington, DC, and we feel that there will be more money in the schools because less of it will be used for this 48-plus million hours of filling out paperwork.

Those are the two principal reasons for our perspective on this issue—a trust in the dedication of the parents and teachers and principals and superintendents and school board members to the education of the children committed to their care, and to the belief that the less the paperwork, the fewer the regulations, the more dollars that can get actually into the classroom.

That may be the last major issue separating us from the President in coming up with an overall omnibus budget and allowing this Congress to finish its work. But it is an issue of profound importance to every American—our students and our parents and all other Americans who wish to bequeath to their children and their grandchildren an even stronger America than the one they inherited from their parents.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes in morning business.

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

PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, I ask unanimous consent that Darlene Koontz, a fellow with the National Park Service, be granted the privilege of the floor for this afternoon's session.

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

NATIONAL PARKS RESTORATION

Mr. THOMAS. Mr. President, I rise today and come to the floor to thank the Senate and the House for the passage of S. 1693, the Vision 2020 bill, national parks reform. I think it is a great day for the Congress and for our national parks. Parks are one of the real resources, one of the real treasures that we have in this country that I think all of us have feelings for. There are lots of different parks and lots of different kinds of parks, but they are all our heritage. They are our culture.

I think we have known for some time that the parks have needed some assistance. They are more visited now than ever. They are more utilized, as they should be, by Americans than ever. The Park Service, on the other hand, thinks that they are at least $10 billion in arrears in infrastructure costs and they need to change. I think there is a willingness to change on the part of the Park Service. So through hard work and bipartisan compromise we forged a bill that will preserve and help protect our parks now and well into the next century.

I have a special place in my heart for parks. I grew up right outside of Yellowstone Park near Cody, WY. We have the first park, Yellowstone, that is

more than 125 years old now, also Grand Teton Park, which is, of course, a spectacular and unusual place, Devil's Tower. So parks are very much a part of the West. They also are very much part of the rest of the country. Right here in Virginia, last week my wife and I went to Philadelphia, Independence Park, one of the great treasures of our history. So I am very pleased with this legislation and I think it will be helpful.

Let me mention a few of the major provisions of S. 1693. First, it requires the Department to develop a strategic plan and comprehensive budget for the individual units. It is a large business. The budget is $1.2 billion. So there has to, now, in addition to the management of resources, be management of a large financial issue. We need plans. We need a Park Service that has transparency in terms of its plans and in terms of its budget. There needs to be a budget. There needs to be assurance that the expenditures are the same as the appropriations requests. That has not always been the case.

We need to establish a process for developing new parks. There are criteria for parks and they need to be followed. We have a proposition where there would be a study to see if, indeed, that park does square with the criteria that we have set forth. Too often, I think, Members of Congress have been able to bring parks into the system to be supported by Federal dollars when, frankly, they really perhaps did not meet the criteria that they should.

The bill provides for enhanced training opportunities for Park Service employees. Many of them have very specialized jobs, very specialized work to inventory and to understand what the resources are and to protect them. In my experience of working with Government and in this Government, I don't know of an agency that has a more dedicated staff than does the Park Service. They are people who are really committed to what they are doing and committed to the preservation of parks and making them useful. We need to help with opportunities for training.

We are providing for increased scientific study and research to ensure park resources are inventoried and they are, indeed, protected.

There are two purposes: The first purpose of the park, of course, is to maintain the resources, whether they be cultural or natural resources. The second is to provide for its owners, the American people, to visit. One of the elements of that, of course, is the concessions that provide the services that are necessary.

We have worked at changing the concessions policy and making it more competitive so that new businesses can have an opportunity to provide them, to provide them more efficiently, to provide more of an opportunity, and to pay some of the income to the park as a means of sustaining it.

We have eliminated the preferential right of renewal so that there is competition for those services as they are renewed.

We have authorized the new national park collectible passport which provides an opportunity for supporters of a park to pay a little something and to have in their car window or their house window this attractive passport that will allow us to help support the parks.

We provide for increased philanthropic support for individual units to help Friends of Yellowstone, for example, to raise money, and they raise significant amounts of money for parks.

We have authorized some studies for the Park Police which is necessary. We have some 400 Park Police right here in the Capital who have large responsibilities.

These are some of the changes that we have worked at. This is the first time in 18 years that we have had a generic parks bill that is designed not to deal with some specific park but rather to deal with the whole idea of a system that will preserve and strengthen the parks. It is the culmination of more than 2 years of work by the subcommittee. We have had hearings coast to coast. We have been in Colorado. We have been out in San Francisco. There are many different kinds of parks. We had the same reaction at the hearings: that there needs to be more resources; they need to be managed better; we need to have more support; we need to deal with gateway communities; and have better communications. I think these things will be strengthened. We passed a bill that, I think, will do much of that.

I want to take a moment to thank some of the people who were involved. We hear a lot about the difficulty of passing legislation, and it is difficult. Everyone has, legitimately, different ideas about how things ought to be done; indeed, philosophies of how they might be done. The media, of course, emphasizes the conflicts that we have, and we have conflicts. Here, although most everyone will agree with parks, there are conflicts about how we resolve these things.

I am so pleased we had an opportunity to come together with people on both sides of the aisle, with people in the administration, with people in the Congress. No one got everything they wanted. We had to make concessions. We had to make changes, give up some things, add some things. But that is the way the legislative process has to work.

I particularly thank Senator MURKOWSKI, the chairman of the Energy and Natural Resources Committee, for all of his guidance on this legislation. Without his help, of course, we wouldn't have had this bill before the Senate. The chairman went out of his way to ensure that negotiations stayed on track. As you know, Alaska has some unique things. He helped to make this thing work.

I also thank Senator BUMPERS, the ranking minority member of the committee. I know personally that he has worked on some of these things. He has worked on the issue of concessions in particular for at least 10 years. He made some concessions on this issue. Without him, frankly, we wouldn't have a bill, particularly over in the House where he worked at it. I just say to the Senator from Arkansas that I really appreciate his help and appreciate the attitude that he brought here to this debate.

I thank Secretary of Interior Bruce Babbitt. It is no secret that we don't always agree with a lot of things, like public lands. Bruce Babbitt worked as hard as anyone could be asked to work. He came from California to work with our staff on this. He helped form a compromise.

Also, I thank Assistant Secretary Don Barry—these folks worked very hard—as well as BOB BENNETT. There is a whole list of people. Over in the House, JIM HANSEN and Chairman DON YOUNG worked very hard as well.

Finally, I thank the staff, of course, at all levels in the Senate, in the committee, particularly my personal associates: Liz Brimmer, my chief of staff; Dan Naatz, legislative director; Jim O'Toole, who is the director of the committee staff; and Steve Shackelton, a fellow, who worked originally with us on the bill.

I wanted to come to the floor to say a couple of things. One is, I am very pleased we passed this. I think it is going to help parks.

Second, I am impressed with the system when we really do work together and cooperate to come up with something that is a compromise and reach the goals with which we began.

Mr. President, I thank you for the time and say, again, I am very pleased we were able to bring this to passage in the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, I understand we are in morning business. I ask unanimous consent that I be allowed to speak for the next 15 minutes uninterrupted.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President.

EDUCATION

Mr. HARKIN. Mr. President, as a member of the Appropriations Committee and as the ranking member on

the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee—my chairman is the distinguished Senator from Pennsylvania, Senator SPECTER—we have been involved, as I am sure everyone knows, in a lot of negotiations over the last several days regarding the education portion of the bill. There are some other items there also, but basically on education.

After reading some of the newspaper accounts and listening to some of the speeches on the Senate floor, I can only come to the realization that perhaps the American people are a little bit confused now about what is going on. I respectfully submit that may be the point of what is going on—to try to confuse the American people. I am going to try to set the record a little bit straight here, in my limited amount of time.

I was in my office a little while ago listening to the Senator from Texas talk about education. He had a chart. He went on to say that only 37 cents of every dollar that comes in here, I think in the Department of Education, actually gets back out to the local schools.

Having been involved both on the authorizing committee for now 14 years and on the Appropriations Committee, an equal amount of time on Education, I was quite astounded by this figure because I never heard this figure before. So I decided to go back and find out exactly what were the facts.

So I guess the best place to look is in the committee report, compiled not by the Democrats but by the Republicans,—by Senator SPECTER for the Committee on Appropriations. Of course, I will say this, and most gratefully say, he and his staff have worked very closely with me and our appropriations staff in putting out this report.

So I looked in the report, to check on administrative costs for the Department of Education, because I never heard that figure, 37 cents. I thought, "Boy, if that's the truth, I might join the Senator from Texas in this argument." So I looked it up. In this report—this is the document right here; big and thick, has a lot of numbers in it, very boring reading—the committee recommendation for the Department of Education is $34.4 billion. That number is likely to increase as a result of the negotiations on the final bill.

So then I said, "OK, how much does the Department of Education spend administering these programs?" Well, here is the line item. It is right here in the book. You do not have to go very far. General Departmental Management: $101 million. Well, I am not the best at math, but I tried to figure this out. And as best I can come, that is less than one-half of 1 percent of the total money that we appropriate to the Department of Education goes for administration—less than one-half of 1 percent.

I then asked my staff to find out how much of was spent for administration at the State level. And that is about 2 percent. So 2.5 percent of all the money we take in that we give the Department of Education goes for administration; therefore providing 97.5 percent to local school districts and students. That is right; out of every $1 that goes to the Department of Education, 97 cents-plus goes out to schools and to students.

Where the heck that 37-cent figure, that the Senator from Texas had, came from, I have not the foggiest idea. I have his comments. I still do not understand where he got that figure. The only thing I can expect is that maybe he did not take into account Pell grants that go directly to students that are paid to schools. I do not know. Whatever the reason is, that is not the correct figure. It is not chewed up in administration.

The documentation is right here in black and white in the committee report. It just seems that all we have is we just have a lot of rhetoric around here and somehow we are supposed to take the rhetoric for substance.

The substance is there. It is not a secret. You can find out how much goes for administration, and it is not as much as the Senator from Texas said. Fully 97 cents of every dollar that goes to the Department of Education goes out to schools, goes out to students.

Again, it seems now that what I am hearing is that the Republicans, in the negotiations, are saying that they are going to match us dollar-for-dollar, but they just want to throw the money out there in the Title VI block grant to the States, so they can do with it basically what they want. So the sort of hue and cry is "We'll give money to the States and let the States do what they want."

There is a better way. To deal with class size, the President has an initiative to hire 100,000 teachers to reduce class size in this country. The President and those of us on this side of the aisle, what we want to do is put that money through title I reading and math program to reduce class sizes. I am told the Republicans want to send it out through the Title VI block grant.

Again, I am sure that the American people watching me speak here are saying, "Gobbledygook, Title I, Title VI, so what?" Well, so what is a big difference in whether more money gets out to the students or not.

There is a big difference. For example, in title I, we have a cap by law that says that no more than 1 percent of the money that goes out to Title I can be used for administration at the State level. One cent of every dollar, that is all, no more; so that 99 cents actually gets to the schools and the students.

However, under Title VI, 15 percent of the money that goes out to the States is held at the State level; 15 cents out of every dollar is held at the State level. The remaining 85 cents then goes out to the school districts.

Title I is more efficient and will get more resources into the classrooms and schools—99 cents of every dollar, to actually hire the teachers and reduce class size. What the Republicans are saying is, turn it over to the States. They keep 15 cents and send only 85 cents to the schools.

So I submit, Mr. President, that if you really want to cut administrative costs, if you want to get the most money out there to get the most bang for the buck, let's put the money in Title I and not the Title VI program.

There seems to be another strain going on around here and that is that "the Federal Government is doing too much in education. The Federal Government should do less. We have got to leave this to States and local communities."

I would be the first to defend and the last person standing in defense of the right of local jurisdictions to control their schools. That does not mean that the Federal Government does not have a role to play in helping those schools. I believe it does; a significant role. And we have owned up to that over the years. But to say that the Federal Government is doing too much, I think, is to ignore what we have done in the past.

In 1980—of every dollar that went for elementary and secondary education in America, for every dollar that went out, the Federal Government provided about 10 cents. So about 10 cents of every dollar that went out for elementary and secondary education came from the Federal Government. That was 1980.

To those who say that today, in 1998, the Federal Government is doing too much in elementary and secondary education, I point out that from that point in 1980 to now the Federal Government is only providing about 6 percent of the money for elementary and secondary education. In other words, in the intervening 18 years, the Federal role in support of elementary and secondary education has been cut by almost.

I always tell my constituents in Iowa, and other places, obviously, you wonder why your property taxes are going up. That is why. In order to keep the schools up and to meet their constitutional requirements to provide for new technology, to help fix up crumbling schools, the States then have to put it back on the local jurisdictions, and they have to raise property taxes. That is why the property taxes seem to be going up all over this country.

So I always say to people, if you want property tax relief, the best thing is to get the Federal Government back up to where we were in 1980. You do that and you will find out we will be

able to fix our crumbling schools, we will be able to hire 100,000 teachers and reduce class size, we will be able to wire the schools for the Internet, and get the technology these kids need at an early level.

Mr. President, if we had just held constant from where we were in 1980 to today—do not increase but do not decrease; simply held constant—the Federal Government's share of elementary and secondary education would be about a 44-percent increase. We would be providing an additional $10 billion more each year our local schools. And any way you cut it, that spells property tax relief. That spells more technology for our schools.

If I might digress just a moment, there are some who think that our kids in elementary school have to learn the basics first and then they can get on to computers. There are some who say that what our kids need is a No. 2 lead pencil and a Big Chief tablet; they learn that first, and then they can go into computers. They fail to recognize that the No. 2 lead pencil and the Big Chief tablet of today are the desktop computer.

I know the occupant of the Chair is a little bit younger than I am, but when I was a kid in a two-room country schoolhouse in rural Iowa back in the 1940s and early 1950s, we had a blackboard and a piece of chalk. That was our computer. We used that blackboard and a piece of chalk; we had our Big Chief tablet and No. 2 lead pencil. That might have been OK for my generation. It is not OK for this generation; it is not OK for the kids today. It is not something they use after they get smart, it is something they use to help them learn smart, to understand what we are going to need in the 21st century to meet our needs.

We could have that if the Federal Government would meet its obligations, if we just held constant where we were in 1980. That is what we are trying to do. We are trying to support the President's goal of reducing class size and getting 100,000 teachers out there. We are trying to support the President in his goal of getting money out to help fix our crumbling schools, so the kids don't have to go out and learn in trailers, so we don't have 30 to 35 kids in the class but something like 18 or 19, at the maximum, in any class.

Last, we hear all the speeches about turning the money over to the States and let them decide how to respond. That all sounds good. What about all of the bipartisan accomplishments that we also hear about in this Congress? We passed the Higher Education Act; we reauthorized the vocational and technical education bill; we expanded the Federal Charter Schools Program. Senators on both sides of the aisle brag about this. How can you brag about it in one breath and turn around and say that we have to turn over all the money to the States? I am a little confused about that. If you are proud of the vocational and technical education and the fact that the Federal Government has supported it and we just reauthorized it, how can you then turn around and said we shouldn't do any of this?

There is a role, a limited role, for the Federal Government, but a very powerful and important role. I believe this Congress is turning its back on its responsibilities, unless in the closing days of this session we can get an agreement to provide resources to reduce class size and fix our crumbling schools. We need the money in there right now so the kids don't have to go out in trailers in the back of the school to learn.

I hope in the closing days we will be able to get the education funding that we need.

CHILD LABOR

Mr. HARKIN. Mr. President, I turn my attention to another issue that is closely akin to education, an issue I have been working on for a long time, one which has come to the front now because of all the negotiations going on. That is the issue of child labor.

In January of this year, my staff, Rosemary Gutierrez, and I traveled to Nepal, Bangladesh, India, and Pakistan to look at the issue of child labor. While we were in Nepal, the exotic city of Katmandu, I met with a young man who had been a former child laborer. He told me about the awful conditions that were in some of these countries, yet the official government line is, there is no child labor; it is prohibited.

On a Sunday evening, right after it got dark, about dusk, we got into an unmarked car—the former child laborer, a driver, my staff person, and I—and drove to the outskirts of Katmandu to a carpet factory. It was thought by my host, this young man who had been a former child laborer, that the owner of the factory was not going to be there. He kind of knew the guard at the gate and said we could get through. So we drove out to the outskirts. Sure enough, there was a gate, there was a wire fence. The guard let us through. We went up, and the young man talked to him in Nepalese, since I don't speak Nepalese, and we were let through.

What was on the outside of the gate before we entered? This sign right here, in Nepalese and in English. This is the sign; I took this picture with my camera. The brick wall states:

> Child labor [sic] under the age of 14 is strictly prohibited.

Right on the gate it says this. I took the picture. We went through a gate, down a long hallway, turned left; there were doors; we opened the doors and walked in.

Remember:

> Child labor under the age of 14 is strictly prohibited.

Here are some more pictures I took. These are kids working at the looms. We asked our host to ask them their ages. We have a boy here who is 9 and a girl about 12. That is just two of them. This place was loaded with kids that age, working on a Sunday at 7 o'clock in the evening; it was getting dark. They are still working full-time in dirty, dusty conditions, making these carpets.

Here is another picture I took. Again, don't tell me these are phony pictures. I took them with my camera. I was there. More kids are working at their looms—kids, 11, 12, 13, 10, 9 years old. And I have other pictures. I had my staff take a photo with me included with the kids to show that I was there. Again, there are other kids—not the same kids—other kids in the same place, all of whom basically are under the age of 14—there were some older, I admit, but a lot of them under the age of 14, working.

What we are trying to do is do something about the issue of child labor. What can we do? In 1930, Congress passed what was infamously known as the Smoot-Hawley bill. Aside from the bad things Smoot-Hawley did in terms of restricting trade, there was section 307, which is part of the law today, which has been in existence since 1930. I will read the first sentence:

> All goods, wares, articles, and merchandise, mined, produced or manufactured, wholly or in part, in any foreign country by convict labor or/and forced labor, or/and indentured labor, under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

It covers forced and indentured labor. We have prohibited that ever since.

A couple of years ago, I made an inquiry of the Department of the Treasury. I asked if any items made with forced or indentured child labor had been prohibited from entering the United States under this section on forced labor. To my surprise, the answer was no. Furthermore, the Department of Treasury was not sure whether or not forced or indentured child labor was included in the definition of "forced or indentured labor."

This is outrageous. The law says "forced or indentured labor," but we don't know if it covers kids.

Last year, during consideration of the fiscal year 1998 Treasury-Postal appropriations bill, I inserted a provision which instructed the U.S. Customs Service to block from entry into the United States any imports made by forced or indentured child labor as they are inherently imports made with forced and indentured labor.

However, this was only a 1-year provision. It was on an appropriations bill.

But it passed. It was supported by the House and Senate. But it only lasted 1 year. That year is now up. That provision no longer is valid because it was only good for 1 year.

In order to ensure that goods made with forced and indentured child labor are treated the same as goods made with forced or indentured adult labor, we need to change the law permanently. Well, this summer, the Senate approved my amendment to reflect the intent of Congress to include forced and indentured child labor under this umbrella. My amendment was quite simple. The Tariff Act already says that goods made with forced or indentured labor are prohibited from entering the U.S. market. I included the words "forced and indentured child labor," so there is no ambiguity in the statute's interpretation.

Unfortunately, my amendment was struck from the bill during conference because Members did not feel a tariff measure belonged on the defense authorization bill. I was told to find a more relevant measure. Well, I have it. Congress is considering a tariff measure, H.R. 4342, the Miscellaneous Tariff and Technical Corrections Act of 1998, which passed the House on August 4. It has a lot of provisions in it. There is page after page after page of technical corrections to the tariff laws. Examples: Over 100 provisions that would suspend or reduce the tariff applicable to certain specified products, most of these being a wide variety of chemicals and organic pigments, including a temporary suspension on the duties for a variety of HIV medications and anticancer drugs and other trade-related provisions—hundreds of provisions.

Here is the report. As you go through it, there is page after page, including things like pigment yellow No. 151, pigment yellow No. 175, chloroacetone, benzenepropanal. Section 2143, textile machinery. Section 2144. Here are some things and chemicals I can't even pronounce that are being changed here. A lot of chemicals. Here is 4-hexylresorcinol. I don't even know what it is.

My point is this: There are hundreds of tariff changes in this bill. This is a tariff bill. My amendment on child labor amends the Tariff Act of 1930—a tariff measure. So we have the right vehicle. But, Mr. President, because the House passed it on suspension, it came over here and it was never brought out on the floor for debate so that I could offer this amendment—an amendment which is noncontroversial. It passed the Senate twice, and passed the House once. It has been in effect for one year because it was on an appropriations bill. I just want to get an amendment to the tariff bill to indicate that forced and indentured labor includes forced and indentured "child" labor.

Well, I don't know why we can't include it. I did have a conversation on the telephone with the chairman of the Finance Committee last week. I asked why this noncontroversial provision couldn't be put in. I don't know that anyone would come to the floor and object to taking the Tariff Law of 1930, which forbids the importation of goods made by forced and indentured labor, and adding the words "child labor," so that forced and indentured labor would cover forced and indentured child labor. Would someone come to the floor and say, OK, we have to keep everything out of this country made with forced and indentured adult labor, but if you have forced and indentured child labor, that's OK, we will bring it in. Does anybody want to come to the floor and make that argument? I doubt it. I don't think anybody would want to make that argument, because it doesn't make sense. I think we are all fairly reasonable people around here.

So I would like to get my amendment on the tariff bill—an amendment that, as I said, passed both Houses—it passed this body twice—and has been in effect for one year. I didn't hear any hue and cry from anyone. As far as I know, I never had one corporation, one business, one importer yell about it or say that "this is awful that we are keeping goods out made with forced and indentured child labor." My amendment gives our Treasury Department, our Customs people, is a permanent law whereby it would say, in unambiguous terms, forced and indentured labor means forced and indentured child labor, also.

Now, could there be an objection that costs money? Well, I have an opinion here from CBO, from back on July 16 of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I hope not to even take that long. Here is the analysis from CBO on my amendment: "This proposal would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under section 252 of the Balanced Budget Act."

There you are. It doesn't cost any money. It has no effect on the budget. It has been passed. All I want to do is get it added to this bill and, since I didn't have a chance to offer it as an amendment, I only have one recourse. I put a hold on the tariff bill. I don't want it to pass by unanimous consent. Am I opposed to the tariff bill? No. I assume everything in it is fine. It has all been cleared. The chairman of the Finance Committee assured me that it has been cleared by everybody. I don't know every section and title, but I assume it's all right. I want the opportunity to put this into permanent law on a tariff bill. I don't know when the next tariff bill will come across the Senate floor. I don't believe this language can be held hostage simply because the Senate didn't do its work. The House passed this on August 4. We had plenty of time to take it up here, but we never brought it up. So I am left in the position of having to do something that I don't like to do, which is to put a hold on the bill and not give my consent to pass the bill by unanimous consent, unless we can get this amendment added. An amendment, which I swear, I would like to know one person that could come over here and argue against it. I don't think you could find such a person.

So I see no reason why it can't be added. It's time that we say about kids what we said in 1930—in 1930—what we said about adults. This Congress said that no goods, no merchandise, or anything that is mined by forced or indentured labor can come into this country. Here we are, 68 years later, and we can't add the words "forced and indentured child labor."

Nonsense. I hope that those who are working on the tariff bill would be so kind as to include this amendment so that we can take away any ambiguity, clean it up once and for all, and prohibit the importation of goods made with child labor.

TRIBUTE TO SENATOR DALE BUMPERS OF ARKANSAS

Mr. HARKIN. Mr. President, I want to take a few minutes to talk in as glowing terms as I can about a great friend, a great Senator, and a person I have admired both as a Senator and as a plain good person for all the years I have been in Washington. And he is leaving us. He is retiring at the end of this session. I am speaking about perhaps the epitome of what I believe to be a good Senator, and that Senator is DALE BUMPERS of Arkansas.

I am really going to miss him, and this country is going to miss him as well. So will this Chamber. He is truly one of the finest Senators to have ever graced this body. He has done so many good things over the years. It is hard to know where to begin.

I know he started out as someone in the Marine Corps. As a Navy person I will not hold that against him. I can overlook that. But then he came back to Arkansas and practiced law, had a small business, and even raised some cattle. He had good practical experience, and knows the people of Arkansas and he knows the people of this country. The people of Arkansas rewarded that—first as Governor, and now finishing his tenure as a Senator. He was elected by more than 60 percent of the vote in the last two terms.

Senator BUMPERS came to the Senate at the same time I came to the House in 1974. For 24 years he has been here.

Someone said once about Senators in general that some Senators come here to coin a phrase, or coin a slogan, and think they have solved the problem. But not DALE BUMPERS. He has worked very hard to solve the problems of this country.

He has been a close friend, a person of immense common sense. When it comes to helping farmers, seniors, working people, and children there is no better person to have as an ally than DALE BUMPERS. He stuck to what he believed. He had the determination to get the job done with a strong commitment to the people of Arkansas. He is certainly one of the finest orators and debaters this Chamber has ever seen. He has led the fight in the Senate against government waste.

I loved to listen to his speeches on that $12 billion boondoggle called the superconductor super collider. And he won. Unfortunately, we wasted a lot of money on it. But, the people finally came to their senses and saw it as the boondoggle that it was.

I wasn't in the Senate at the time. I was in the House working to kill that other boondoggle called the Clinch River breeder reactor. Boy, you would think at that time it was the most important thing to civilization that we built that breeder reactor. But finally people came to their senses, and we stopped it. And we are better and we are stronger because of it. We saved billions of dollars that would have been wasted. DALE led the fight on that in the Senate.

He has led the fight against other wasteful spending such as star wars and the space station.

I believe that he has finally brought home to the American conscience the issue of mining interests and the abuse of our public lands and the fact that we need to update our laws.

Anyway, with a common sense approach he has been a strong ally on the Appropriations Committee where we need that kind of common sense approach.

On the Agriculture Committee, he placed the needs of America's rural communities at the top of the national debate including rural housing and rural economic development. He has been the strongest fighter for protecting the environment. On the Clean Air Act, and Clean Water Act, DALE BUMPERS has been in the forefront of America's fight to keep our country clean.

As the National Journal put it, DALE BUMPERS is the Senator to whom "other Senators pay attention."

In numerous polls of Senate staffers, DALE BUMPERS has consistently ranked as one of the best liked Senators.

So we are going to miss him when we start the 106th Congress in January. We are going to miss DALE and his eloquence, his determination and his stick-to-itness.

So to the entire Bumpers family, DALE and Betty, their children—Brent, Bill and Brooke—and their five grandchildren, I want to extend my gratitude, and the gratitude of the citizens of my State, that I am so proud to represent, for loaning DALE to us for the past 24 years. America is a much better place because of DALE'S service in the Senate.

Mr. President, I want to close on the one note—the one area in which DALE has devoted so much of his time and effort, along with Betty on protecting our children from illnesses and diseases that have ravaged kids since time immemorial.

No one has fought harder for childhood vaccinations, and to make them universal, affordable, and accessible than DALE and Betty Bumpers.

So in recognition of their contributions, the Appropriations Committee, on which DALE served, voted unanimously, Republican and Democrats, to name a new vaccine facility at the National Institutes of Health after Senator BUMPERS and his wife, Betty. This new facility, now under construction, will be named the "DALE and Betty Bumpers Vaccine Research Facility."

As I said, DALE has been our resident expert on immunization since early in his Senate career. He has been a tireless advocate for funding to purchase vaccines and provide the public health system with the resources necessary to deliver those vaccines to the children who are most in need. He advocated a grant incentive program in the Senate that the Appropriations Committee has used each year to reward States that have been successful in preventing unnecessary diseases.

So there have been a lot of tributes that have been paid to DALE. But, the most lasting tribute will be his and Betty Bumpers' name on that research facility at NIH because, that is truly where his heart has been in making sure that kids in places like rural Arkansas and rural Iowa, and all over America—including our inner cities—to make sure they have a healthy start in life by getting immunized. To me that says it all about DALE BUMPERS.

We are going to miss him. I hope that he doesn't go too far away. I for one look forward to his continued advice and counsel as I serve out my career in the U.S. Senate.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, we must pass the Work Incentives Improvement Act of 1998 in this Congress.

It seems like so long ago that when we introduced bill, I remember Bob Dole, who has been a hero with disabilities over the years being a disabled man himself, coming forward to us with this legislation, or to help on this legislation, and told his life story, and how incredibly important it was for him as an individual to be able to get back into the workforce. As we all know, he did that so successfully.

I am now watching carefully as we struggle to come to the end of this session, and know that one of the bills that is lying there waiting to be passed is the Work Incentives Improvement Act of 1998 on which the former Senator, Leader Dole, worked so hard.

This legislation addresses the last remaining barrier to true independence for individuals with disabilities. We must act now. For years, both here and in Vermont, individuals with disabilities have said to me, "Senator Jeffords, I want to work. But I cannot afford to."

It took me a while to fully understand and appreciate what they were saying. Simply put, the current system of cash payments and health care coverage in the Social Security Act do not encourage individuals with disabilities to work, or to work to their full potential. Common sense is on our side with regard to Social Security reform. Our country has succeeded in providing Federal and State support for children and adults with disabilities through the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and recently the Work Investment Act of 1998.

But although our Nation has shown its commitment to prepare children and adults with disabilities for work—in fact, in the work incentive bill I referred to, we have the Rehabilitation Act reauthorization there; we put it in the Workforce Act to bring closure, to bring together all of these bills that help people to work—we have conditions that, unfortunately, do not allow or encourage those individuals with disabilities to work.

If someone told you, "Look, you can work, but if you earn over $500 monthly, in 12 months"—that is $6,000 a year—"your health insurance will stop, unless you pay for it yourself," after a period of time would you work and exceed those thresholds? I doubt it.

If someone told you, "We will cover the cost of personal assistance services and prescription drugs that you need in order to work, but you cannot have more than $2,000 in assets, or accumulate more than $2,000 in assets," do these conditions appear to help individuals be self-sufficient? Clearly not.

The facts are on the side of those of us who want to pass the Work Incentives Improvement Act of 1998. We want it included in the omnibus appropriations bill, and there is great effort going on to accomplish that.

There are 7.5 million individuals with disabilities who receive cash payments from the Social Security Administration and receive health insurance coverage through Medicare or Medicaid. According to GAO, in 1996 cash payments were about $1.21 billion weekly. These payments do not include payments made under Medicare or Medicaid. If these payments are factored in, the costs exceed $70 billion annually.

It has been estimated that the number of Social Security beneficiaries with disabilities increased 83 percent between 1989 and 1997, and this number will continue to grow by a rate of about 3 to 6 percent a year.

If just 1 percent of these beneficiaries were to become successfully employed, savings in cash payments would total $3.5 billion over their lifetime for that 1 percent. The Work Incentives Improvement Act is a credible, viable solution in terms of both fiscal responsibility and personal responsibility.

The Work Incentives Improvement Act gives States discretion to offer health care benefits to individuals with disabilities on the Social Security rolls when their earned income exceeds that now in the Social Security Act. As a result, more of these individuals will work and will work for more hours.

The legislation allows States to impose cost-sharing obligations on these individuals. The legislation would cost $200 million a year over a 5-year period—a small price to pay when you consider this legislation has a potential to turn 8 million individuals into taxpayers. There ought to be a substantial gain—no cost. The legislation includes offsets to pay for it.

The legislation includes Representative BUNNING's "Ticket to Work" bill that will give people with disabilities more choices when they need job training before going to work.

All major disabilities organizations support the Work Incentives Improvement Act but will not support the enactment of the "Ticket to Work" alone. They have to come together.

Many of our colleagues in the administration support this legislation. I especially want to thank my friend Senator GRASSLEY for his support in these important last weeks.

The insurance industry fully supports the legislation. The Work Incentives Improvement Act will help reduce the $70 billion annual drain on the budget caused by 8 million individuals with disabilities, many of whom want to work but do not because of their fear of the loss of access to health care.

At this point we cannot say, again, we will try to get something through next Congress. We cannot hide behind excuses. We must pass the Work Incentives Improvement Act now. This is a special time. The momentum is with us. People with disabilities expect us to deliver now. They want to be free to go to work.

If we do, the lives of millions of Americans will be transformed, both disabled and nondisabled Americans. Individuals with disabilities will work and pay taxes. They will experience the true meaning of personal dignity, freedom, independence, and choices. Their family members and friends will be freed from caretaking responsibilities and reenter the workforce or expand their work hours. Decisions about the quality of life and living circumstances of an individual with disabilities will no longer be made for that individual but will be made by and with that individual.

The only down side to the Work Incentives Improvement Act of 1998 is it has taken us so long to get to this precious moment. Let's make it count. Let us deliver, and let us deliver now.

Mr. President, I yield whatever time I have and I am now ready to proceed.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Labor and Human Resources.

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

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF LITHUANIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 162

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Washington on April 20, September 16 and September 17, 1998, extends the 1992 Agreement to December 31, 2001.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 163

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Tallinn on March 10 and June 11, 1998, extends the 1992 Agreement to June 30, 2000.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3899. An act to expand homeownership in the United States.

H.R. 4756. An act to ensure that the United States is prepared to meet the Year 2000 computer problem.

H.R. 4805. An act to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operations of automobiles and trucks.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management for that unit of the National Forest System.

H.R. 3796. An act to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–7478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the Department's intent to obligate funds for activities of the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–7479. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a Presidential Determination (98–39) admitting refugees of special humanitarian concern to the United States; to the Committee on Foreign Relations.

EC–7480. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC–7481. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a proposed allocation of funds under the Cooperative Threat Reduction Program to carry out chemical weapons destruction activities; to the Committee on Armed Services.

EC–7482. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation regarding the "Postal Employees Safety Enhancement Act" (Report 461) dated October 8, 1998; to the Committee on the Budget.

EC–7483. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits" received on October 9, 1998; to the Committee on Labor and Human Resources.

EC–7484. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions to the Committee's Procurement Lists dated October 6, 1998; to the Committee on Governmental Affairs.

EC–7485. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the Commission's report entitled "Telemarketing Fraud Offenses"; to the Committee on the Judiciary.

EC–7486. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 98–54) received on October 9, 1998; to the Committee on Finance.

EC–7487. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule" (FRL6176–7) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7488. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule" (FRL6176–1) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7489. A communication from the Associate Managing Director for Performance

Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Table of Allotments, FM Broadcast Stations (Macon Hampton and Roswell, Georgia)" (Docket 98-18) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7490. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Buffalo Bayou, TX" (Docket 08-98-066) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7491. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; Lafourche Bayou, LA" (Docket 08-98-064) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7492. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operating Regulation; New Jersey Intracoastal Waterway; Grassy Sound Channel" (Docket 05-98-083) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7493. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Delaware River Safety Zone and Ancorage Regulations" (Docket 05-98-084) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7494. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Time of Designation for Restricted Area R-2908, Pensacola, FL" (Docket 97-ASO-9) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7495. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Realignment of Colored Federal Airway; AK" (Docket 98-AAL-6) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7496. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-700 and -800 Series Airplanes" (Docket 98-NM-272-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7497. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Canada PW530A Series Turbofan Engines" (Docket 98-ANE-58-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Aerospatiale Model ATR42-200 and -300 Series Airplanes" (Docket 97-NM-266-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Rough Field Version (RFV) Series Airplanes" (Docket 98-NM-92-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7500. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes" (Docket 98-NM-168-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7501. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Model 328-100 Series Airplanes" (Docket 98-NM-173-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7502. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers Model SD3-30, SD3-60, SD3-60 SHERPA, and SD3 SHERPA Series Airplanes" (Docket 98-NM-203-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7503. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model BAe 146-100A, -200A, and -300A Series Airplanes" (Docket 98-NM-214-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7504. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; British Aerospace Model Avro 146-RJ85A and RJ100A Series Airplanes" (Docket 98-NM-235-AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7505. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Magnetic Levitation Transportation Technology Deployment Program" (Docket FRA-98-4545) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7506. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Qualification of Drivers; Exemption Applications; Vision" (Docket FHWA-98-3637) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7507. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Brokerage Firms as Depositories Under the Capitol Construction Fund Program" (Docket MARAD-98-4433) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-7508. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "State Highway Safety Data and Traffic Records Improvements" (Docket NHTSA-98-4532) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-552. A resolution adopted by the House of Delegates of the American Bar Association relative to children's gun violence; to the Committee on the Judiciary.

POM-553. A resolution adopted by the House of Delegates of the American Bar Association relative to the "Uniform Guardianship and Protective Proceedings Act"; to the Committee on the Judiciary.

POM-554. A resolution adopted by the House of Delegates of the American Bar Association relative to workplace violence; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105-6; 105-11; 105-12; 105-22; 105-23; 105-24; 105-27; 105-34; 105-37; 105-38; 105-40; 105-41; 105-42; 105-44; 105-47; and 105-52 (Exec. Rept. 105-22).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (Treaty Doc. 105-6), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, and related exchange of notes, signed at Washington on March 13, 1997 (Treaty Doc. 105–11), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Government of the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996 (Treaty Doc. 105–12), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–22), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–23), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the

treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on October 31, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, and a related exchange of notes, signed at Washington on April 30, 1997 (Treaty Doc. 105–27), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, and an exchange of notes, signed at Washington on June 13, 1997 (Treaty Doc. 105–34), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998 (Treaty Doc. 105–37), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997 (Treaty Doc. 105–38), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Tel Aviv on January 26, 1998, and a related exchange of notes signed the same date (Treaty Doc. 105–40), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998 (Treaty Doc. 105–41), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997 (Treaty Doc. 105–42), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the

Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines on Mutual Legal Assistance in Criminal Matters, and a Related Protocol, signed at Kingstown on January 8, 1998 (Treaty Doc. 105–44), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998 (Treaty Doc. 105–47), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes

legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Docs. 105–10; 105–13; 105–14; 105–15; 105–16; 105–18; 105–19; 105–20; 105–21; 105–30; 105–33; 105–46; and 105–50 (Exec. Rept. 105–23).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996 (Treaty Doc. 105–10), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Luxembourg by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the United States of America and France, which includes an Agreed Minute, signed at Paris on April 23, 1996 (Treaty Doc. 105–13), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Articles 19 and 20 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to France by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996 (Treaty Doc. 105–14), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Poland by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (Treaty Doc. 105–15), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus, signed at Washington on June 17, 1996 (Treaty Doc. 105–16), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Cyprus by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Argentine Republic, signed at Buenos Aires on June 10, 1997 (Treaty Doc. 105–18), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Argentina by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on June 3, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Antigua and Barbuda by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Dominica by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Grenada by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise

and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Lucia by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis, signed at Basseterre on September 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Kitts and Nevis by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines, signed at Kingstown on August 15, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Vincent by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Barbados, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–20), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Barbados by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–21), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the

United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Trinidad and Tobago by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997 (Treaty Doc. 105–30), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to India by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997 (Treaty Doc. 105–33), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Zimbabwe by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, signed at Washington on November 13, 1997 (Treaty Doc. 105–46), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Austria, signed at Washington on January 8, 1998 (Treaty Doc. 105–50), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Austria by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–7 (Exec. Rept. 105–24).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United

States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, signed at Hong Kong on April 15, 1997 (Treaty Doc. 105–7), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–17 (Exec. Rept. 105–25).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105–17), subject to the reservation of subsection (a), the declarations of subsection (b), and the provisos of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate to the WIPO Performances and Phonograms Treaty is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

REMUNERATION RIGHT LIMITATION.—Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a "limited reservations" provision, such as that contained in Article 21 of the Performances and Phonograms Treaty, and a "no reservations" provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for online service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on Labor and Human Resources.

By Mr. FRIST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2634. A bill to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 299. A resolution to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Kahlil, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

REGIONAL JET INVESTMENT TAX CREDIT

• Mr. DORGAN. Mr. President, today I am introducing legislation to help bring much-needed regional jet service to underserved communities. This legislation is designed to help restore air service to underserved communities and to stimulate airline competition

by offering an investment tax credit to new entrant carriers to provide regional jet service to underserved markets. My bill also significantly reduces the current airline ticket tax on passengers flying in and out of rural America. Together, these tax incentives will encourage new entrants to enter thinner rural markets.

This legislation has two objectives: (A) incentivize the purchase and deployment of regional jets for underserved markets; and (B) stimulate competition in rural areas by providing financial incentives for new entrants to serve underserved markets with regional jets. Using tax credits is a fair and effective means to accomplish these goals.

Most small communities have not benefitted from airline deregulation. In fact, airline deregulation has been a steady decline for much of rural America. Since 1978, when the Congress deregulated the airline industry, more than 30 small communities have had jet service replaced with turbo prop service; out of the 320 small communities served by a major airline in 1978 declined from 213 to 33 by 1995; and the number of small communities receiving service to only one major hub airport nearly doubled, increasing from 79 in 1978 to 174 in 1995.

Countless studies from the General Accounting Office and the U.S. Department of Transportation have documented that as the airline industry grows more and more concentrated under deregulation, small rural communities are being left behind with less service and higher fares. Several GAO studies have pointed to the correlation between industry concentration and higher air fares and that small rural communities are being hit especially hard as a result of the chilling of competition in the industry. In 1990, the GAO identified several market barriers thwarting the emergence of competition. In 1996, the GAO found that not only do the same problems continue to exist, but have gotten worse.

In the present deregulated environment, small rural communities see very little to give them hope that air service will improve. The advent of regional jets holds some promise, but most RJs are presently being purchased by the major carriers who are using them to serve high density markets. Thus, if air service to rural America is going to be revitalized, we must find a way to incentivize the deployment of regional jets in underserved markets.

Last August, Northwest Airlines had a pilot strike and therefore a shutdown of their airline service. That might not have meant much to some. In some airports, Northwest was one of a number of carriers that was serving certain airports and serving passengers. But in North Dakota, the State which I represent, Northwest Airlines was the only airline providing jet service to my State. That is a very different picture than the last time we had an airline strike, which was over 25 years ago.

Nearly a quarter of a century ago when Northwest had another strike and a shutdown prior to deregulation of the airlines, we had five different airline companies flying jets into the State of North Dakota. At roughly the same time, we had folks in Congress saying: "What we really need to do is foster competition. We need to deregulate the airline industry." Thus, Congress deregulated the airline industry about 20 years ago. I wasn't here at the time, but the results for North Dakota was that we went from five jet carriers to one and we pay some of the highest fares of anywhere in the country.

All those folks who swallowed the goal to deregulation in order to stimulate competition are now choking on the word "competition." Today, stimulating competition is likened to re-regulation. What a twist. But, the fact is that competition is more the exception than the rule.

If you live in Chicago and you are flying to New York or Los Angeles, God bless you, because you are going to have a lot of carriers to choose from and you are going to find very inexpensive ticket prices. You have a choice of carriers and ticket prices that are very attractive to you. You live in a city with millions and millions of people and you want to fly to another city with millions and millions of people. This is not an awfully bad deal for you; more choices and low fares. But if you get beyond those cities and ask how has this airline deregulation affected other Americans, what you will find is less selection, fewer choices, and higher prices.

North Dakota is just one example, and the recent shutdown of our state's only jet carrier highlighted the problem. When the strike was called and the airline shut down, just like that, an entire State lost all of its jet service.

A complete shutdown of all jet service chokes the economy very quickly. People can't move in and out. Now, I happen to think Northwest is a good carrier. I believe the same about all the major carriers. Most of them are well-run, good companies.

What I do not admire is what they have done by retreating into regional monopolies—dominating the access points of our Nation's air transportation system. The major carriers have retreated into fortress hubs where one airline controls 60 or 70 or 80 percent of all the traffic at a major hub airport. With that level of market dominance, does anyone believe that another carrier is going to be able to come in and take them on? Competition is not flourishing. It's dying. This is not a free market—new entrants cannot access these dominated hubs and the result is that we now have regional monopolies without any regulation.

What sense does that make, to have monopolies without regulation? The minute I say "regulation," we have people here having apoplectic seizures on the floor of the Senate. Oh, Lord, we cannot talk about "regulation!" I am not standing here today talking about regulation and I am not suggesting to re-regulate the airlines. All I want to do is see if we can provide some sort of industrial-strength vitamin B–12 shot right in the rump of those airlines to see if we cannot get them competing again. How do we do that? We do it by creating the conditions that require competition. This legislation is one attempt to do just that.

In order to encourage new startup regional jet service, I am proposing a 10 percent investment tax credit for regional jet purchases. That is, those startup companies that want to begin regional jet service to fly these new regional jets between certain cities and hubs that are not now served with regional jet service, we would say to them that we will help with a 10 percent investment tax credit on the purchase or lease of those regional jets. We will help because we want to provide incentives for the establishment of regional jet service once again in our country.

Under this legislation, qualifying carriers would be eligible for an investment tax credit—up to ten percent of the purchase or lease price—of regional jet aircraft that are used primarily to serve under-served markets. To receive the investment tax credit, an air carrier must have less than $10 billion annual revenue passenger miles and the aircraft for which the tax credit applies must be used primarily (over 50% of its flight segments) to serve underserved markets for 5 years. An under-served market is defined as a community served by an airport with fewer than 60,000 annual emplanements.

The investment tax credit would be offset by closing a corporate tax loophole regarding the deductible liquidating distributions or regulated investment companies and real estate investment trusts. The remaining revenue available from the offset would be used to reduce the airline ticket tax for the domestic segment serving a rural airport.

Under current law, an 8 percent *ad velorem* tax is imposed on all domestic flights, plus a $2 flight segment tax. Beginning in fiscal year 1999, the *ad velorem* tax is reduced to 7.5 percent and the flight segment tax is increased to $2.25. In subsequent years, the *ad velorem* tax remains at 7.5 percent while the flight segment tax increases $0.25 per year through 2003 at which point is capped at $3.00 per flight segment. Current law provides that the flight segment tax is not imposed on domestic flights to and from rural airports,

which are defined as an airport with fewer than 100,000 passenger departures and is not located within 75 miles of another airport (that has fewer than 100,000 passenger departures) or is receiving EAS subsidies. Under this legislation, the 7.5 percent *ad velorem* tax on domestic flights to rural airports would be reduced in proportion to the amount remaining from the revenue offset after the regional jet aircraft investment tax credit has been provided.

It is targeted, it makes good sense, and it will stimulate investment in an activity that this country that very much needs more competition. The so-called free market is clogged—a kind of an airline cholesterol here that clogs up the arteries, and they say, "This is the way we work, these are our hubs, these are out spokes, and you cannot mess with them."

My legislation simply says we would like to assist areas that no longer have jet service but could support it. We would like to encourage companies that decide they want to come in and serve there to be able to purchase the regional jets and be able to initiate that kind of service.

My legislation has a second provision which reduces the airline ticket tax for certain qualified flights in rural America. This proposal also has a revenue offset so it would not be a net loser for the Federal budget.

We are not in a situation in rural areas of this country where we can just sit back and say what is going to happen to us is going to happen to us and there is nothing we can do about it. There are some, I suppose, who sit around and wring their hands and gnash their teeth and fret and sweat and say, "I really cannot alter things very much, this is the way it is."

The way it is not satisfactory to the people of my State. It is not satisfactory to have only one jet carrier serving our entire State. Our State's transportation services and airline service, especially jet airline service, is an essential transportation service. It ought not be held hostage by labor problems or other problems of one jet carrier. We must have competition. If all of those in this Chamber who mean what they say when they talk about competition will weigh in here and say, "Let's stand for competition, let's stand for the free market, let's try to help new starts, let's breed opportunities for broader based economic ownership and more competition in the airline industry," then I think we will have done something important and useful and good for States like mine and for many other rural States in this country.

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

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

S. 2627

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

SECTION 1. TAX CREDIT FOR REGIONAL JET AIRCRAFT SERVING UNDERSERVED COMMUNITIES.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) in the case of an eligible small air carrier, the underserved community jet access credit."

(2) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

"(c) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the underserved community jet access credit of an eligible small air carrier for any taxable year is an amount equal to 10 percent of the qualified investment in any qualified regional jet aircraft.

"(2) ELIGIBLE SMALL AIR CARRIER.—For purposes of this subsection and section 46—

"(A) IN GENERAL.—The term 'eligible small air carrier' means, with respect to any qualified regional jet aircraft, an air carrier—

"(i) to which part 121 of title 14, Code of Federal Regulations, applies, and

"(ii) which has less than 10,000,000,000 (10 billion) revenue passenger miles for the calendar year preceding the calendar year in which such aircraft is originally placed in service.

"(B) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102 of title 49, United States Code.

"(C) START-UP CARRIERS.—If an air carrier has not been in operation during the entire calendar year described in subparagraph (A)(ii), the determination under such subparagraph shall be made on the basis of a reasonable estimate of revenue passenger miles for its first full calendar year of operation.

"(D) AGGREGATION.—All air carriers which are treated as 1 employer under section 52 shall be treated as 1 person for purposes of subparagraph (A)(ii).

"(3) QUALIFIED REGIONAL JET AIRCRAFT.—For purposes of this subsection, the term 'qualified regional jet aircraft' means a civil aircraft—

"(A) which is originally placed in service by the taxpayer,

"(B) which is powered by jet propulsion and is designed to have a maximum passenger seating capacity of not less than 30 passengers and not more than 100 passengers, and

"(C) at least 50 percent of the flight segments of which during any 12-month period beginning on or after the date the aircraft is originally placed in service are between a hub airport (as defined in section 41731(a)(3) of title 49, United States Code, and an underserved airport.

"(4) UNDERSERVED AIRPORT.—The term 'underserved airport' means, with respect to any qualified regional jet aircraft, an airport which for the calendar year preceding the calendar year in which such aircraft is originally placed in service had less than 600,000 enplanements.

"(5) QUALIFIED INVESTMENT.—For purposes of paragraph (1), the term 'qualified investment' means, with respect to any taxable year, the basis of any qualified regional jet aircraft placed in service by the taxpayer during such taxable year.

"(6) QUALIFIED PROGRESS EXPENDITURES.—

"(A) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under subparagraph (E), the amount of the qualified investment of such taxpayer for the taxable year (determined under paragraph (5) without regard to this subsection) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

"(B) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this paragraph, the term 'progress expenditure property' means any property which is being constructed for the taxpayer and which it is reasonable to believe will qualify as a qualified regional jet aircraft of the taxpayer when it is placed in service.

"(C) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this paragraph, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

"(D) ONLY CONSTRUCTION OF AIRCRAFT TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the qualified regional jet aircraft.

"(E) ELECTION.—An election under this paragraph may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

"(7) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property with respect to which the energy credit or the rehabilitation credit is allowed unless the taxpayer elects to waive the application of such credits to such property.

"(8) SPECIAL LEASE RULES.—For purposes of section 50(d)(5), section 48(d) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall be applied for purposes of this section without regard to paragraph (4)(B) thereof (relating to short-term leases of property with class life of under 14 years).

"(9) APPLICATION.—This subsection shall apply to periods after the date of the enactment of this subsection and before January 1, 2009, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)."

(3) RECAPTURE.—Section 50(a) of such Code (relating to recapture in the case of dispositions, etc.) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR AIRCRAFT CREDIT.—

"(A) IN GENERAL.—For purposes of determining whether a qualified regional jet aircraft ceases to be investment credit property, an airport which was an underserved airport as of the date such aircraft was originally placed in service shall continue to be treated as an underserved airport during any period this subsection applies to the aircraft.

"(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified regional jet aircraft under section 48(c)."

(4) TECHNICAL AMENDMENTS.—

(A) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the portion of the basis of any qualified regional jet aircraft attributable to any qualified investment (as defined by section 48(c)(5))."

(B) Paragraph (4) of section 50(a) of such Code is amended by striking "and (2)" and inserting ", (2), and (6)".

(C)(i) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(ii) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new item:

"Sec. 48. Other credits."

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990.

(b) REDUCED PASSENGER TAX RATE ON RURAL DOMESTIC FLIGHT SEGMENTS.—Section 4261(e)(1)(C) of such Code (relating to segments to and from rural airports) is amended to read as follows:

"(C) REDUCTION IN GENERAL TAX RATE.—

"(i) IN GENERAL.—The tax imposed by subsection (a) shall apply to any domestic segment beginning or ending at an airport which is a rural airport for the calendar year in which such segment begins or ends (as the case may be) at the rate determined by the Secretary under clause (ii) for such year in lieu of the rate otherwise applicable under subsection (a).

"(ii) DETERMINATION OF RATE.—The rate determined by the Secretary under this clause for each calendar year shall equal the rate of tax otherwise applicable under subsection (a) reduced by an amount which reflects the net amount of the increase in revenues to the Treasury for such year resulting from the amendments made by subsections (a) and (c) of section ___ of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

"(iii) TRANSPORTATION INVOLVING MULTIPLE SEGMENTS.—In the case of transportation involving more than 1 domestic segment at least 1 of which does not begin or end at a rural airport, the rate applicable by reason of clause (i) shall be applied by taking into account only an amount which bears the same ratio to the amount paid for such transportation as the number of specified miles in domestic segments which begin or end at a rural airport bears to the total number of specified miles in such transportation.".

(c) TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

"(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.".

(2) CONFORMING AMENDMENTS.—

(A) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking "subsection (a)" and inserting "this section".

(B) Paragraph (1) of section 334(b) of such Code is amended by striking "section 332(a)" and inserting "section 332".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions after May 21, 1998.•

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

TAX LEGISLATION

• Mr. MACK. Mr. President, today I am introducing legislation to remedy a problem in the way the U.S. taxes the foreign operations of U.S. electric and gas utilities. With the 1992 passage of the National Energy Policy Act, Congress gave a green light to U.S. utilities wishing to do business abroad, lifting a long-standing prohibition. U.S. utilities were allowed to compete for the foreign business opportunities created by the privatization of national utilities and the need for the construction of facilities to meet increased energy demands abroad.

Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, the Far East and South America. These investments in foreign utilities have created domestic jobs in the fields of design, architecture, engineering, construction, and heavy equipment manufacturing. They also allow U.S. utilities an opportunity to diversify and grow.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double-taxation. U.S. companies with foreign operations receive tax credits for a portion of the taxes they pay to foreign countries, to reduce the double-taxation that would otherwise result from the U.S. policy of taxing worldwide income. The size of these foreign tax credits are affected by a number of factors, as U.S. tax laws recalculate the amount of foreign income that is recognized for tax credit purposes.

Section 864 of the tax code allocates deductible interest expenses between the U.S. and foreign operations based on the relative book values of assets located in the U.S. and abroad. By ignoring business realities and the peculiar circumstances of U.S. utilities, this allocation rule overtaxes them. Because U.S. utilities were until recently prevented from operating abroad, their foreign plants and equipment have been recently-acquired and consequently have not been much depreciated, in contrast to their domestic assets which are in most cases fully-depreciated. Thus a disproportionate amount of interest expenses are allocated to foreign income, reducing the foreign income base that is recognized for U.S. tax purposes thus the size of the corresponding foreign tax credits.

As the allocation rules increase the double-taxation of foreign income by reducing foreign tax credits, they also increase domestic taxation by shifting interest deductions from U.S. to foreign operations. The unfairness of this misallocation is magnified by the fact that interest expenses are usually associated with domestically-regulated debt, which is tied to domestic production and is not as fungible as the tax code assumes.

The result of this economically-irrational taxation scheme is a very high effective tax rate on certain foreign investment and a loss of U.S. foreign tax credits. Rather than face this double-tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. This remedy is to exempt from the interest allocation rules of Section 864 the debt associated with a U.S. utility's furnishing and sale of electricity or natural gas in the United States. This proposed rule is similar to the rule governing "non-recourse" debt, which is not subjected to foreign allocation. In both cases, lenders look to specific cash flows for repayment and specific assets as collateral. These loans are thus distinguishable from the typical risks of general credit lending transactions.

The specific cash flow aspect of non-recourse financing is a critical element of the non-recourse debt exception, and logic requires that the same tax treatment should be given to analogous utility debt. Thus, my bill would exempt from allocation to foreign source income the interest on debt incurred in the trade or business of furnishing or selling electricity or natural gas in the United States. The current situation is a very real problem that must be remedied, and I urge my colleagues to support the solution I am proposing.

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. 2630

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

SECTION 1. TREATMENT OF INTEREST EXPENSE OF QUALIFIED INFRASTRUCTURE INDEBTEDNESS.

(a) IN GENERAL.—Section 864(e) of the Internal Revenue Code of 1986 (relating to rules for allocating interest, etc.) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and inserting after paragraph (5) the following new paragraph:

"(6) TREATMENT OF CERTAIN INTEREST EXPENSE RELATING TO QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

"(A) IN GENERAL.—Interest expense attributable to qualified infrastructure indebtedness of a taxpayer shall be allocated and apportioned solely to sources within the United States and the taxpayer's assets (whether or not held in the United States) shall be reduced by the amount of qualified infrastructure indebtedness.

"(B) QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'qualified infrastructure indebtedness' means debt incurred to carry on, or to acquire, build, or finance property used predominantly in, the trade or business of the furnishing or sale of electrical energy or natural gas in the United States. The determination of whether debt constitutes qualified infrastructure indebtedness under the previous sentence shall be made at the time the debt is incurred.

"(ii) REQUIRED RATE REGULATION.—The rates for the furnishing or sale of electrical energy or natural gas by a trade or business under clause (i) must be established or approved by—

"(I) the District of Columbia or a State or political subdivision thereof,

"(II) any agency or instrumentality of the United States, or

"(III) a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

"(iii) LIMITATION.—If the rate regulation under clause (ii) applies only to a portion of the trade or business of the furnishing or sale of electrical energy or natural gas, the debt incurred to carry on, or to acquire, build, or finance property used in, such trade or business shall constitute qualified infrastructure indebtedness only to the extent that the ratio of the total outstanding qualified infrastructure indebtedness with respect to such trade or business (including such debt) to the total outstanding indebtedness with respect to such trade or business does not exceed the ratio of the assets used in the portion of the trade or business that is subject to such rate regulation to the total assets used in such trade or business. For purposes of the determination under the preceding sentence, assets shall be measured using book value for taxation purposes unless the taxpayer makes an election to use fair market value. Such election shall apply to the taxable year for which the election is made and all subsequent taxable years unless revoked with the consent of the Secretary."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to debt incurred in taxable years beginning after the date of enactment of this Act.

(2) OUTSTANDING DEBT.—In the case of debt outstanding as of the date of enactment of this Act, the determination of whether such debt constitutes "qualified infrastructure indebtedness" shall be made by applying the rules of section 864(e)(6)(B) of the Internal Revenue Code of 1986, as added by this section, on the date such debt was incurred.•

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

MADE IN AMERICA CONSUMER HOTLINE LEGISLATION

• Mr. JOHNSON. Mr. President, today I introduce common-sense legislation which will greatly benefit America's manufacturers and consumers. My colleague, Senator DEWINE of Ohio, is joining me as an original cosponsor of this bill. The "Made In America" Consumer Hotline bill will establish a toll free number in the Department of Commerce to assist consumers in determining whether the products they buy are American-made. The House has passed this legislation and I urge my colleagues to move this bill swiftly in our remaining days of the Congress.

As the world economy becomes more inter-related, determining to what extent a product is "Made in America" is increasingly difficult for American consumers. We have come to expect access to information about so many of the products and services we rely on every day, information to help us make decisions about what's best for our families, our communities and our economy. With auto parts, computers, clothing, or appliances, American consumers know that the "Made in America" designation on products represents quality, reliability, and value.

This legislation would establish a pilot program for the operation of a three-year, toll-free number to assist consumers in determining what products are "Made in America." This legislation will have no cost to American taxpayers. Instead, fees collected from manufacturers who voluntarily choose to register their product will fully fund the toll-free line. In the past, I cosponsored this hotline legislation in the House and I applaud my House colleagues for passing this bill.

Providing consumers access to accurate and reliable information on the content of the products they buy is common-sense legislation that is long overdue. Some may object to the creation of such an information hotline as a protectionist endeavor. On the contrary, I believe there is nothing more conducive to fair trade than providing consumers the freedom to decide what product is best for them. This legislation is not about telling consumers what to buy, it's about providing consumers the resources they need to make their own decisions.

I have worked hard to advance the issue of freedom of information on country of origin labeling, but we need to do more to facilitate consumer access to information. As you and I know, we can easily determine which country manufactured the automobiles we drive. We trust the tags on our shirts or trousers and we can see where our computers, stereos, and telephones were made by simply looking at the products' label. But many areas remain void of information on product origin. For example, when we go to the grocery store to purchase meat products for our families to eat, we have no idea where that meat originated.

Throughout my service in the United States Congress, I have been a strong believer in country of origin labeling for all types of consumer products. I have been an especially strong supporter of country of origin labeling for meat products because of its common-sense nature, its benefits to ranchers, farmers, and consumers, its strong bipartisan and agricultural group support, its cost-free benefit to taxpayers as scored by the Congressional Budget Office (CBO), and its trade friendly provisions. I don't intend to stop at agricultural products. The legislation I am introducing today targets general consumer products greater than $250 in value.

Freedom of information about country of origin labeling is fair trade because it provides global consumers with freedom of choice. In today's global economy, consumers deserve access to information on where the products their families use are from. By passing this "Made in America" toll-free hotline legislation, Congress will help consumers assert their right to know.•

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr.; to the Committee on Labor and Human Relations.

PRIVATE RELIEF BILL FOR TOMMY SANSONE, JR.

Mr. D'AMATO. Mr. President, I rise today to introduce a bill for myself and for Senator MOYNIHAN that will provide compensation under the National Vaccine Injury Compensation Program (VICP) to Tommy Sansone, Jr. Tommy was injured by a DPT vaccine in June 1994 and continues to suffer seizures and brain damage to this day. Tommy is the unintended and helpless victim of a drug designed to help him. He needs our help because while the Vaccine Injury Program is meant to make reparations for these injuries, it is hampered by regulations that challenges the worthiest of claims.

Let me be clear, I am not advocating against our national immunization program. Vaccines are an integral part of our preventive health program, and in no way should we stop vaccinating our kids. However, in rare instances, a child will receive a shot designed to keep him safe from whooping cough or measles or other illness but react violently to the serum and end up crippled or sometimes killed. The answer is not to stop inoculating our children. We must review the program to ensure we provide our children with the greatest protection possible against the tragic

diseases that older generations of Americans knew all too well, and we must review the Vaccine Injury Act.

Back in 1986, Congress passed the Vaccine Injury Act to take care of vaccine injuries because the shots that we required our children to get were not as safe as they could have been. Since the program was established, more than 1100 children have been compensated. Over the first ten years, a great percentage of those with seizures or brain damage or other symptoms were recognized to be DPT-injured, and, they were summarily compensated. But, by 1995, the Institutes of Medicine (IOM) and others concluded that because the symptoms had no unique clinical profile, they were not necessarily DPT injuries. So, HHS changed the definitions of *encephalopathy* (inflammation of the brain), and of *vaccine injury*. Those new definitions had unintended consequences. Now, the program that we set up to be expeditious and fair, uses criteria that are so strict that the fund from which these claims are paid pays fewer claims than before and the fund has ballooned to over $1.2 billion. As a result, families of children like Tommy find it nearly impossible to win a claim against the Vaccine Injury Compensation Program. Most importantly, the program is failing its mission.

Today, the Vaccine Injury Compensation Program is seen as a Fort Knox of government funds that not even the worthiest claim can access without a high-priced lawyer to guide it through a labyrinth of bureaucratic regulations. It is no longer the "no-fault compensation program under which awards can be made to vaccine-injured persons quickly, easily, and with certainty and generosity," as we originally intended in 1986.

To be clear, VICP is not a medical insurance policy. The program is not designed to take care of those who cannot get or receive care. VICP is a compensation program, where the government makes amends for a failure in the system that it established. Claims are paid from a trust fund established from surcharged that are paid on each shot a child receives. The fund serves as an insurance policy against vaccine injuries. But, following the regulatory changes made in 1995, the government is not recognizing even the most legitimate of claims. We are failing the very children we are trying to protect.

Senator JEFFORDS, the chairman of the Senate Labor Committee and I have commissioned the GAO to study the vaccine injury program. We asked them to examine the overall operation and effectiveness of the Vaccine Injury Compensation Program and the National Vaccine Program. They will look at how revenues in the compensation fund are being managed and dispersed and whether vaccine injury claims are reviewed and processed in a fair and timely manner. They will look for those barriers, if any, that petitioners face in proving vaccine-related injuries. We've asked them to look into how well information about vaccine safety and injuries is collected, maintained and distributed, and to recommend changes (legislative or regulatory) to improve the Vaccine Injury Compensation Program and the National Vaccine Program. We want to fix VICP for children nationwide who needlessly suffer twice at the hands of the federal government; once with an adverse reaction to a vaccine they are required to receive and a second time when they cannot hold the federal government liable for their pain and suffering. But, there is something we can do now. We need to take care of this little guy, Tommy Sansone, Jr.

Over the years after his DPT shot (the combined shot for diphtheria, pertussis and tetanus), Tommy suffers severe seizures and from brain damage that has hampered his mental development. When he wakes in the morning or from a nap, either his mother or father is at his side waiting for the inevitable. Tommy's eyes tear and his face cringes in agony as his entire body is wracked with a muscle-clenching seizure. His parents hold him helplessly until the seizure subsides, sometimes for as long as five minutes. Tommy will then look into his mother's loving eyes, and say, "No more, mommy. Make them stop."

At the very least, Tommy's parents know that the strain of vaccine used on Tommy is now being phased out because of the rash of adverse reactions it caused. But, this does nothing for Tommy or his parents who have been in and out of countless hospitals, and consulted with doctors and experts at the Centers for Disease Control and the Health Resources and Services Administration. Their claim for compensation was dismissed in the Federal Court of Claims, but they and Tommy's doctor feel (and I agree with them) that they should have known more about the potential dangers of the DPT vaccine that Tommy received on June 1, 1994. No one told them that there was a chance that the DPT vaccine could cause such trauma. No one told them about "hot lots," an unofficial team for a batch of shots that has had an abundance of adverse reactions. The lot that Tommy received is known to have had 44 such reactions from March–November 1994, including 2 deaths. These are reactions beyond the short-lived fever and rashes that accompany many vaccines. Their doctor didn't know about the availability of the "new" acellular strain of pertussis vaccine that is replacing the whole cell version that has been used since the 1930s. Sure, it costs a couple of dollars more, but who wouldn't choose that for their child—given the choice?

Tommy's claim would have been covered before the 1995 changes, but that is not the case any longer. He's the victim of a bad DPT vaccine, yet his case continues to be denied because the first seizure didn't occur within 72 hours of the shot. It occurred 18 days later, and he suffers to this day. Tommy also has brain damage (encephalopathy) because of the DPT shot, but it doesn't fit that new definition either. He cried and moaned at a shrill pitch from the moment of the shot until his first seizure, but that doesn't matter either. For the first six months of his life, tommy was in all ways normal, but for 4 and a half years since the DPT vaccine he and his family have suffered. As a parent and grandparent, I would do anything to protect my family from such pain and suffering. Tom Senior has done everything he knows how to help his son. Now he has turned to me because he knows I am in a position to help and I will not relent in my pursuit of relief for the Sansone family. The Vaccine Injury Compensation Program should take care of Tommy, but it doesn't. This bill will enable us to ensure that it does.

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. 2632

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

SECTION 1. COMPENSATION FOR VACCINE-RELATED INJURY.

(a) CAUSE OF INJURY.—In consideration of the petition filed under subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.) (relating to the National Vaccine Injury Compensation Program) by the legal representatives of Thomas J. Sansone, Jr., including the claims contained in that petition that the injury described in that petition was cause by a vaccine covered in the Vaccine Injury Table specified in section 2114 of such Act (42 U.S.C. 300aa–14) and given on June 1, 1994, such injury is deemed to have been caused by such vaccine for the purposes of subtitle 2 of title XXI of such Act.

(b) PAYMENT.—The Secretary of Health and Human Services shall pay compensation to Thomas J. Sansone, Jr. for the injury referred to in subsection (a) in accordance with section 2115 of the Public Health Service Act (42 U.S.C. 300aa–15).

By Mr. FIRST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

TAX CLAIMS FOR REFUND OF KEROSENE SOLD FOR HOME HEATING USE

• Mr. FRIST. Mr. President, today I introduce a bill that will correct a grave injustice to users of kerosene for home heating. My bill would amend last year's change to the tax code concerning kerosene to allow registered vendors to administer claims for the

refund of kerosene sold for home heating use.

As many of you know, on July 1, 1998, new regulations regarding the taxation of kerosene went into effect, and I have heard from many Tennesseans who are concerned about the new tax policies. These provisions were included in the House version of the "Taxpayer Relief Act of 1997." While these provisions were not included in the Senate version of the bill, the House language prevailed when the Senate and House worked out the conference agreement on this bill. Prior to the 1997 change in law, kerosene was not taxable unless it was blended with taxable diesel fuel or used as an aviation fuel, nor was it subject to dyeing requirements.

There have been continued problems with the use of untaxed kerosene being blended with taxable highway fuel, like diesel. As a result, some members of the House of Representatives determined and diesel fuel compliance measures, like dyeing, should be extended to kerosene. According to the new law, kerosene is taxed at 24.4 cents per gallon unless it is indelibly dyed and used only for a nontaxable use like home heating.

I am concerned about these changes, especially since kerosene is often used as a heating oil or in space heaters. This is a nontaxable use; however, it is unclear whether dyed kerosene may be used in space heaters due to health concerns. In addition, many small oil companies and kerosene venders do not have sufficient facilities to sell both dyed and undyed kerosene, and many states have regulations mandating that only undyed kerosene may be used in home heaters. As a result, many consumers of kerosene for non-taxable home heating purposes will either be forced, or will choose for safety reasons, to purchase the taxable undyed kerosene. Under current law and IRS regulation, only the taxpayer is allowed to file a claim for a fuel credit if he or she purchases taxable kerosene for a non-taxable purpose other than from a blocked pump.

The Internal Revenue Service (IRS) has provided refund and credit procedures for vendors and/or purchasers of the clear, taxed kerosene when the kerosene is intended for nontaxable purposes like home heating. This process, however, is complex and potentially unwieldy. Individual purchasers may claim a credit on line 59 of the 1040 tax form for whatever amount of tax they paid on clear kerosene bought for a nontaxable use. It is true that an individual must file a return, even if he or she otherwise would not, in order to receive the credit from the IRS. Vendors may claim a credit on their tax returns or may claim a quarterly refund if at least $750 is owed.

Because many of these kerosene consumers do not file tax return form 1040, this provision is an undue burden on hundreds, perhaps thousands, of Tennesseans, and many thousands of Americans. The complex nature of the kerosene tax refund policies on individual consumers who use kerosene for home heating is unduly burdensome. Additionally, for the consumers to pay a 24.4 cent tax per gallon at all strikes me as unjust taxation. Many of those who use kerosene for home heating are poor and can ill-afford to pay approximately 25% more per gallon of kerosene—even if it is to be refunded at a later time.

I sent a letter to the Internal Revenue Service (IRS) on August 13, 1998 asking Commissioner Rossotti to issue a regulation that would allow kerosene vendors to file refund claims on behalf of their consumers. The Commissioner responded that such a regulation would require Congressional action to actually change the statute.

This bill would do just that. I urge my colleagues to support this measure and I strongly urge passage of this bill.●

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

21ST CENTURY RETIREMENT SAVINGS ACT

Mr. GREGG. Mr. President, I rise, along with my colleague Senator JOHN BREAUX, to introduce the 21st Century Retirement Savings Act.

Earlier this year, I joined Senator BREAUX as two of six co-sponsors of S. 2313, a bill to strengthen and preserve Social Security. This legislation was developed through the expertise of the National Commission on Retirement Policy, convened by the Center of Strategic and International Studies.

The Commission was unique among such efforts in that it looked at the entire picture surrounding retirement saving, and did not seek to increase income through one venue at the expense of another. It was our finding that income through all of the components of the national retirement structures—Social Security, employer-provided pensions, and individual savings—needed to be increased if we are to meet the needs of the 21st century.

This legislation to shore up private retirement savings is a companion piece to S. 2313, which dealt with Social Security. I am pleased that it will also be introduced by Congressmen KOLBE and STENHOLM in the House.

ADDITIONAL COSPONSORS

S. 244

At the request of Mr. MCCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 244, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 859

At the request of Mr. KYL, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1529, a bill to enhanceFederal enforcement of hate crimes, and for other purposes.

S. 1855

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1855, a bill to require the Occupational safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies.

S. 2054

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with medicare reimbursement for medicare health-care services provided to certain medicare-eligible veterans.

S. 2145

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2281

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2288

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2288, a bill to provide for the reform and continuing legislative oversight of the production, procurement,

dissemination, and permanent public access of the Government's publications, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2324

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2324, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2378

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2378, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests.

S. 2597

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2597, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 2598

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2598, a bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Wyoming (Mr. ENZI), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as "National Youth Fitness Week."

SENATE RESOLUTION 299—AUTHORIZING TESTIMONY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95-1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AMENDMENTS SUBMITTED

DENIAL FOR FOOD STAMPS FOR DECEASED INDIVIDUALS

LUGAR (AND HARKIN) AMENDMENT NO. 3822

Mr. CRAIG (for Mr. LUGAR for himself and Mr. HARKIN) proposed an amendment to the bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

"(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

"(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.".

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: "A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.".

CONCURRENT RESOLUTION ON THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY

LAUTENBERG AMENDMENT NO. 3823

Mr. CRAIG (for Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property; as follows:

On page 3, line 5, strike all in the line after "that" and insert: "is not making substantial progress towards adequately and effectively protecting".

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

BAUCUS (AND BURNS) AMENDMENT NO. 3824

Mr. CRAIG (for Mr. BAUCUS for himself and Mr. BURNS) proposed an amendment to the bill (S. 1222) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

JEFFORDS (AND LEAHY) AMENDMENT NO. 3825.

Mr. JEFFORDS (for himself and Mr. LEAHY) proposed an amendment to the bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:

vise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

D'AMATO (AND SARBANES) AMENDMENT NO. 3826

Mr. JEFFORDS (for Mr. D'AMATO for himself and Mr. SARBANES) proposed an amendment to the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes; as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7),(8), and (9).

Redesignate section 6 of the bill as section 5.

DEPARTMENT OF STATE REWARDS RELATIVE TO THE FORMER YUGOSLAVIA

HELMS (AND BIDEN) AMENDMENT NO. 3827

Mr. JEFFORDS (for Mr. HELMS for himself and Mr. BIDEN) proposed an amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

"(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

"(B) the killing or kidnapping of—

"(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

"(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

"(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

"(c) COORDINATION.—

"(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) the offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

"(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

"(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(e) LIMITATIONS AND CERTIFICATION.—

"(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5,000,000.

"(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

"(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

"(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

"(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—

"(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

"(j) DEFINITIONS.—As used in this section:

"(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

"(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person with respect to whom the individual stands in loco parentis; and

"(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

"(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

"(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

"(6) UNITED STATES PERSON.—The term 'United States person' means—

"(A) a citizen or national of the United States; and

"(B) an alien lawfully present in the United States.".

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment, shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this Section may be paid from funds authorized to carry out Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the administration and payment of rewards under the rewards program of Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate Committees of rewards paid under this section in the same manner as required by Section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the "Extradition Treaties Interpretation Act of 1998".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable and use the word "kidnapping", but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms "kidnaping" and "kidnapping" to include parental kidnapping.

ADDITIONAL STATEMENTS

THE RUMSFELD COMMISSION REPORT

• Mr. KYL. Mr. President, as you know, over the past year there has been a great deal of discussion in Washington about the growing ballistic missile threat to the United States and our forces and friends abroad. Although Members of Congress and the Administration have not always agreed on how to best respond to this growing threat, I think we can all agree that the Commission to Assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld, has made an indispensable contribution to the debate. The bipartisan, nine-member commission included many of our nation's most prominent experts on national security affairs. Due to Don Rumsfeld's leadership, this diverse group with divergent views on many policy issues, came together and produced an outstanding report that unanimously concluded that the ballistic missile threat to the U.S. is greater than previously assessed, that rogue nations like Iran could develop long-range missiles capable of reaching the U.S. in as little as five years, and that we might have little or no warning that such a threat had developed.

At an event last week, the Center for Security Policy honored Don Rumsfeld by presenting him with the "Keeper of the Flame" award for his outstanding leadership as chairman of the Commission to Assess the Ballistic Missile Threat to the United States. It was a well deserved honor. For the benefit of

those who were not able to attend the award ceremony, I ask that Mr. Rumsfeld's remarks at the event be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD RUMSFELD, CENTER FOR SECURITY POLICY, OCTOBER 7, 1998

Chairman Ed Meese, distinguished Members of the House and Senate, public officials—past and present—ladies and gentlemen. Good evening.

I see so many here who have served our country with distinction in so many important ways—Senators Cochran, Kyl and Wallop, Secretaries Jim Schlesinger and Al Haig, and many others. And there is Dr. Fritz Kraemer. There is a true "keeper of the flame." It is a privilege as well as a pleasure to be with you all.

Frank—my congratulations to you for your ten years of contributions to our country's security. You and your associates at the Center deserve, and have, our appreciation. We all know and respect the energy, persistence and patriotism that you have brought to the national security debate and are grateful for it.

Senator Thad Cochran, I thank you for your generous words. As you know, your Committee's very useful "Proliferation Primer" was given to each of our Commission members at our first session. You have made important contributions on these key subjects, and I congratulate you for them.

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I find since I first arrived in Washington, D.C., to work on Capitol Hill back in 1957, fresh out of the Navy, that while we went back home at regular intervals, I seem to keep finding myself back here on some project or another for over several decades now. I must say that this most recent assignment, the Ballistic Missile Threat Commission, has been particularly interesting, because the subject is so important.

This evening I want to talk a bit about our report, first because it is a message that needs to be heard, and, second, because there's no group who has done more and can do still more to carry that message.

As you will recall, the U.S. Intelligence Community's 1995 National Intelligence Estimate caused quite a stir in the national security community for a number of reasons. As a result, the Congress established our Commission to provide an independent assessment of the ballistic missile threat to the United States—including Alaska and Hawaii. Our charter was not to look at other threats or possible responses.

As one of our Commissioners put it, our task was to find out, Who has them? Who is trying to get them? When are they likely to succeed? Why do we care? and, When will we know?

Thanks to Speaker Gingrich and Minority Leader Gephardt for the House, and Senate Leaders Lott and Daschle, the members of our bipartisan Commission were truly outstanding. They included: Dr. Barry Blechman, the former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration; Retired four-star general Lee Butler, former Commander of the Strategic Air Command/ Dr. Richard Garwin of IBM, a distinguished scientist; General Larry Welch, former Chief of Staff of the Air Force, and CEO of the IDA; Paul Wolfowitz, former Undersecretary of Defense for Policy, former Ambassador to Indonesia, and Dean of the Nitze School at Johns Hopkins University; and James Woolsey, former Director of the CIA in the Clinton Administration. Also with us this evening is Dr. Steve Cambone, currently the Director of Research at the National Defense University. Steve did a superb job as Staff Director for the Commission.

Two of our Commissioners are here this evening, and I'd like them to stand and be recognized for their important work.

Dr. William Graham, former Science Advisor to President Reagan. Bill Graham has done a superb job. Thank goodness we had the benefit of his technical experienced and knowledge.

Dr. William Schneider, former Undersecretary of State for Security Assistance in the Reagan Administration. Bill kept us sane with his unfailing good humor, penetrating as it is, and challenged by his keen insights.

The members of the Commission spent an enormous number of hours, over six months and received over 200 briefings. Not surprisingly, given our different backgrounds and experiences—military, technical, policy oriented, but all with decades of experience dealing with the Intelligence Community and its products—we started out with a variety of viewpoints. As we proceeded, each time we seemed to be diverging in our views, we called for more briefings and focused back on the facts.

After extensive discussion and analysis, we arrived at our unanimous conclusions and a unanimous recommendation. As General Welch said, the facts overcame our biases and opinions and drove us to our unanimous conclusions. And in this city, unanimity is remarkable, especially on a subject as heated as this.

Given that so few people will be able to read our classified final report of some 307 pages, with several hundred additional classified pages of working papers and technical analysis, and that the unclassified executive summary was only 36 pages, that our conclusions were unanimous makes them considerably more persuasive.

During the course of our deliberations, almost every week there was an event somewhere in the world related to ballistic missiles or weapons of mass destruction—whether the Ghauri missile launch by Pakistan, the Indian and Pakistani nuclear explosions, continued stiff-arming of the U.S. and the U.N. inspectors by Iraq, the Shahab 3 missile firing in Iran, and more recently North Korea's Taepo Dong 1 three-stage launch. The pace of these significant events, while disturbing to be sure, provided a vivid backdrop for our work.

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It is clear the Gulf War taught regional powers that they are ill-advised to try to combat U.S. or Western armies and air forces. They can neither deter nor prevail against those vastly greater conventional capabilities. That being the case, it's not surprising that they week asymmetrical advantages and leverage to enable them to change the calculations of Western nations and ways to threaten and deter them as well as their neighbors.

They have several cost effective options. Terrorism is one. Cruise missiles are also an increasingly attractive option in that they are both versatile and relatively inexpensive. At some point they may well become a weapon of choice.

And, third, there are ballistic missiles. It is not happenstance that some 25–30 countries either have or are seeking to acquire ballistic missiles. They are very attractive, and relatively inexpensive when compared to armies, navies, and air forces; second, like cruise missiles, they can be launched from land, sea or air and have the flexibility of carrying chemical, biological or nuclear warheads; and third, they have the compelling advantage of being certain to arrive at their destinations—since there are no defenses against them.

Those of us from Chicago recall Al Capone's remark that "You get more with a kind word and a gun than you do with a kind word alone." We can substitute "ballistic missile" for "gun" and the names of some modern day Al Capones.

The term "rogue countries" is an unfortunate phrase, since it suggests that their behavior might be erratic. While unusual to us, their actions are rational for them and not unpredictable. To say that such countries would be deterred or dissuaded from using terrorist attacks, cruise missiles or ballistic missiles with weapons of mass destruction, because of the vastly greater power of the U.S. and the West, is to misunderstand. As Lenin said, "the purpose of terrorism is to terrorize." these are terror weapons, and they work.

Having these capabilities in the hands of such countries forces a different calculation on the part of the U.S. and any nation that has interests in their regions.

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The Commission's unanimous conclusions were these:

China and Russia continue to pose threats to the U.S., although different in nature. Each is on an uncertain, albeit different, path. With respect to North Korea and Iran, we concluded each could pose a threat to the U.S. within five years of a decision to do so, and that the U.S. might not know for several years whether or not such a decision had been made. Given that UNSCOM sanctions and inspections are unlikely to be in place it is increasingly clear that Iraq has to be included with North Korea and Iran.

We concluded unanimously that these emerging capabilities are broader, more mature, and evolving more rapidly than had been reported, and that the intelligence community's ability to provide timely warning has been and is being eroded and that the warning time of deployment of a ballistic missile threat to the United States is reduced. Finally, we concluded that under some plausible scenarios, including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these, the U.S. might well have little or no warning before operational deployment.

* * * * *

One important reason is that the emerging powers are secretive about their programs and increasingly sophisticated in deception and denial. They know considerably more than we would like them to know about the sources and methods of our collection, in no small part through espionage. And they use that knowledge to good effect in hiding their programs.

We concluded that there will be surprises. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there have been and will continue to be surprises, but that we are surprised that there are surprises. We don't, won't, and can't know everything. We must recognize that some surprises will occur and take the necessary steps to see that we invest so that our country is arranged to deal with the risks that the inevitable surprises will pose. As von Clausewitz

wrote, "The unexpected is the prince of the battlefield."

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The second key factor relative to reduced warning is the extensive and growing foreign assistance, technology transfer and foreign trade in ballistic missile and weapons of mass destruction capabilities. Foreign trade and foreign assistance are, in our view, not a "wild card." They are a fact. The contention that we will have ample warning of developments in nations with "indigenous" ballistic missile development programs misses the point. I don't know of a single nation on earth with an "indigenous" ballistic missile program. There may not have been a truly indigenous ballistic missile development program since Robert Goddard. The countries of interest are helping each other. They are doing it for a variety of reasons—some strategic, some financial. But, be clear—technology transfer is not rare or unusual, it is pervasive.

The intelligence task is difficult. There are more actors, more programs and more facilities to monitor than was the case during the Cold War. Their assets are spread somewhat thinly across many priorities. Methodological adjustments relative to collecting and analyzing evidence is, in our view, not keeping up with the pace of events. We need to remember Baldy's Law: "Some of it (what we see), plus the rest of it (what we don't see) equals all of it." Or, as Dr. Bill Graham frequently reminded us, "The absence of evidence is not evidence of absence."

Specifically, Russia and China have emerged as major suppliers of technology to a number of countries. There is the advent and acceleration of trade among second-tier powers to the point that the development of these capabilities may well have become self-sustaining. Today they each have various capabilities the others do not. As they trade—whether it's knowledge, systems, materials, components, or technicians—they benefit from each other and are able to move forward on separate development paths, all of which are notably different from ours or that of the Soviet Union. And, they are able to move at a more rapid pace.

To characterize the programs of target nations as "high-risk" is a misunderstanding of the situation. These countries do not need the accuracies the U.S. required. They do not have the same concerns about safety that the U.S. has. Nor do they need the high volumes the U.S. acquired. As a result, they are capable of using technologies, techniques and even equipment that the U.S. would have rejected as too primitive as much as three decades ago. But let there be no doubt—they are successfully and rapidly developing the capabilities necessary to threaten the United States.

As I mentioned, we considered a series of ways nations can shorten the missile development process and, therefore, warning time. They include launching shorter-range missiles by air or sea, by placing them in another country, by missile testing in another country, by the turn-key sale of entire ballistic missile systems to other countries, or some combination.

These approaches have been characterized as "unlikely." But each has been done. They are not new, novel, high-risk or unlikely.

As Jim Woolsey pointed out, making ICBMs was like the old 4-minute mile barrier. It seemed impossible until Roger Bannister broke it. Today it's relatively easy.

* * * * *

On the subject of sanctions, you will recall that President Clinton recently said that sanctions legislation causes them to "fudge." It was an honest statement. However, "fudging" can have a dangerous effect.

There are several ways to "fudge": First, simply don't study or analyze a matter if the answer might put your superiors in an uncomfortable position; delay studying or reporting up information that would be "bad news"; narrowly construe an issue, so that the answer will not be adverse to your boss's views or positions; and last, select assumptions that assume that the answer will lead to your desired conclusions. For example, you could study carefully whether or not the U.S. will have adequate warning of "indigenous" ballistic missile development programs, even though "indigenous" ballistic missile development programs don't exist.

In short, the effect of "fudging" is to warp and corrupt the intelligence process. It is corrosive. Leaders have to create an environment that is hospitable to the truth—whether it is bad news or good news—not an environment that forces subordinates to trim, hedge, duck and, as the President said, "fudge."

* * * * *

The recent TD–1 space launch vehicle test is an object lesson and also a warning. Many were skeptical for technical reasons that the TD–1 could fly at all. It had been the conventional wisdom that "staging" and systems integration were too complex and difficult for countries such as North Korea to accomplish in any near time frame. Yet North Korea demonstrated staging twice.

The likelihood that a TD–2 will be successfully tested has gone up considerably since the August 31st flight. The likelihood that a TD–2 flight could exceed 5,000 to 6,000 kilometers in range with a nuclear payload has gone up as well. And, the likelihood that we will not know very much in advance of a launch what a TD–2 will be capable of continues to be high.

Now, the TD–1 launch was interesting with respect to North Korea, but given the reality of technology transfer, what happens in North Korea also is important with respect to other countries, for example, Iran. We can be certain that North Korea will offer that capability to other countries, including Iran. That has been their public posture. It has been their private behavior. They are very, very active marketing ballistic missile technologies. In addition, Iran not only has assistance from North Korea, but it also has assistance from Russia and China, which creates additional options and development paths for them.

* * * * *

What does this all mean by way of warning? Well, it powerfully reinforces our Commission's conclusions that technology transfer is pervasive and that deception and denial work. I've mentioned "surprises," which of course go to the issue of warning. When do we know something? Put another way—when is what we do know sufficiently clear that it becomes actionable?

Roberta Wohlstetter's brilliant book Pearl Harbor, and the foreword to it, compellingly argue that: "...we were not caught napping at the time of Pearl Harbor. We just expected wrong. And it was not our warning that was most at fault, but our strategic analysis. We were so busy thinking through some "obvious" Japanese moves that we neglected to hedge against the choice they actually made."

It may have been a somewhat "improbable" choice, but it was not all that improbable. We provided the undefended target, and if we know anything from history, it is that weakness is provocative. Weakness entices others into adventures they otherwise would avoid. "The risk is that what is strange is thought to be "improbable," and what seems improbable is not taken seriously."

The book goes on to point out that: "Surprise, when it happens to a government, is likely to be a complicated, diffuse bureaucratic thing. It includes neglect of responsibility, but also responsibility so poorly defined or so ambiguously delegated that action gets lost. It includes gaps in intelligence, but also intelligence that, like a string of pearls too precious to wear, is too sensitive to give to those who need it (and this is happening today). It includes the alarm that fails to work, but also the alarm that has gone off so often it has been disconnected. It includes the unalert watchman, but also the one who knows he'll be chewed out by his superior if he gets higher authority out of bed. It includes the contingencies that occur to no one, but also those that everyone assumes somebody else is taking care of. It includes straightforward procrastination, but also decisions protracted by internal disagreement. It includes, in addition, the inability of individual human beings to rise to the occasion until they are sure it is the occasion, which is usually too late.

"The results, at Pearl Harbor, were sudden, concentrated, and dramatic. The failure, however, was cumulative, widespread, and rather drearily familiar. This is why surprise, when it happens, is everything involved in a government's failure to anticipate effectively."

Does that sound familiar?

* * * * *

Our Commission's unanimous recommendation was that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment of ballistic missile threats be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning. Specifically, we believe the Department of State should review its policies and priorities, including sanctions and non-proliferation activities, as well as our alliance activities; the intelligence community should review U.S. collection capabilities, given their changing and increasingly complex task; and, last, that the defense establishment should review both U.S. offensive and defensive capabilities as well as strategies, plans, and procedures that are based on an assumption of extended warning.

In short, we are in a new circumstance and the policies and approaches that were appropriate when we could rely on extended warning no longer apply.

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Recently I have been asked about the reception our report has received. I would say it has been surprisingly good.

First, the press. The reaction was superb from Bill Safire, but across the country it has been modest. But then there has been a lot of unusual news competition here in Washington, D.C., to say nothing of the news of:

Russia's economic problems and protests and the last Soviet intelligence chief, Mr. Primakov, being named Prime Minister.

The Asian financial crisis.

The Chicago Cubs' Sammy Sosa's brilliant chase for the home run title, to say nothing of Mr. McGwire's accomplishment.

And, if you can believe it, Quaddafi, of all people, holding a 5-nation summit.

As to the Department of State and the National Security Council, I am not aware of any public reaction.

The only reaction from the Department of Defense I am aware of was to reiterate their belief that the U.S. will have ample warning of "indigenous" ballistic missile development programs, with which we, of course, would readily agree, if, in fact, any "indigenous" ballistic missile programs actually existed—which they don't. As General Lee Butler said at one of our Commission's Congressional hearings, "If you are determined to do it, there is no body of evidence that cannot be ignored."

In the Intelligence Community we see positive changes already. I think it is reasonably certain that the next National Intelligence Estimate will look quite different from the last one. The initial press report on the release of the Commission's findings quoted an "anonymous CIA source" as contending that our report was a "worst case." But that was before the North Korean three-stage TD-1 launch in August. We have not seen that phrase used again since. Indeed, our report could prove to have been a "best case," if and when North Korea and/or Iran announce and demonstrate still greater ballistic missile and weapons of mass destruction capabilities, as they most surely will in the months ahead.

* * * * *

We are in a relaxed post-Cold War environment, with increased exchanges of scientists and students, relaxed export controls, leaks of classified information appearing in the press almost daily, espionage continuing apace, an explosion of "demarches," which provide vital information that eventually is used to our disadvantage, and increased international trade of sophisticated dual-use technology.

It is increasingly clear that anti-proliferation efforts, coupled with the inevitable imposition of still more sanctions—which already cover a large majority of the people on earth—are not stopping other nations from acquiring increasingly sophisticated weapons of mass destruction and missile technologies.

There are two schools of thought as to how to deal with this obvious failure:

One is to try still harder and impose still more sanctions.

The second approach is to seriously work to prevent the availability of the most important technologies, try to delay the availability of the next tier of information, but to recognize that we live in a world where those who don't wish us well will inevitably gain sophisticated weapons, and that, therefore, the answer is to invest as necessary in the offensive and defense capabilities and the intelligence assets that will enable us to live with these increasingly dangerous threats.

* * * * *

We hear a lot about the defense budget and the top line pressure—that we can't afford more. Look, our country may not be wealthy enough to do everything in the world that everyone in the world may wish, but the first responsibility of government is to provide for the national security. And, let there be no doubt, our country is more than wealthy enough to do everything important that we need to do. Defense expenditures at 3% of GNP are the lowest in my adult lifetime. We need to stop the mindless defense cuts, rearrange our national defense to fit the post-Cold War world, and invest as necessary to assure our nation's ability to contribute to peace and stability in our still dangerous and increasingly untidy world.

* * * * *

I am optimistic that we will find our way. We are not a nation with but one leader. Our strength is that we have multiple centers of leadership.

Our central purpose remains as compelling as ever. Quite simply, it is to guard the ramparts of freedom and to expand freedom at home and light its way in the world. This means encouraging freedom abroad and enriching it here at home. It requires purposeful diplomacy underpinned by strong, flexible military power and persuasive moral leadership.

As Theodore Roosevelt once said, "Aggressive fighting for the right is the noblest sport that the world affords." To those gathered here this evening, who do that each day, you have my thanks and appreciation. Thank you very much.●

THE SECRET SERVICE'S BERNARDINO STABILE—OUTSTANDING AMERICAN

● Mr. KENNEDY. Mr. President, I rise today to pay tribute to Bernardino R. Stabile on his retirement from the Secret Service. A military veteran and dedicated civil servant, Mr. Stabile has completed 53 outstanding years in service to the government.

Mr. Stabile has served with great distinction for the past 25 years as an Operations Support Technician in the Boston Field Office of the Secret Service, working in support of the agency's protective and investigative missions.

Earlier, Mr. Stabile had served for 27 years in the United States Marine Corps. He served in the South Pacific in World War II, including the Marshall Islands, Saipan, and Iwo Jima. He also served in the Korean War in the 1950's, was part of the Dominican Republic operation in 1965, and had two tours of duty in Vietnam in the 1960's.

In the course of this extraordinary career, he became a highly decorated Sergeant Major and received numerous commendations, including the Bronze Star, the Navy Commendation Medal, the Presidential Unit Citation, and the Navy Unit Citation. Some say, once a "boot," always a "boot." But Sergeant Major Stabile took many "boots" over the years and developed them into effective leaders.

Throughout his brilliant career, Bernardino Stabile has served his country with commitment, dedication, bravery, integrity, honor, and patriotism of the highest order. He deserves the gratitude of the Senate and the nation, and I am proud to take this opportunity to praise his outstanding service.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 13, 1998, the federal debt stood at $5,537,720,928,486.41 (Five trillion, five hundred thirty-seven billion, seven hundred twenty million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents).

Five years ago, October 13, 1993, the federal debt stood at $4,403,485,000,000 (Four trillion, four hundred three billion, four hundred eighty-five million).

Ten years ago, October 13, 1988, the federal debt stood at $2,616,702,000,000 (Two trillion, six hundred sixteen billion, seven hundred two million).

Fifteen years ago, October 13, 1983, the federal debt stood at $1,383,620,000,000 (One trillion, three hundred eighty-three billion, six hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,154,100,928,486.41 (Four trillion, one hundred fifty-four billion, one hundred million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents) during the past 25 years.●

IN MEMORY AND HONOR OF LOUIS L. REDDING

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's, indeed this nation's, legal legends.

Louis L. Redding was the first African-American admitted to the Delaware Bar in 1929. As one of the preeminent civil rights advocates in the country, Redding was sought after to participate in the argument before the U.S. Supreme Court in the landmark *Brown* v. *Board of Education*, 347 U.S. 483 (1954), which led to the end of legal segregation in our nation's public schools. *Brown* included a Delaware case Redding had won in the State Chancery Court holding that nine black children had the right to attend white public schools.

Louis L. Redding died Monday, September 28, 1998, at the age of 96. His death is obviously a time of sadness, but also a time to celebrate his truly pioneering life and spirit.

Time and time again, Redding not only overcame adversity—he excelled in the face of it. He pursued justice persistently and passionately—standing up for equal rights in education, public accommodations and criminal law.

Redding, a 1928 Harvard University Law School graduate, broke the color barrier in the Delaware Bar after 253 years of this all-Caucasian group. When he took the Delaware Bar Examination with eight other white law school graduates, he was given a different, harder test. He passed with the top grades. After he was admitted to the Delaware Bar in 1929, he remained the only minority attorney in Delaware for another twenty-seven years.

It even took twenty years for the Delaware State Bar Association to allow him to become a member—and again he excelled in the face of adversity—becoming Vice President of this once all-white Association.

Redding earned national respect with a series of sweeping civil rights victories in the Delaware courts. In 1950, he successfully argued *Parker* v. *University of Delaware*, Del. Ch., 75 A.2d 225 (1950), which held that the University

of Delaware's refusal to admit blacks was unconstitutional because the State's black institution, Delaware State College, was woefully inferior.

He next filed the public school racial segregation case, *Belton* v. *Gebhardt*, Del. Ch., 87 A.2d 862 (1952), aff'd, Del. Supr., 91 A.2d 137 (1952). This was the only case ultimately affirmed by the U.S. Supreme Court in *Brown*. Most Americans associate the name of Redding's distinguished fellow NAACP attorney, Thurgood Marshall, with this school desegregation case, since he achieved greatness as a U.S. Supreme Court Justice. And that's just how Redding preferred it. He preferred a lower profile, using his great skills to get the job done.

After the U.S. Supreme Court's *Brown* v. *Board of Education* decision, Redding dedicated his practice to implementing the desegregation order. In 1956, he filed a class action suit in the federal District Court in Delaware seeking to compel a school district to establish a desegregation plan. It took another twenty years for a court order forcing the implementation of this plan. Again, Redding persistently plodded along in the pursuit of justice.

Redding also set precedent in ending discrimination in public accommodations. In 1961, he won another U.S. Supreme Court case, representing former Wilmington City Councilman William "Dutch" Burton, allowing blacks to eat at the same counter with whites at the Eagle Coffee Shoppe owned by the Wilmington Parking Authority.

It is worth noting that Redding did not consider the U.S. Supreme Court victories to be his greatest legal achievements. Instead, he said his most significant accomplishment was desegregating Delaware's courtrooms. In an interview in 1990, Redding said:

> I suppose that really what I am most proud of . . . is my undertaking years back to break up segregation in seating in the courtrooms (of Delaware) . . . It was pretty horrible to go into a courtroom and see blacks seated in one place and whites in another. That's the way I found it when I came in.

Ironically, Redding was not particularly proud of his distinction as the first African-American attorney in Delaware. In a characteristically, blunt, honest statement, Redding once said. "How can you boast about being the first when you realize it was the result of racism and antipathy?"

And Redding downplayed his role as a civil rights and civil liberties pioneer. In a 1974 speech at Notre Dame University, he said: "I am just a pedestrian, journeyman lawyer who happens to have been practicing in a state where the necessities of the situation made me participate in civil rights activities."

The trails Redding blazed, however, set the course for those of us who are humbled to follow in his footsteps.

On a very personal note, Louis Redding was one of my heroes. His leadership in the civil rights movement got me interested in politics. I first met him in 1969 when I was working as a young, public defender representing many in the black community in civil and criminal cases.

And make no mistake about it—he commanded respect in the community and in the courtroom. In the black community, he respectfully was known as "Lawyer Redding." Of course to me, it was never "Lou," I always said "Mr. Redding, Sir." Indeed, he was quite a presence in the courtroom, with his tailored, conservative suits and button-down shirts. His standard was excellence, as he fought for the poorest and most discriminated among us.

Fortunately for us, Louis Redding's legacy and spirit live on in our community, and in his three daughters and five grandchildren. His name also appropriately graces a middle school and the New Castle County/City of Wilmington public building. His bronze statute stands erect surrounded by young children in the pubic square as well.

Louis L. Redding, noted civil rights attorney, teacher, loyal son, father, and grandfather—we will miss you greatly, and vow to keep your legacy alive.•

MEREDITH BIXBY DONATION

• Mr. ABRAHAM. Mr. President, I rise today to recognize Meredith Bixby of Saline, Michigan. Mr. Bixby is the father of the Meredith Marionettes Touring Company and is donating his collection of marionette puppets to the Saline Culture and Commerce Center for permanent exhibit.

For more than forty years, Mr. Bixby toured with his Meredith Marionettes Touring Company across the Midwest and South staging shows in schools, theaters, and community centers. Each year nearly a quarter of a million children enjoyed the marionette magic Mr. Bixby brought to them.

Mr. Bixby has been a leader in puppeteering for nearly five decades. He is affectionately known as the "Master of the Marionettes" and built his own marionettes and produced many original shows. He is also one of the original founding members of The Puppeteers of America, which is celebrating its 60th anniversary this year.

This permanent exhibit is a cooperative effort of the Michigan Council for Arts and Cultural Affairs, the City of Saline, the Bixby Project Group, and Saline Area Chamber of Commerce. This exhibit will preserve the memory of Meredith Bixby's work and educate new generations of children of the art and entertainment of marionettes.

I once again congratulate Meredith Bixby for his years of providing quality entertainment and the gracious donation of his collection to the community of Saline.•

ROBERT F. DEASY

• Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people—people who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part of something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Robert Deasy.

Bob Deasy worked for more than forty years as an accountant with Travelers and Phoenix Fire Insurance before retiring more than twenty years ago. Throughout his life, Bob has been remarkably active in the Rocky Hill community.

From 1973 to 1985, he served as Rocky Hill's registrar of voters, where he worked closely with the Secretary of State's office. He has also been a member of American Legion Post 123 in Rocky Hill for more than 30 years, and he served for eight years as the Post's commander. Through the American Legion, he reached out to young people in the area by coordinating their Boys State and Girls State activities, which provide young people with an opportunity to see how their government works. He also organized Rocky Hill's Memorial Day parade on many occasions, which earned him a citation from the city for exemplary service.

In 1990, he was recognized for his outstanding service to the community by the Wethersfield/Rocky Hill Elk's Club when they named him their "Citizen of the Year."

Bob also sat on the finance council at St. James Church for ten years, where he helped to strengthen this important house of worship.

But even greater than his commitment to his church and his community is his devotion to his family. Bob has been a devoted husband to his wife Mildred and together they have raised three children, and they enjoy the company of five grandchildren.

Bob also possesses a passion for politics. He has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with him and to become his friend. I am particularly thankful to Bob for encouraging his granddaughter Adria to become involved in public service. For the past four years she has worked in my Washington office. It has been a pleasure working with her, and she has only enhanced my already high opinion of the Deasy family.

This Friday, the Rocky Hill Democratic Town Committee will bestow upon Bob their Chairman's Award in gratitude for their work for the party. This award is well deserved, and I congratulate Bob on this honor.

But, as I stated earlier, Bob Deasy's devotion was not to a political party, it was to a community. And thanks to Bob and people like him, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Bob for all that he has done for the people of Connecticut, and I wish him all the best in his future endeavors.•

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

• Mr. SARBANES. Mr. President, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

On September 14, 1998, Mr. President, I was privileged to attend an especially moving ceremony to recognize Dr. Jernigan for worldwide leadership in the development of technology to assist blind people. The award, consisting of $15,000 Canadian and a 2-ounce gold medallion, was given by the Canadian National Institute for the Blind, and the event was held at the Canadian Embassy here in Washington.

This recognition by our neighbors to the north was a tangible expression, Mr. President, of the respect which Dr. Jernigan has earned throughout his lifetime of service on behalf of blind people in the United States and around the world. Through his grit, determination, and skill, Dr. Jernigan achieved personal success. But more important than that, as a lifetime teacher and mentor, he gave others the chance for success as well.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But, Mr. President, in the story of Kenneth Jernigan, from his humble beginning in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with American is told.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. President, for those who knew him and loved him, for the blind of this country and beyond, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be difficult. But the world he has left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left is shown in the hundreds of thousands of lives that he touched and the lives that will still be touched by his example and the continuing power of his teaching. This will be the case for many generations to come. Mr. President, Kenneth Jernigan will be missed most by his family and friends, but his loss will be shared by all of us because he cared for all of us. He cared enough to give of himself. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Mr. President, Kenneth Jernigan taught us all to love one another and live with dignity. That is the real and lasting legacy of Kenneth Jernigan.

Mr. President, on September 24, 1998, an article entitled "Friends Pay Homage to Crusader for the Blind, Jernigan Still Working Despite Lung Cancer" appeared in the Baltimore Sun. Because it presents a fitting tribute to Dr. Jernigan's life and work, I ask to insert the text of this article in the RECORD at this point.

The article follows.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND, JERNIGAN STILL WORKING DESPITE LUNG CANCER

(By Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington. Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille, and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people. James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federation of the Blind (NFB), who is in the latter stages of lung cancer. "The wonderful life I've had is all due to Dr. Jernigan," Omvig said. In the 1950s, he "was sitting around at home" in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska, and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with "my old poetry and drinking buddy."

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type "Kernel Book" series of inspirational books for the visually impaired. But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as "one of the best in the country."

There are good things in everything, even this illness," said his wife, Mary Ellen Jernigan. "You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know."•

PITNEY BOWES

• Mr. LIEBERMAN. Mr. President, I rise today to acknowledge an important milestone by an important institution in my home state of Connecticut—Pitney Bowes. For the past 78 years, Pitney Bowes has been at the forefront of technological innovation. The postage metering mechanisms that the company patented more than seven decades ago have faithfully performed their everyday task of metering postage.

Twenty years ago Pitney Bowes introduced a postage by phone system, which allowed businesses to refill their postage meters over the phone. This technology has just passed a major milestone. Recently, Pitney Bowes announced the signing of its one-millionth active postage by phone customer. Connecticut's Governor, John Rowland, was on hand to commemorate this event and presented the company with a proclamation noting that nearly three quarters of a billion dollars in time and labor have been saved since the postage by phone system was implemented.

Together with numerous mass mailing machines developed over the years,

Pitney Bowes has changed the face of commerce. They enabled mass mail marketing and created millions of jobs. Indeed, every member of this body has had a campaign that depended on the mass mail systems developed by Pitney Bowes.

However, Pitney Bowes is not just postage meters. It's not just faxes, copiers, software, business services, financial services, or cryptographic security for cyberspace transactions and communications. It is not just PC postage metering which makes it possible for businesses to print postage using only a PC and a standard printer. It is not just the $100 million in R&D it spends each year or the dozens of new patents that Pitney Bowes receives annually. It is not just cutting-edge technology.

The spirit of Pitney Bowes is found in its people. More than one million customers, mostly small businesses, use Pitney Bowes products to efficiently conduct their business. Tens of millions of our citizens benefit from the company's mailing and messaging systems. More than thirty thousand employees—seven thousand of these in Connecticut—are dedicated to making all of our jobs easier. It is this spirit that has resulted in Pitney Bowes being repeatedly listed as one of the 100 best companies to work for in America, recognized as providing meaningful opportunities for women and minorities, and respected as a leader in the Connecticut business community.

Congratulations to the Pitney Bowes workforce on this new milestone.•

DR. ROBERT F. FURCHGOTT

• Mr. MOYNIHAN. Mr. President, today I rise to congratulate Dr. Robert F. Furchgott of the State University of New York Health Science Center at Brooklyn on winning the 1998 Nobel Prize in Physiology or Medicine.

Dr. Furchgott, along with Dr. Louis J. Ignarro of the University of California at Los Angeles, and Dr. Ferid Murad of the University of Texas, were awarded the Nobel Prize for their discoveries of how natural production of nitric oxide can mediate a wide variety of bodily actions. Those include the regulation of blood pressure, widening blood vessels, preventing the formation of blood clots, fighting infections, reducing sexual dysfunction, and functioning as a signal molecule in the nervous system.

The bestowment of this prestigious honor to Dr. Furchgott brings long overdue recognition to the medical research conducted at "SUNY Downstate". I commend Dr. Furchgott and the entire staff of the State University of New York Health Science Center at Brooklyn for their many contributions to the field of medicine.

Mr. President, I ask that the article on Dr. Robert F. Furchgott from the New York Times be printed in the RECORD.

The article follows.

RESEARCH HONOR GOES TO THE BROOKLYN SIDE

(By Jennifer Steinhauer)

The State University of New York Health Science Center at Brooklyn has always been a bit of an underdog among the city's medically elite institutions. In spite of its groundbreaking work in the study of AIDS, alcoholism and other illnesses, kudos most often went to hospitals and research centers on the other side of the Brooklyn Bridge, like Mount Sinai and New York University.

But yesterday, SUNY Downstate, as the science center is known, earned its boasting rights over Manhattan when Dr. Robert F. Furchgott, a distinguished professor of pharmacology there, received a Nobel Prize in Physiology or Medicine, the highest recognition possible for a body of work that most Americans would recognize only in the form of Viagra.

Dr. Furchgott, 82, is in many ways a quintessential representative of Downstate, which had never received that Nobel Prize and is better known to most New Yorkers as the college that provides doctors to Kings County Hospital Center, one of the city's busiest and perhaps most embattled hospitals.

Colleagues described Dr. Furchgott as modest, spending nearly every day nibbling sandwiches and eating yogurt in his office while poring over scientific journals, or toiling in his laboratory, pondering the mysteries of nitric, pondering the mysteries of nitric oxide.

"His personal modesty stands in marked contrast to his magnificent achievement," said Dr. Eugene B. Feigelson, the college's dean of medicine. "It is a source of pride for the entire institution and to Brooklyn and is a further distinction for us and for the State University of New York."

When asked to reflect on his honor, Dr. Furchgott seemed almost dismissive. "I was kind of surprised," he said in a telephone interview from his home in Hewlett, N.Y. "My work is sort of old-fashioned pharmacology.

"Is it the highlight of my career? I guess in a way, though you don't do research to win prizes. You do it because you're curious about what makes things tick."

Sure, international attention, television cameras planted on the front lawn, phone ringing off the hook with calls from reporters struggling mightily to understand the subtleties of his work—these things have tickled him.

But his favorite moment in his entire career, he said, "was when we discovered that endothelial cells were necessary for relaxation of arteries."

"Then," he said, "it was finding that the endothelium-derived relaxing factor was nitric oxide. There have been lots of fun things."

He is, by admission of his admirers, a serious man of research.

"His lectures were dull, onerous and droning on," said Eli A. Friedman, a distinguished teaching professor of medicine at SUNY Downstate and a former student of Dr. Furchgott. "But the content of his work was profound and inspiring. So if one could get past the fact that he was less than electric competition for Jackie Gleason on television, he was very exciting and moving."

Dr. Furchgott, who holds a doctorate in biochemistry and is a professor emeritus at Downstate, won his prize for discoveries of new properties of nitric oxide. With colleagues, he was able to demonstrate that the gas nitric oxide can act as a messenger molecule that tells blood vessels to relax and dilate, which lowers blood pressure. The discovery was vital to developing the anti-impotence drug Viagra.

In 1996, he won an Albert Lasker Award in basic medical research, which is often a precursor award to the Nobel Prize. "Everyone here will walk a little straighter and hold their head a little higher because he is here." Dr. Friedman said.

Dr. Furchgott was born in Charleston, S.C., and received a B.S. in chemistry from the University of North Carolina in 1937 and a doctorate in biochemistry from Northwestern University in 1940.

When asked what else he would like known about his career, Dr. Furchgott said: "Nothing really. I would like to get myself some lunch now."•

GRACE M. AMODEO

• Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people. People who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Grace M. Amodeo.

Born in Italy, Grace Amodeo has lived in Rocky Hill for 44 years. Grace is a political pioneer in this town. In 1971, she ran for Mayor of Rocky Hill and earned the nomination of the Democratic party, the first woman to ever do so. Although she didn't win, she did not let that set-back deter her from actively serving her community throughout her life.

Grace Amodeo was a member of the Board of Education for eight years, and she served as the secretary for four years. A woman of strong faith, she was a Eucharistic Minister at St. James Church. And Rocky Hill has known no stronger advocate on behalf of seniors. Grace was a long-time member of Rocky Hill Seniors and served as their President from 1978 to 1980. She also served on the fundraising committee for the Senior Center. In fact, she was named Rocky Hill's "Senior of the Year" in 1983.

Grace's contributions to the community are all the more remarkable when you consider that she and her late husband Tony also raised eight children.

In addition to possessing a commitment to her community, she had a passion for politics, as evidenced by her run for mayor. Grace has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with her. This Friday, the Rocky Hill Democratic Town Committee will bestow upon

Grace their Chairman's Award in gratitude for her work for the party. This award is well deserved, and I congratulate Grace on this honor.

But, as I stated earlier, Grace Amodeo's devotion was not to a political party, it was to a community. And thanks to Grace and people like her, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Grace for all that she has done for the people of Connecticut, and I wish her all the best in her future endeavors.●

TRIBUTE TO MATTHEW SHEPARD AND HIS FAMILY

● Mrs. MURRAY. Mr. President, I rise today to remember a young man who was wrongly, viciously struck down in the prime of his life. Matthew Shepard was an innocent, kind, young man pursuing his education and enjoying the life of a college student. Tragically, he is now a reminder of what happens when we do not stand up to hate and bigotry.

On Monday night in Seattle and Spokane, Washington, hundreds of people from all walks of life came together to remember Matthew and to call for action to end hate crimes. Many people in Washington were outraged and shared in our nation's sorrow. I was touched by this response and join with so many others in expressing my own deep sense of hopelessness. I know that this was not just an isolated incident. Hate crimes are a real threat. We cannot be silent any longer.

A week ago today, I joined many of my Colleagues down at the White House in celebration of the signing of the Higher Education Reauthorization Act. I was proud to be there to call attention to the importance of this Act. I was proud that the legislation increased opportunities for young students and improved access to quality education for all students. I thought about how important it was for us to be focused on the needs of young Americans and their families striving to achieve a higher education.

I thought of the many college students and high school students I have met who would benefit from these opportunities. I thought about my own college age children and the opportunities they would have. I knew this was a big accomplishment.

Today, my thoughts are with another young college student who will never experience the opportunities and improvements we worked so hard to achieve. My thoughts have gone from improving opportunities to how to prevent the terrible heartache that Matthew Shepard's family and friends are now experiencing.

When I first heard of this horrible crime I immediately felt deep sympathy for Matthew's parents. How frightening it must have been for them to fly half way around the world to be with their child who was almost unrecognizable because of the violent attack he suffered. I can't imagine the pain they must be experiencing. There are simply no words that I could offer in comfort.

I then felt deep sorrow for the community and the University. To know that those who committed this violent and hateful crime are part of their community must be unbearable. This community will never be the same.

I now feel sorry for our nation. What we have lost? A young man with so much potential. What might Matthew Shepard have become? We know that he was interested in political science and very interested in this field of study. Could Matthew have become a U.S. Senator?

I think now that maybe Matthew can teach us all. We need to use this tragic and despicable crime to attack hate as we attack any other disease that kills. We must treat hate crimes as the deadly threat that they are and do more to prevent them. Hate is nothing more than a cancer that needs to be stopped.

S. 1529, Hate Crimes Prevent Act, offers us that opportunity. I am pleased to have joined with many of my Colleagues in cosponsoring this important legislation. The bill would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. No one beats a person to death and leaves them to die without being motivated by a deep sense of hate. This was no robbery. The motive was hate.

The immediate response of local law enforcement officials illustrates why we need to strengthen federal Hate Crimes laws and why the Federal Government must take a greater role in ending this violence.

I urge all of my Colleagues to think about the many Matthew Shepard, we have all met. Kind and hard working young adults. Let us act now to prevent any more senseless violence and deaths.

It is often said that from tragedy we can learn. Let us learn from this tragic event and make a commitment that we will act on Hate Crimes Prevention legislation. Let our actions serve as a comfort to Matthew's parents and the hundreds of other parents who fear for their children.

There are so many tragedies that we cannot prevent. Another senseless, brutal attack like the one experienced by Matthew is a tragedy that we cannot prevent. We spend millions of dollars a year seeking cures for deadly diseases that strike the young and old. We simply cannot accept a disease that strikes without warning and takes the life of a percious vulnerable child. We need to treat hate the same. It cannot and will not be tolerated.●

DESECRATION OF THE AMERICAN FLAG

Mr. THURMOND. Mr. President, I rise today to express my disappointment that we will not have the opportunity to vote before the end of this session on passage of S.J. Res. 40, the Constitutional amendment to protect the flag of the United States.

Recently, the Majority Leader made a reasonable request for time for debate and then a vote on this amendment. However, the minority unfortunately would not agree. There is not time for extended debate on this issue in the last days of this session, but extended debate should not be necessary.

We have considered this issue in the Judiciary Committee and on the Senate Floor many times in the past. In fact, we have been debating this matter for almost a decade. I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of *Texas* v. *Johnson* in 1989. We have held numerous hearings on this in the Judiciary Committee, most recently this past July.

In our history, the Congress has been very reluctant to amend the Constitution, and I agree with this approach. However, the Constitution provides for a method of amendment, and there are a few situations where an amendment is warranted. This is one of them.

The only real argument against this amendment is that it interferes with an absolute interpretation of the free speech clause of the First Amendment. However, restrictions on speech already exist through Constitutional interpretation. In fact, before the Supreme Court ruled on this issue in 1989, the Federal government and the states believed that flag burning was not Constitutionally-protected speech. The Federal government and almost every state had laws prohibiting flag desecration in 1989.

Mr. President, flag burning is intolerable. We have no obligation to permit this nonsense. Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

During moments of despair and crisis in our history, our people have turned to the flag as a symbol of national unity. It represents our nation, our national ideals, and our proud heritage. It is much more than a piece of cloth.

One of the most vivid reminders of the importance of the flag is the Battle of Iwo Jima during World War II some 53 years ago. On the fourth day of the battle, after our troops fought their way onto the beaches and over dangerous terrain, six men raised a United States flag on the highest ridge on Mount Suribachi. That was February 23, 1945, but the battle raged on until March 15, 1945. During those weeks of fighting, the flag served as an inspiration for our troops to keep pressing forward to victory.

Many times, American soldiers have put their lives on the line to defend what the flag represents. We have a duty to honor their sacrifices by giving the flag the Constitutional protection it deserves.

Since we will not be able to turn to this amendment in the closing days of this session, this issue will have to wait for the next Congress. We must not be deterred. I am firmly committed to fighting for this amendment until we are successful.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. DASCHLE. Mr. President, I am pleased to report that, after years of waiting, families facing the tragedy of alcohol-related birth defects can finally expect a coordinated federal response to their needs. The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act, which has been included as part of S. 1754, the Health Professions Education Partnerships Act, will establish a national task force to address FAS and FAE, and a competitive grant program to fund prevention and intervention for affected children and their families.

The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act was introduced as S. 1875 earlier this year and, with today's Senate passage, will be cleared for the President's signature. It is a modest measure, but its implications—in terms of children saved, families saved, and dollars saved—are dramatic.

Alcohol-related birth defects, commonly known as Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE), wreak havoc on the lives of affected children and their families. The neurological damage done by fetal exposure to alcohol is irreversible and extensive, undercutting normal intellectual capacity and emotional development. A child with FAS or FAE may be unable to think clearly, to discern right from wrong, to form relationships, to act responsibly, to live independently.

The complicated and debilitating array of mental, physical, and behavioral problems associated with FAS and FAE can lead to continual use of medical, mental health, and social services—as well as difficulty learning basic skills and remaining in school, alarming rates of anti-social behavior and incarceration, and a heightened risk of alcohol and drug abuse. FAS is the leading cause of mental retardation in the United States.

And it is 100 percent preventable.

FAS is completely preventable, yet, each year in the United States, some 12,000 children are born with FAS. The rate of FAE may be 3 times that. Researchers believe these conditions are often missed—or misdiagnosed—so the actual number of victims is almost certainly higher.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spina bifida. In some Native American communities, one of every 100 children is diagnosed with FAS.

It has been more than 30 years since researchers identified a direct link between maternal consumption of alcohol and serious birth defects. Yet, the rate of alcohol use among pregnant women has not declined, nor has the rate of alcohol-related birth defects. In fact, both are increasing over time.

The Centers for Disease Control (CDC) reported a sixfold increase in the percentage of babies with FAS born between 1980 and 1995. This increase is consistent with the CDC's finding that rates of alcohol use during pregnancy, especially the rates of "frequent drinking," increased significantly between 1991 and 1995. These findings defy the Surgeon General's warning against drinking while pregnant as well as a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from jeopardizing their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have a staggering fiscal impact. The Centers for Disease Control and Prevention estimates the lifetime private and public cost of treating an individual with FAS at almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

We know FAS and FAE are not "minor" problems. They are prevalent; they are irreversible; they are devastating to the victim and his or her family; and they are a drain on societal resources. We know the word is not getting out—or maybe it's not getting through—that drinking alcohol during pregnancy is a tremendous and senseless risk. We know children with FAS and FAE and their families are not receiving appropriate services, and we are all paying the consequences.

Given what we know about FAS and FAE, our governmental and societal response to date are clearly inadequate. With this legislation, we are finally strengthening that response.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the repeated use of medical, mental health and social services that otherwise may be inevitable. It makes fiscal sense, but, far more importantly, it is what we need to do for the children and families who suffer its impact.

The legislation we are sending to the President will establish a national task force of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will tell us how to raise awareness about FAS and FAE—how to prevent it and how to deliver the kinds of services that will enable children and adults with FAS and FAE, and their families, to cope with its devastating effects.

A national task force with membership from outside of, as well as within, the federal government is our best bet if we want to take a realistic look at this problem and address it. The true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to "reinvent the wheel."

In conjunction with the task force efforts, the Secretary will establish a competitive grants program. This $25 million program will provide the resources necessary to operationalize the task force recommendations by supporting education and public awareness, coordination between agencies that interact with affected individuals and their families, and applied research to identify effective prevention strategies and FAS/FAE services.

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I'd like to thank the many concerned parents, researchers, educators, advocacy organizations and federal agencies for their invaluable input on this legislation. I am confident this initiative will deliver profound benefits to the Nation, and I am thrilled to see us moving toward its enactment.

TUG AND BARGE SAFETY

Mr. CHAFEE. Mr. President, I rise today to thank the managers of the 1998 Coast Guard Authorization Act for their help in addressing an issue of great importance in Rhode Island: the safety of the tug and barge industry. The managers' amendment to the Coast Guard Authorization Act that passed the Senate on Monday included a provision that will strengthen the regulation of transportation of petroleum by barges in the waters of the Northeast.

I appreciate the cooperation of Commerce Committee Chairman MCCAIN, Ranking Member HOLLINGS, Subcommittee Chairwoman SNOWE, and Ranking Member KERRY for incorporating my provision into the bill.

I especially want to thank the cosponsor of the provision, Senator JOSEPH LIEBERMAN of Connecticut, for his

support. We have worked closely on this issue for several years. Senator DODD of Connecticut also lent his support to the effort.

In order to understand why the Chaffee-Lieberman provisions are necessary, you must go back to the 1996 disaster when the tug *Scandia* and barge *North Cape* grounded on the coast of Rhode Island. After the accident, the Environment and Public Works Committee, which I chair, reported a bill to improve towing vessel safety, and important elements of the bill were included in the 1996 Coast Guard Authorization Act. My intent in enacting 1996 provisions was to improve safety in the towing industry so as to prevent a repetition of a disaster like the 1996 *Scandia/North Cape* spill in Block Island Sound.

In October, 1997 the Coast Guard issued rules to implement the 1996 towing vessel legislation. I and others concluded that the proposed rules might not prevent a repetition of the *Scandia/North Cape* disaster and asked the Coast Guard to reconsider. The Coast Guard is now reworking the rules and expect to issue an interim final national rule on anchoring and barge retrieval systems in November 1998. They will repropose fire suppression regulations in January 1999.

Senator LIEBERMAN and I also were concerned that the proposed rules did not implement the recommendations of the Regional Risk Assessment Team or "RRAT," which forged a remarkable consensus among Coast Guard District One, the States, the environmental community, and the regulated industry on rules, to improve safety and reduce risks in the waters of the Northeast States.

The team was assembled by the Marine Safety Office in the First Coast Guard District shortly after the *North Cape* spill. The RRAT met for six months and, in February 1997, delivered a report with extensive regulatory recommendations. Regulations were proposed in the following areas: vessel manning, anchors and barge retrieval systems, voyage planning, navigation safety equipment aboard towing vessels, enhanced communications, vessel traffic schemes and exclusion zones, lightering activities, tug escorts, and crew fatigue.

The report was signed by the RRAT Steering Committee members: the Chief of the Marine Safety Division of the First Coast Guard District, the American Waterway Operators (on behalf of the regulated industry), Save the Bay (on behalf of environmental organizations), and the Rhode Island Department of Environmental Management (on behalf of states participating in the RRAT).

The Coast Guard was deeply involved in the RRAT process. The First Coast Guard District facilitated RRAT meetings, prepared the agendas and minutes, and lent other administrative support to the effort. In June 1997, the First Coast Guard District also forwarded its plan to implement the RRAT recommendations to Coast Guard Headquarters.

It was the expectation of the state, environmental, and industry RRAT participants that the RRAT recommendations for regional regulations would be included as a part of the rulemaking to implement the towing vessel safety provisions in the Coast Guard Authorization Act of 1996. This was a reasonable expectation based upon the level of Coast Guard involvement in the development of the consensus RRAT recommendations, which were then endorsed by the Coast Guard Officer charged with marine safety in the RRAT study area.

Unfortunately, the regulations proposed by the Coast Guard in October 1997, did not incorporate the RRAT's recommendations for regional regulations. It also rejected specific RRAT recommendations on anchor and emergency retrieval provisions. Subsequent inquiry by Senator LIEBERMAN and myself revealed that the Coast Guard did not have any future plan to issue the RRAT's recommended regulations.

This decision by the Coast Guard was simply not acceptable. In April 1998, Senator LIEBERMAN and I asked that the Coast Guard immediately issue the regional regulations. This same request was made by many others in New England, including States environmental departments, regional and local environmental organizations, and private citizens in written comments, and at an April 9, 1998, hearing in Newport, Rhode Island.

To its great credit, the Coast Guard has reevaluated its initial rejection of regional regulations. The Coast Guard has embraced the RRAT recommendations, and has been making admirable progress of implementing the RRAT report. I am pleased to report that the Coast Guard will publish a proposed regional regulation in the Federal Register today. Because of its proactive reponse to the concerns that Senator LIEBERMAN and I raised, the Coast Guard is in position to meet the aggressive deadlines in the Chafee-Lieberman provision in this year's Coast Guard bill.

The Chafee-Lieberman provision, section 311 of the managers' amendment to H.R. 2204, directs the Coast Guard to issue regulations for towing and barge safety for the waters of the Northeast, including Long Island Sound. Section 311 directs the Coast Guard to give full consideration to each of the regulatory recommendations made by the RRAT and explain in detail if any recommendation is not adopted.

Section 311 directly addresses anchoring and barge retrieval systems on a regional basis only. It is my understanding the Coast Guard is planning to issue a nationwide national interim final regulation on the anchor requirement by the end of November 1998. The amendment gives the Coast Guard the discretion to forego a regional requirement if the national requirement for anchoring and barge retrieval are no less stringent than those required for the waters of the Northeast.

Though not a part of the Chafee-Lieberman provision adopted in H.R. 2204, I wish to address the issue of fire suppression systems on tugboats. The fire on board the *Scandia* was the critical link in the chain of events that led to the grounding of the barge *North Cape* and the resultant oil spill. It is my view that the October 1997 proposed rules badly missed the mark on this issue. The Coast Guard proposal did not require a fire suppression system that would flood the engine room with a gas to extinguish a serious fire. This is a fatal defect in the proposed rule, and is inconsistent with the 1996 Coast Guard Authorization Act.

The Coast Guard's October 1997 proposal inferred a mandate "to prevent casualties involving barges which are the result of a loss of propulsion of the towing vessel." The 1996 Coast Guard Authorization Act's actual mandate is quite explicit: "The Secretary shall require * * * the use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances." This is a clear mandate that onboard equipment be able to suppress reasonably foreseeable fires such as occurred on the *Scandia*.

The 1996 statute reflects Congress' judgment that the preferred alternative is to suppress a fire quickly enough so that damage is limited and propulsive power can be restored if interrupted due to fire fighting efforts. A fixed fire suppression system is an option that any vessel master would desire if faced with an engine room fire that could not be controlled by other means.

The proposed regulations used vessel size as a principal criterion, while failing to consider adequately any differential requirements based on the "characteristics, methods of operation, and nature of service" as required by the law, which intentionally omitted size from the list of factors to consider.

Not all towing vessels are the same when considering the imposition of a requirement for a fixed flooding fire suppression system. Specifically, tugboats like the *Scandia* which tow barges on the East Coast of the United States, are essentially seagoing vessels with sealable watertight doors and port holes. Tow boats operating on rivers and inland waterways are not designed for the same type of service. On these inland vessels, engine rooms may be located on the main deck, and they may have conventional doors and windows.

The proposed Coast Guard rule correctly noted that, looking at towing vessels as a whole, certain types of vessels are "constructed with engine rooms that would not be sufficiently air tight" to be able to use a system that floods the space with a gas to extinguish an out-of-control blaze. This is certainly true in the case of inland tow boats.

Tug boats designed for ocean service such as the *Scandia*, if they are operated in a prudent and seamanlike manner, do have the requisite water and air tightness to use a fixed flooding fire suppression system to good advantage. Congress specifically required that the proposed regulations account for the variations within the commercial towing fleet.

My preference was to simply mandate a fire suppression system for ocean-going tugboats in this year's Coast Guard bill. After hearing the concerns raised by the Coast Guard and colleagues on the Commerce Committee, I will not pursue fire suppression changes this year. I look forward to the Coast Guard's new proposal on fire suppression, which is due for publication in January 1999. I expect it will be a marked improvement over the flawed October 1997 proposal.

In closing, I again thank my colleagues on the Commerce Committee for accommodating my concerns on this issue. I also want to thank the Coast Guard. They could have waited until section 311 became law before starting on the regional regulations. Instead, the Coast Guard, by proposing the regional regulations this very day, has accelerated the date when the Northeast will have the protection it deserves. Finally, I thank my longtime collaborator on oil spill issues, Senator JOSEPH LIEBERMAN of Connecticut, for his steadfast support in this effort.

DARE NOT SPURN RUSSIA

Mr. MOYNIHAN. Mr. President, the news from Russia remains grim. The Times reported on Saturday:

> Rocked by its worst harvest in 45 years and a plummeting ruble, Russia appealed today for relief aid from the European Union. It has also approached the United States and Canada for help.

Clearly Russia is in a perilous—one could say dangerous—state. The grain harvest is down almost 40 percent primarily because of a summer drought in the Volga River and Ural regions. And the financial crisis in Russia has only added to the problems. For example the Times also reports that because payment has not been made "15 ships full of American frozen poultry have delayed unloading their cargo."

What to do? For starters let's not repeat the mistakes of the past. Following the defeat of Germany in World War I, we failed to provide aid to the Weimar Republic as it attempted to sustain a democratic government. The resulting Nazi reign of terror was both devastating and unspeakable.

By contrast, following the defeat of the Nazis in World War II, we adopted the Marshall Plan to rebuild a democratic Germany. From 1948 to 1952, the United States gave almost $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years.

Recognize that Russia, no less than Nazi Germany, is a defeated nation—the latter on the military battlefield, the former on the economic battlefield. To keep Russia on the road to democracy and economic reform will require economic aid perhaps on the scale of the Marshall Plan. When you consider what we have been through, a post cold war Marshall Plan does not seem excessive. Particularly since we were able to fund the Marshall Plan at the same time we were threatened by an empire that subscribed to the view that eventually the entire world would succumb to communism.

The singular truth is that we were utterly unprepared for the collapse of the Soviet Union. During the 1980s we began a defense build up which resulted in the largest debt the United States has ever known. When the Soviet Union did collapse, we felt broke and unable to launch the kind of economic assistance that we were able to do after World War II.

While we have provided some assistance, it falls far short of Russia's needs and lacks a coherent plan. Such a plan would include technical assistance on tax collections, operations of banks and stock exchanges, protection of property and individual rights to name just a few areas that a country with little or no experience with democracy and free markets might find helpful. Let me emphasize: without real short- and long-term financial assistance none of this technical assistance will be effective or, indeed, welcome.

But the United States cannot do it alone. What would make the countries of Central and Eastern Europe more secure than any military alliance would be membership in the European Union. Unfortunately, our Western European allies have not embraced their eastern neighbors in this way.

Ambassador Richard Holbrooke has explained that to a certain extent, expanding NATO served as a surrogate for EU enlargement. Roger Cohen reports Ambassador Holbrooke's remark in the International Herald Tribune:

> Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void.

We seem to have stumbled into a reflexive anti-Russian mode. The United States continues to act as though the Cold War is still the central reality of foreign policy, withal there has been a turnover and we now have the ball and it is time to move downfield. For instance, in a Times story on Sunday about the selection of a trans-Caucus oil pipeline, it was reported:

> The Administration favored the Baku-Ceyhan route because it would pass through only relatively friendly countries—Azerbaijan, Georgia and Turkey—and would bind them closer to the West; because it would pull Azerbaijan and Georgia out of the Russian shadow; and because it would not pass through either Russia or Iran, both of which have offered routes of their own.

Is "binding" Azerbaijan and Georgia closer to the West part of a flawed strategy of isolating Russia? We seem clearly headed in that direction with the expansion of NATO. And ignoring George F. Kennan, who lamented the Senate vote on NATO expansion in an interview with Thomas L. Friedman. Commenting on the Senate debate, Ambassador Kennan stated:

> I was particularly bothered by the references to Russia as a country dying to attack Western Europe. Don't people understand? Our differences in the cold war were with the Soviet Communist regime. And now we are turning our backs on the very people who mounted the greatest bloodless revolution in history to remove the Soviet Regime.

We would do well to remember these words.

LOW INCOME HOUSING TAX CREDIT

Mr. D'AMATO. Mr. President, about a year ago, the distinguished Senator from Florida, Senator GRAHAM, and I introduced legislation (S. 1252) to increase the amount of low-income housing tax credits allocated to each state to reflect inflation since 1986, and to index this amount to reflect future inflation. Today, we have 64 additional cosponsors. In this time when the conventional wisdom is that everything is supposed to be so partisan in Washington, it is a very good testament about the importance of the low-income housing tax credit that S. 1252 has garnered the bipartisan support of two-thirds of the Senate.

I guess we should not be surprised about this support. The housing credit has become an extraordinarily effective mechanism to encourage construction of affordable housing. Since its creation in 1986, the low-income housing tax credit has successfully expanded the supply of affordable housing and helped revitalize economically distressed areas throughout the United States. The credit has been responsible for almost 900,000 units of housing in the past decade. Nearly all new affordable housing today (98%) is constructed with the help of the credit. Without the credit, these units simply would not be available.

Credits are allocated to each of the states on a formula based on population: $1.25 multiplied by the number of people in the state. Each state must adopt an allocation plan based on housing needs in that particular state. Then private developers compete for allocation of the limited amount of tax credit. This creates an environment where each state can encourage the type and location of affordable housing it needs. And the competition for limited amounts of credit means that the Federal Government gets more and better housing for each credit dollar. Effectively, the low income housing tax credit is a block grant to each state, and each state uses market competition to maximize the amount and quality of the housing.

In March, 1997, after an 18 month study of the program, the General Accounting Office reported on the many achievements of the program without finding any problems in need of legislative correction. In fact, the GAO study concluded that families living in housing built with the help of the credit had incomes that were lower than that required by statute.

Unfortunately, the amount of credit that can be allocated each year has not been adjusted since the program was created in 1986. If the credit had been indexed for inflation since it was first enacted, the per capita credit amount would be $1.85 this year.

Although building costs rise each year, as does the affordable housing needs of the nation, the federal government's most important and successful housing program is in effect being cut annually as a result of inflation. When the cap was first established, the credit would fund 115,000 units. Now it will fund between 75,000 and 80,000 units. Despite economic prosperity in recent years, the shortage in affordable housing has become more, not less, severe. According to HUD, the number of households with crisis-level rental housing needs exceeds 5 million.

I had hoped that we would have been able to see the enactment of S. 1252 this year. Twelve years of erosion in value of the credit should be enough. Unfortunately, it appears that this meritorious legislation will have to wait until next year. It is not often that we can find a proposal that is supported by a bipartisan two-thirds of the Senate, a majority of Republican governors, and a Democratic President. Given the need for additional affordable housing, the effectiveness of the credit, and its broad bipartisan support among elected officials at all levels of government, I am very hopeful that we will be able to make this legislation a priority tax item early next year when the new Congress convenes.

JUDICIAL NOMINATIONS BEING HELD HOSTAGE

Mr. LEAHY. Mr. President, there are currently 21 qualified nominees on the Senate calendar who have been reported favorably by the Judiciary Committee. Ten of those nominations would fill judicial emergency vacancies, which have been without a judge for over 18 months. We have been trying for days, weeks, months and in some cases years to get votes on these nominees.

The Majority Leader has yet to call up the nomination of Judge Richard Paez to the Ninth Circuit. That nomination was first received by the Senate back in January 1996, almost three years ago. His nomination was delayed at every stage and this is now the judicial nomination that has been pending the longest on the Senate Executive Calendar this year, seven months. Over the last few days the Majority Leader has repeatedly indicated that he would be calling up this nomination, but he has not done so.

I have heard rumors that some on the Republican side planned to filibuster this nomination. I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination. During this year's long-delayed debate on the confirmation of Margaret Morrow, Senator HATCH said: "I think it is a travesty if we ever start getting into a game of filibustering judges." Well, it appears that travesty was successfully threatened by some on the Republican side of the aisle and kept the Majority Leader from fulfilling his commitment to call up the nomination for a confirmation vote.

Like the nomination of Bill Lann Lee to head the Civil Rights Division, it appears that some on the Republican side have decided to take the Paez nomination as a partisan trophy and to kill it—and to do so through obstruction and delay rather than allowing the Senate to vote up or down on the nomination.

Judge Paez and all 21 judicial nominations recommended to the Senate by the Judiciary Committee deserve better. They should be cleared for confirmation without further delay. I note that of the 21 judicial nominations on the Senate Executive Calendar, 19 were reported unanimously by the Senate Judiciary Committee over the last five months. Those judicial nominations which cannot be cleared by unanimous consent ought to be scheduled for debate and a confirmation vote without further delay.

Let me put this in perspective: Most Congresses end without any judicial nominations left on the Senate Executive Calendar. The Senate calendar is usually cleared of such nominations by a confirmations vote. Indeed the 99th, 101st, 102nd, and 103rd Congresses all ended without a single judicial nomination left on the Senate calendar. The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar.

By contrast, the Republican Senate majority in the last Congress, the 104th, left an unprecedented seven judicial nominations on the Senate Executive Calendar at adjournment without Senate action. And today, this Senate still has 21 judicial nominations on its calendar. The goal should be to vote on all judicial nominations on the calendar. To leave as many as seven judicial nominations without action at the end of this Congress is shameful; to be toying with the prospect of 21 is irresponsible.

In his 1997 Year-End Report, Chief Justice Rehnquist focused again on the problem of "too few judges and too much work." He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994." He went on to note: "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down."

That is good advice. That is what this Senate should do, take up these nominations and vote them up or vote them down. I believe that if the Senate were given an opportunity to have a fair vote on the merits of the nomination of Judge Richard Paez or Timothy Dyk or any of the 21 judicial nominations pending on the Senate Executive Calendar, they would be confirmed. Perhaps that is why we are not being allowed to vote.

The Chief Justice of the United States Supreme Court has called the number of judicial vacancies "the most immediate problem we face in the federal judiciary." I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil our constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are harming the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

We began this year with the criticism of the Chief Justice of the United States Supreme Court ringing in our ears: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." Nonetheless, instead of sustained effort by the Senate

to close the judicial vacancies gap, we have seen extensive delays continued and unjustified and anonymous "holds" become regular order.

To date, the Senate has actually been losing ground to normal attrition over the last two years. When Congress adjourned in 1996 there were 64 vacancies on the federal bench. In the last 24 months, another 87 vacancies have opened. And so, after the confirmation of 36 judges in 1997 and 48 so far this year, there has still been a net increase in judicial vacancies. The Senate has not even kept up with attrition. There are more vacancies in the federal judiciary today than when the Senate adjourned in 1996.

This is without regard to the Senate's refusal to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Last year the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S. 678, as it should have, the federal judiciary would have 120 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past two years. In that light, the judicial vacancies crisis continues unabated.

In order to understand why a judicial vacancies crisis is plaguing so many federal courts, we need only recall how unproductive the Republican Senate has been over the last three years. More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 23 of those judicial emergency vacancies, nominations that are still pending as the Senate prepares to adjourn.

When the American people consider how the Senate is meeting its responsibilities with respect to judicial vacancies, it must recall that as recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 48 judicial confirmations could be seen as an improvement. I recall that in 1992, during a presidential election year and President Bush's last year in office, a Democratic Senate confirmed 66 of his nominations.

I began this year challenging the Senate to maintain that pace. Instead, the Senate has confirmed only 48 judicial nominees instead of the 84 judges the Senate would have confirmed had it maintained the pace it achieved at the end of last year. The Senate has acted to confirm only 48 of the 91 nominations received for the 115 vacancies the federal judiciary experienced this year.

I know that some are still playing a political game of payback for the defeat of the nomination of Judge Bork to the Supreme Court and other Republican judicial nomination over the last decade. I remind the Senate that the Senate voted on the Bork nomination and voted on the nomination of Clarence Thomas and did so in each case in less than 15 weeks. To delay judicial nominations for months and years and to deny them a vote is wrong.

THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. KENNEDY. Mr. President, the passage of the Irish Peace Process Cultural and Training Program Act is an important step to facilitate the ongoing peace process in Northern Ireland and advance the goals of the Good Friday Agreement of April 10, 1998. The legislation contributes to this effort by providing the people of that strife-torn region with new opportunities to achieve permanent peace and reconciliation.

This bill which authorizes a total of 12,000 residents of Northern Ireland and the six border counties of the Republic of Ireland to come to the United States for up to three years for job training and education.

Northern Ireland has an overall unemployment rate of 9.6 percent, and it is 13 percent in Belfast. The economy grew only three percent in the last year. Economic stagnation and high unemployment disproportionately affect unskilled workers. The legislation reaches out to these disadvantaged workers by giving many of them an opportunity to learn skills in the United States, which they will in turn take home to their communities in Northern Ireland and the border counties and use them productively for their future.

One of America's greatest strengths is its diversity, and the diversity of Northern Ireland can be a strength as well. A major goal of this legislation is to promote cross-community and cross-border understanding and build grassroots support for long-term reconciliation and peaceful coexistence of the two communities. Building on the success of similar programs, this legislation will enable persons who have lived amidst the conflict and bigotry of Northern Ireland to spend time in communities in the United States where reconciliation works to achieve a strong and more just society. It is our hope that the experience generated by this legislation produce long-lasting social and economic benefits for all the people of the borders and Northern Ireland.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. ABRAHAM. Mr. President, I rise today in support of S. 2263, the Advancement in Pediatric Autism Research Act, introduced by Senator SLADE GORTON. Infantile autism and autism spectrum disorders are biologically-based, neuro-developmental diseases that cause severe impairments in language and communication. This disease is generally manifested in young children, sometimes during the first years of life.

Estimates show that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder. The cost of caring for individuals with this disease is estimated at $13.3 billion per year. Rapid advancements and effective treatments are attainable through biomedical research.

S. 2263 improves research on pediatric autism in the following areas: networks five Centers of Excellence combining basic research and clinical services; appropriates funds for an awareness campaign aimed largely at physicians and professionals and designed to aid in earlier and more accurate diagnosis; appropriates monies for gene and tissue banking, and funds current proposals at NIH in autism. Michigan families who have been affected by autism or an autism spectrum disorder have contacted my office in support of this legislation. They have impressed upon me the need for better research into this disorder.

With three young children of my own, I too am concerned for millions of children afflicted with childhood diseases and birth defects. I have long been committed to supporting policies that encourage research into this and other afflictions, particularly those conditions that directly impact children. For these reasons, I urge my colleagues to join me in support of this important piece of legislation.

Mr. President, I yield the floor.

RETENTION OF RECKLESSNESS STANDARD OF LIABILITY

Mr. CLELAND. Mr. President, in the wake of final passage of S. 1260, the Securities Litigation Uniform Standards Act, I wish to emphasize my interest in the retention and reinforcement of the recklessness standard of liability and the Second Circuit Court of Appeals pleading standard in federal securities fraud cases. Securities law experts, including officials of the Securities and Exchange Commission, have recognized that the continued vitality of the federal securities laws and the health of the financial markets depend on the reaffirmation of this standard.

It is essential that we be clear that reckless wrongdoing satisfies the scienter standard under the federal securities laws. The current standard that provides liability for reckless behavior should be explicitly reaffirmed; any suggestion that a victimized investor must establish actual knowledge by a defendant is not only legally incorrect but would undermine the integrity of our financial markets. The SEC has repeatedly stated in legal filings and Congressional testimony that the recklessness standard is critical to investor protection. Every federal appellate court that has considered this issue has held that recklessness suffices. The text of the 1995 Private Securities Litigation Reform Act did not change the scienter standard; Members of Congress understood that raising the standard would have not only a chilling effect on private actions by defrauded individuals, but on regulatory actions by the SEC.

Since the 1995 Reform Act, there has been some disagreement in the courts about whether Congress intended to elevate the pleading standard in securities fraud class actions above the previously existing Second Circuit pleading standard. It is clear to me that the answer to the question must be "no". I am pleased that the Senate Banking Committee Report on S. 1260, as well as the recorded colloquy on the Senate floor about the Second Circuit pleading standard, reaffirm this point.

As I mentioned in my floor statement during debate on this legislation, I am not convinced that the federal preemption of state anti-fraud protections is a necessary step. I support the right of investors to seek legal remedies against those persons selling fraudulent securities. While I worked to streamline the regulatory process in Georgia, I opposed amendments to federal regulations that would have impaired the ability of a state to protect its investors. Here in the Senate, my focus remains the same. For this reason, I opposed S. 1260 during its initial Senate consideration. Nevertheless, if passage of this legislation is inevitable, let us at least make it absolutely clear that an investor's right to seek redress through civil litigation is not eliminated due to a failure to reaffirm the existing standard of recklessness in federal securities fraud cases.

COMMITMENT TO EDUCATION

Mr. FRIST. Mr. President, I rise today to discuss the very important issue of education.

I am very disappointed that some Democrats in Congress and those in the White House have chosen to demagogue and politicize education as we attempt to wind down our legislative year. These Democrats would like for the American people to believe that Republicans just don't care about education and that we are refusing to spend more money to improve our educational system.

Nothing could be further from the truth.

Since I took office in 1995, I have seen a 27 percent increase in the amount of money this Congress has appropriated for education. In 1994, we spent $24.6 billion for education. For fiscal year 1999, we have proposed to spend $31.4 billion—exactly, I might add, that the President requested for discretionary spending. Historically, the federal commitment to education has risen from $23.9 billion in 1959 to over $564 billion in 1996. As a percentage of GDP. educational expenditures have risen from 4.7 to 7.4 percent over the same timeframe.

For many Democrats, more money and more federal education programs are the answer to our Nation's education woes. Over the last few days, we have heard Democrats lament how Republicans have held up all of the Democratic efforts to provide funding for school construction and to reduce class size.

For these Democrats, more money is a surrogate for the structural reform that American education needs. Structural reform, change—this is what these Democrats fear. Instead, their response to crisis is more money and another federal program.

The last thing that we need is another federal program. Through my work as the Chairman of the Senate Budget Committee Education Task Force, I discovered that there are approximately 552 federal education programs. The Department of Education administers 244 of these programs, and EVEN IF you count only those "providing direct and indirect instructional assistance to students in kindergarten through grade 12," the GAO found that there are still 69 programs.

Among these programs, overlap is pervasive. In my office, we call this chart the "spider web chart." This chart, prepared by the GAO, shows that 23 federal departments and agencies administer multiple federal programs to three targeted groups: teachers, at-risk and delinquent youth, and young children. For early childhood, for example, there are 90 programs in 11 agencies and offices. In fact, one disadvantaged child could be eligible for as many as 13 programs.

In addition, the effectiveness of many of these programs is doubtful or unknown. The GAO has expressed concern that the Department of Education does not know how well new or newly modified programs are being implemented, or to what extent established programs are working. The efficacy of Title I also remains uncertain.

Lastly, it should come as no surprise that so many programs and so much confusion comes at great cost. Critics of the education establishment note that although federal funds make up only 7% of their budgets, they impose 50% of their administrative costs. As one concrete example, Frank Brogan, Florida's Commissioner of Education, has reported that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a sate dollar.

Brogan went on to say:

> We at the State and local level feel the crushing burden cased by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raisin student achievement. Many of these Federal program typify the misguided, one-size-fits-all command and control approach. Most have the requisite focus on inputs like more regulations, increasing budgets, and fixed options and processes. The operative question in evaluating the effectiveness of these programs is usually: How much money have we put into the system?

Cozette Buckney, Chief Education Officer, of the Chicago school system echoed the sentiments of many state and local officials:

> Excessive paperwork is a concern. Too many reports, the time lines for some of the reports, the cost factor involved, the administrative staff just do not warrant that kind of time on task. That is taking from what we need to do to make certain our students are achieving and our teachers are prepared.

Senator WYDEN and I introduced legislation to help with this regulatory tangle and untie the hands of states and localities. Our Ed-Flex expansion bill would expand to 50 states the enormously popular "Ed-Flex" demonstration program that has already been "field-tested" and proven successful in 12 states.

Ed-Flex frees responsible states from the burden of unnecessary, time-consuming Washington regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as the states are making progress toward improving their students' results. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts

temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results. The 12 states that currently participate in Ed-Flex have used this flexibility to allow school districts to innovate and better use federal resources to improve student outcomes.

I would also like to add that educational flexibility should extend beyond teaching techniques, curricula, and the rest of what happens in public school classrooms. It should reach to the management of those schools. One of the most important lessons about the prospective changes in education operations is the realization that decentralized, on-the-spot leadership by principals and other administrators is crucial to the success of a school.

Unfortunately, many of America's school systems are frozen into managerial patterns that reward conformity and discourage independent leadership. American business has had to make structural adaptations to meet the challenge of the world market and international competition. Top-heavy managerial structures have given way to more flexible—and therefore more responsive—ways of engaging the work force in team efforts. The result has been greater productivity and enhanced quality.

That is a good example of the kind of adaptation our schools can make, to free up the enormous resources of talent and commitment both among teachers and in the ranks of administrators at all levels.

Republicans would like to stick with this strategy of untying the hands of states and localities and giving states and local school districts more flexibility. Rather than create another 2 or 3 entitlement programs that are prescriptive and inflexible, we believe that we should allow states to use additional federal monies in whatever manner the state determines the additional money can best be used.

For some states, this may very well be for school construction. For others, it may be for hiring more teachers. But for others, it may be for wiring every school, or for putting more computers in the classroom. Some states may decide that they need the money for teacher training, to improve the teachers that they already have in the classrooms.

The point is—how do we in the federal government know better than those in the states and local communities—and parents—what their students need the most? The answer is that we don't.

Some in Washington argue that by allowing states the flexibility to use federal money in the best way state officials see fit removes accountability from the equation. But to whom are state and local officials more responsive—the sprawling federal bureaucracy or local teachers, parents and residents?

This Congress has actively addressed federal education. We had lengthy and thoughtful debate on a variety of education initiatives during consideration of the Coverdell Education Savings Accounts bill. We passed the Coverdell bill to allow parents to save more of their own money for use in paying educational expenses including, but not limited to, computers, school uniforms, tutors, textbooks or tuition.

The President vetoed the Coverdell bill.

This Congress has passed the Higher Education Amendments and made great strides in improving teacher quality.

Just a few days ago, we passed the Charter School bill to support charter schools which are given more flexibility and freedom from burdensome state and federal regulations. I am encouraged by the success of charter schools in the states that have them, and remain hopeful that when all 50 states have increased flexibility with Ed-Flex, that similar gains may be seen in the regular public schools. If charter schools are successful, we must give our regular public schools the same freedoms and opportunities to improve student achievement that we have given charters.

In closing, my colleagues have heard me many times discuss the poor state of our American education system. In recent international comparisons, we have performed abysmally—scoring in the middle of the pack or at the very bottom depending on the age category and subject tested.

Washington should not, however, rush to address this crisis by creating new programs with new mandates on parents and teachers, schools and localities. The last thing that our schools need is more bureaucracy and federal intrusion. Instead, what Washington should and can do is to free the hands of states and localities and to support local and state education reform efforts. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand.

I applaud the efforts of those on both sides of the aisle who are fighting for education. This is not a partisan issue. Witness my efforts with Senator WYDEN on Ed-Flex—a bill that is also supported by Senators KERREY, FORD, GLENN, and LEVIN on the Democratic side and more than a dozen senators on the Republican side. Most of us here in the Senate are parents and we all want what is best for our children—and all children.

But let's not let extremist Democrats, who are hostage to the old order, paint the Republicans as the Grinches who stole Christmas for America's school children. It is extremist Democrats, with their well-intentioned but completely misguided approach of throwing more money into the federal education abyss and adding more and more programs to the already complex maze of federal education programs, who are short-changing the future of America's students.

The temptation for too many of us is to measure our commitment to education by the size of the federal wallet. But let's not just throw money at our problems. Let's not just create more of the same old tired education programs.

Let's focus on results. Let's give parents and local school boards control of schools, and empower them to chart a course that improves student outcomes. Let's allow States to decide how they can best utilize increased federal resources.

HUMAN RIGHTS IN CHIAPAS

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of S. Con. Res. 128, introduced last week by the Senator from Vermont [Mr. LEAHY]. I believe that this resolution is both timely and important.

This resolution calls on the Secretary of State to take a number of steps to foster improvement in the human rights situation in Mexico and to end the violence in the state of Chiapas. These steps include ensuring that any assistance and exports of equipment to Mexican security forces are used primarily for counter-narcotics and do not contribute to human rights violations, encouraging the Mexican government to disarm paramilitary groups and decrease the military presence in Chiapas, and encouraging the Mexican government and the Zapatista National Liberation Army to establish concrete conditions for negotiations for a peaceful resolution to the conflict in Chiapas.

Mr. President, allow me to just review briefly what is going on in Chiapas today. Just over four years ago, in January 1994, the Zapatista National Liberation Army, an organization of peasant and indigenous peoples seeking political and social changes, launched an uprising by seizing four towns in the Chiapas region of southern Mexico; fighting in the region resulted in nearly 100 deaths. Although the Mexican government initially countered the rebellion by sending troops to the region, issuing arrest warrants for all Zapatista leaders, and creating a new military zone near the site of the Chiapas rebellion, Mexican President Ernesto Zedillo subsequently canceled the arrest warrants, ordered the cessation of all offensive actions against the Zapatista Army, and called for dialogue between Zapatista leaders and the Mexican government. Since August of 1995, the Zapatistas have participated intermittently in peace

negotiations with the Mexican government.

Last December, 45 indigenous peasants in the village of Acteal, Chiapas, were killed by armed men reportedly affiliated with President Zedillo's Institutional Revolutionary Party (PRI). Following this incident, President Zedillo appointed a new Minister of Government and a new peace negotiator for Chiapas, the Governor of Chiapas resigned, and Mexican authorities arrested more than 40 people in connection with this incident, including the mayor of a nearby town.

These incidents renewed calls for peace in Chiapas. The Zapatistas rejected legislation submitted to the Mexican Congress by President Zedillo in March 1998 to promote indigenous rights in Chiapas. President Zedillo visited the region several times in mid-1998 to promote dialogue, but the talks fell apart after the June 1998 resignation of Bishop Ruiz from the mediation commission, and the commission subsequently dissolved. In July 1998, the Zapatistas advanced a proposal for mediation and for a Mexican plebiscite on President Zedillo's indigenous rights legislation.

But, Mr. President, efforts for dialogue between the Mexican government and the Zapatistas have been largely fruitless, and the violence continues. I am deeply troubled by this situation.

I am also deeply troubled by the cool reception that the Mexican government has given to some international human rights observers, including people from my home state of Wisconsin. Many of these individuals have worked tirelessly from the beginning of the Chiapas conflict to help organize humanitarian assistance for the indigenous peoples of the troubled region. Some of these individuals feel that there has been a concerted effort by the Government of Mexico to keep foreigners out of the region in order to limit this kind of humanitarian assistance and to limit the ability of outsiders to monitor and report on the human rights situation there. Many humanitarian workers have been detained for long periods of time and summarily deported from Mexico.

The deficient reception of humanitarian workers in Chiapas casts doubt on the sincerity of the Mexican Government when it says it wants to work with the United States and others to control drug trafficking or to enter into end-use monitoring agreements on the transfer of military equipment.

Mr. President, I believe the United States has an obligation to be an advocate for human rights protections around the world. I am not convinced that the Mexican National Commission on Human Rights (CNDH), which was established in 1990, has done enough to prevent continuing violations by Mexican law enforcement officials and the Mexican military. I believe the United States must make human rights a top priority in our relations with Mexico, and I do not believe Mexico can reach stability without permitting its citizens to exercise their basic rights. In light of the proximity of Mexico to the United States and the myriad ties between our two countries, we have a clear interest in working to ensure that human rights are respected in Mexico.

Again, Mr. President, I am pleased to be a cosponsor of S.Con.Res. 128, which, in my view, will further call attention to the on-going human rights abuses in Chiapas. I hope that the Administration will actively work to put human rights at the very top of our priority list with respect to Mexico, and that the Mexican government will take concrete steps to end the violence in Chiapas and to respect the rights of all Mexican citizens and international visitors.

BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS

Mr. FEINGOLD. Mr. President, I want to bring to the Senate's attention an excellent editorial published by the Washington Post on Wednesday, October 7, 1998 concerning the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

This convention seeks to establish worldwide standards for the criminalization of the bribery of foreign officials to influence or retain business. Just over 20 years ago the Congress passed the Foreign Corrupt Practices Act, or FCPA. This landmark legislation, which I am proud to say was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire, was enacted after it was discovered that some American companies were keeping slush funds for making questionable and/or illegal payments to foreign officials to help land business deals.

For these 20 years, the FCPA has succeeded at curbing U.S. corporate bribery of foreign officials by establishing extensive bookkeeping requirements to ensure transparency and by criminalizing the bribery of foreign officials.

The OECD treaty, which passed the Senate unanimously earlier this year, would bring most of our major trading partners up to the same standards that U.S. companies have been exercising since the FCPA became law.

Mr. President, I consider this treaty, and the implementing legislation, S. 2375, that accompanies it, to be important work of the Congress. However, as the Washington Post noted in its editorial, the House of Representatives has yet to pass this legislation.

As a member of the Senate Committee on Foreign Relations, which had the responsibility to recommend the Senate provide its advice and consent on this treaty, I hope the House will move quickly to pass the implementing legislation prior to adjournment.

Mr. President, I ask unanimous consent that the text of the October 7, 1998, Washington Post editorial be printed in the RECORD at this point.

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

[From the Washington Post, Oct. 7, 1998]

A VOTE AGAINST BRIBES

Its not every day that Congress has an opportunity to pass legislation that has no down side whatsoever, that can only help the United States and U.S. businesses; that fulfills a demand Congress itself made 10 years ago; and that—perhaps rarest of all—has the ardent support of both President Clinton and Sen. Jesse Helms. The House has such an opportunity now, with a bill to implement an international treaty combating bribery overseas. Yet, perhaps not surprisingly, even this universally acclaimed legislation is no longer a sure thing.

More than 20 years ago, Congress passed the Foreign Corrupt Practices Act, which outlawed the paying of bribes by U.S. business executives to win foreign contracts. It was and remains a good law, and by most accounts it has had a beneficial effect on how Americans do business. But it's also put them at a competitive disadvantage to European and other companies that not only aren't prohibited from paying bribes but in many cases can deduct the payoffs from their taxes. The administration estimates that U.S. industry may lost $30 billion worth of contracts each year for its honesty.

The Clinton administration last year negotiated a treaty with other major industrial countries that would essentially extend the Foreign Corrupt Practices Act to all of them. Instead of the United States lowering its standards, long years of diplomacy finally persuaded Europeans to raise theirs. The Senate unanimously ratified the treaty, citing what Sen. Helms called an "urgent need to push—and I use that word advisedly—to push our European allies" to criminalize bribery overseas. Now the House must make U.S. law consistent with the treaty. No one is against this. But the press of business may put the bill in danger.

This may seem less urgent than other matters awaiting congressional action. But corruption is at the root of the financial crisis sweeping the world. Rich countries are good at telling their poor counterparts to behave; here is a change to show that the rich are willing to police themselves, too. For the United States, which has been doing such policing for two decades, this is a no-lose proposition. But if Congress doesn't approve the treaty, Europe and Japan won't either. The House should pocket this win before it's too late.

MEDICAL DEVICE MANUFACTURER YEAR 200 RESPONSE

Mr. GRAMS. Mr. President, about two weeks ago, a list of medical device companies was printed in the CONGRESSIONAL RECORD which indicated they were non-responsive to The Food and Drug Administration's request for Year 200 compliance status.

As Chairman of the Senate Medical Technology Caucus, I believe it is important my colleagues have the latest

on manufacturers which have been responsive to the FDA's request for information on the Year 2000 compliance status of their products Companies were asked by the FDA to indicate in their response the following:

The medical devices marketed and have sold are not Year 2000 vulnerable; medical devices marketed and sold are all year 2000 compliant; the manufacturer is providing specific information regarding those products which are not compliant or their assessment is currently incomplete; or the manufacturer is working on an assessment and will post the results.

Mr. President, there are many sectors of our economy which still need to address the potential for problems in the year 2000, but I am pleased that a vast majority of medical device companies in the United States have responded to the FDA on year 2000 compliance status and deserve to be recognized for having done so.

I would like to mention specifically thirteen companies mistakenly listed in the CONGRESSIONAL RECORD as being unresponsive to the FDA's request. These manufacturers have responded to the FDA's request for Year 2000 compliance status: Apothecary Incorporated, Augustine Medical Incorporated, Braemar Corporation, Dantec Medical Incorporated, Diametrics Medical Incorporated, Keomed Incorporated, Medtronic PS Medical Medtronic Biomedicus, Medtronic Neurological, Prime Ideas Incorporated, Puritan Bennett Corporation, Timm Research Company, and Williams Sound Corporation.

Mr. President, while this list only represents companies based in Minnesota, the FDA has compiled a much larger listing of companies which are or have addressed year 2000 issues on their website located at www.fda.gov.

CAMPAIGN FINANCE REFORM

Mr. LEVIN. Mr. President, the 105th Congress is nearing its conclusion. As we look over the past two years of this Congress, one issue that consumed hours of effort and debate, exposed problems that strike at the heart of our government, and whose ramifications are nothing less than a cancer eating at the body politic, remains unresolved. I'm talking about campaign finance reform.

In January 1997, this Congress launched multiple investigations into events associated with the 1996 federal elections. Dozens of hearings were held, and the Senate Governmental Affairs Committee issued a 9,575 page report. Bipartisan legislation addressing the major issues was introduced and debated on the floor of the Senate and the House. Majorities on both sides of the Capitol voted in support of reform, to strengthen federal election laws. In the Senate, a majority supported the McCain-Feingold bill. In the House, a majority voted for the Shays-Meehan bill. Both bills sought to ban soft money, treat phony issue ads as campaign ads they are, strengthen disclosure, and streamline enforcement. Despite majority support in both Houses, we are ending this Congress without major campaign finance reform.

It is a tragedy. Given the controversy and criticisms following the 1996 elections, the failure to enact meaningful campaign finance reform is unjustifiable, it is inexplicable, and it is wrong.

As many of us have said repeatedly, the problem with the 1996 elections is that the vast majority of the conduct most loudly condemned was not illegal—it was legal. Most involved soft money—the solicitation and spending of undisclosed and unlimited election-related contributions, despite laws now on the books requiring federal campaign contributions to comply with strict limits and be disclosed. Virtually all the foreign contributions so loudly condemned involved soft money. Virtually every offer of access to the White House or the Capitol Building or to the President or the leadership of the Senate or the House involved contributions of soft money.

Opponents of campaign finance reform contend that soft money is not a problem and that the laws on the books do not need reform, but the truth is that legal limits which once had meaning have been virtually swallowed up by the loopholes. The limits on individual, corporate and individual contributions have become a sham. Campaign contribution limits, for all intents and purposes, do not exist.

The law now states, for example, that no one may contribute more than $1,000 per election to a candidate; no one may contribute more than $20,000 per year to a political party; and corporations and unions may not make federal campaign contributions at all except through a PAC. But the soft money loophole makes these limits meaningless. For example, under the current system, a corporation, union or individual can give $1 million to a candidate's party and have that party televise so-called issue ads in that candidate's district during the election, using an ad that is indistinguishable from candidate ads which have to be paid for with regulated funds. That's exactly what is happening. In the 1998 elections, for example, the Republican National Congressional Committee is conducting a $37 million advertising effort dubbed "Operation Breakout" in which the party runs television ads in areas where there are close Congressional races, claiming that the ads discuss issues and are not efforts to elect or defeat the candidates they mention by name. The Democratic Congressional Campaign Committee is spending $7 million on similar issue ads. These multi-million dollar advertising efforts by both parties demonstrate how the loopholes have effectively erased the campaign limits.

Other, more fundamental problems with current law are illustrated by a recent court decision, issued October 9th in the Charlie Trie prosecution, holding that the law as currently worded does not prohibit soft money contributions by foreign nationals.

The plain truth is that the federal election laws now on the books are too often unenforceable. While the Republican leadership rails at the Attorney General for not doing more and threatens her with impeachment for not appointing an independent counsel to investigate the 1996 federal elections, they simultaneously block efforts to clarify and strengthen the very laws that they say they want her to enforce.

The soft money loophole exists, because we in Congress allow it to exist. Foreign involvement in American election campaigns exists, because we in Congress allow it to exist. Phony issue ads exist, because we in Congress allow them to exist. Weak enforcement of campaign laws continues, because we in Congress allow the current loophole-ridden statutes to continue on the books unchanged.

It is long past time to stop pointing fingers at others and take responsibility for our share of the blame for this system. We alone write the laws. Congress alone can close the loopholes and reinvigorate the Federal election laws.

We could have made significant progress during this Congress. The House passed meaningful campaign finance reform. The majority of the Senate voted to do the same, but the Republican leadership brought sufficient pressure to bear so that the chief sponsor of the legislation in the Senate, Senator MCCAIN, withdrew his reform amendment to the Interior appropriations bill. We had 52 votes in favor of his amendment to include the McCain-Feingold legislation in that bill. But rather than allow the majority to prevail, the Republican leadership sank the campaign finance reform effort. And when Senator FEINGOLD announced his intention to offer the same amendment again to force another vote, the leadership chose to pull the Interior bill from the Senate floor. And since the Interior appropriations bill was pulled from the Senate floor in September, there has been no must-pass bill on the Senate floor that supporters could seek to amend to forward the campaign finance reform effort.

Instead the Interior bill, along with a number of other appropriations bills, have been folded into a so-called omnibus appropriations bill. That means that anyone who wants to enact campaign finance reform by amending the omnibus spending bill would be forced to hold up almost all government appropriations—essentially to shut down the government—in order to debate the issue.

The question is whether these strong-arm tactics will prevail. Whether, given the obstacles thrown in the path of campaign finance reform, we give up this fight or whether we continue to press on. Senators MCCAIN and FEINGOLD have said publicly that they will be back in the next Congress to fight for reform. I plan to stand with them. I believe the stakes are nothing less than the integrity of our electoral system.

The time is over for empty rhetoric about the 1996 campaign and the need for stronger enforcement of the campaign laws already on the books. The laws now on the books are too often unenforceable, and everyone knows it. It is time to wipe away the crocodile tears and see clearly what the American people see. Campaign finance reform is long overdue.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, we are now in the closing days of this congressional session. A lot is happening in these final hours. With the clock ticking we almost always knuckle down and get things done. But it has become clear that one thing that this Congress will not do before it adjourns is pass meaningful campaign finance reform.

Today I want to serve notice that this fight is not over. If the people of Wisconsin in their wisdom send me back to this chamber next year, the Senate will hear about campaign finance reform again and vote on campaign finance reform again because our democracy has been made sick by the corrupting influence of big money, and the future of our country is at stake.

And Mr. President, this fight will continue regardless of what I say. Because the fight for campaign finance reform is bigger than any one Senator or any one political party. It is as big as the idea of representative democracy itself, and just as resilient. This is a fight for the soul and the survival of our American democracy. This democracy cannot survive without the confidence of the people in the legislative and the electoral process. The prevalence—no—the dominance—of money in our system of elections and our legislature will in the end cause them to crumble. If we don't take steps to clean up this system it ultimately will consume us along with our finest American ideals.

Mr. President, there has been alot of discussion on this floor in recent weeks about morality. Indeed, we are now engaged in a process, both constitutional and political, that may ultimately lead to an impeachment trial in this historic chamber. Questions of morality are at the center of that process, which has consumed much of the public's and the press's attention over the past several months.

I submit that questions of morality should be central in this body's treatment of the campaign finance issue. Along with millions of other Americans, religious leaders from across a wide spectrum of denominations have urged us to enact reform. They see how this corrupt system is undermining the moral authority of our government. How can we pretend to be following the dictates of conscience, and not politics, as we prepare to judge the President, while simultaneously ignoring this moral crisis in the process by which the people elect their representatives?

There has also been a lot of discussion about high crimes and misdemeanors.

I haven't decided yet whether the President's misbehavior meets that high standard. Many of the American people seem skeptical.

But they do think it's a crime that the tobacco companies can use money to block a bill to curtail teen smoking. They do think it's a crime that insurance companies can use money to block desperately needed health care reform. They do think it's a crime that telecommunication companies use money and can force a bill through Congress that's supposed to increase competition and decrease prices, but leads to cable rates that keep on rising and rising. And they do think it's a crime that corporations and unions are able to give unlimited soft money contributions to the political parties to advance their narrow special interests.

They think it's a crime. And you know what, it should be a crime. But here in Washington it is business as usual—until we manage to pass meaningful campaign finance reform.

Mr. President, it was very disappointing to me that 48 of our colleagues voted against the McCain-Feingold bill a few weeks ago, killing reform for this year. It was especially disappointing that we were unable to break through the filibuster here, after the enormous accomplishment of our colleagues in the other body who passed reform by a lopsided 252–179 margin.

It was especially disappointing that all the votes to kill our bill in the Senate came from one party. Facing the determined opposition of the leadership, reformers in the House succeeded not only in bringing campaign finance reform to the floor but in passing it with a strong bipartisan majority. When we failed to invoke cloture on the McCain-Feingold bill last month, we missed a golden opportunity to together do something positive for the American people on a bipartisan basis.

I emphasized the strong bipartisan vote in the House, Mr. President, because this effort has been a bipartisan effort all along. The senior Senator from Arizona, Senator MCCAIN, and the Senior Senator from Tennessee and Chairman of the Governmental Affairs Committee, Senator THOMPSON, have been in the forefront of this effort from the beginning. Five other distinguished Republican Senators voted for the McCain-Feingold bill. In the House, fully ¼ of the Republican Members voted for the bill. Senator MCCAIN and I recognized a long time ago that a partisan campaign finance bill will never become law. A serious effort to actually do something about this problem, Mr. President, has to be bipartisan.

It is significant, Mr. President, that many of the leaders in this body on campaign finance reform were part of the Governmental Affairs Committee's year long investigation of campaign finance abuses in the 1996 campaign. Not only the Chairman, Senator THOMPSON, but two other highly respected Republican members of the committee, Senator COLLINS and Senator SPECTER, supported the McCain-Feingold bill. And Democratic members such as the Senator GLENN, Senator LEVIN, and Senator DURBIN, have also been very active and outspoken in pushing for reform. These Senators saw—up close and personal—how the excesses of the 1996 campaign stem from problems with the law, particularly the enormous loophole known as soft money.

I want to thank all of them for their hard work on the investigation and on this legislation, and promise them that their work shall not have been in vain. It is unfortunate that the investigation did not lead to legislative correction in this Congress, but the factual record they amassed remains the most powerful and detailed argument for reform, and it will undoubtedly shape our efforts in the future.

There are plenty of scandals in this scandal-obsessed town—but when it comes to campaign finance, the greatest scandal of all is not about laws that were broken. The greatest campaign finance scandal is about the outrageous practices and compromising contributions that are perfectly legal. Yes, those who broke the current campaign finance laws should be punished, but that will hardly begin to solve the problems in this corrupt campaign finance system.

We've heard the horror stories again and again. The parties have special clubs for big givers and offer exclusive meetings and weekend retreats with officeholders to the donors. And it's totally legal.

The tobacco companies have funneled nearly $17 million in soft money to the national political parties in the last decade, $4.4 million in 1997 alone when the whole issue of congressional action on the tobacco settlement was very much alive—and it's totally legal.

In 1996, the gambling industry gave nearly $4 million in soft money to the two major political parties at the same time that Congress was creating a new national commission on gambling, but with limited subpoena powers—and it's totally legal.

The National Republican Congressional Committee is engaged in a $37 million dollar effort called Operation Breakout, funded largely by soft money, to attack Democratic candidates with advertisements that aren't considered election ads and don't even have to be reported to the FEC because they don't use certain "magic words" like Vote For or Vote Against—and it's totally legal.

And we're even starting to extort money from our own colleagues. It was recently reported that Republican leaders actually threatened to deprive their own Members of appropriations subcommittee chairmanships if they didn't cough up up to $100,000 for the Operation Breakout plan. And it's totally legal.

There are some in this body, of course, despite what the Thompson investigation uncovered and what news stories show on almost a daily basis, who don't see or won't acknowledge the corrupting influence of these unlimited soft money contributions, which are now totally legal. In our most recent debate, the junior Senator from Utah gave us a history lesson intended to convince us that we should not fear enormous campaign contributions. He recounted the frequently told story of how Sen. Eugene McCarthy's Presidential campaign in 1968 was jump-started by some very large contributions by some very wealthy individuals.

He also noted that Steve Forbes was apparently prepared to make similarly enormous contributions to support Jack Kemp in a run for the Presidency in 1996, but was prohibited from doing so by the federal election laws and so decided to run his own campaign, a decision from which we might infer that the money is more important than the candidate. And he recounted as well the story of Mr. Arthur Hyatt, a wealthy businessman who gave large soft money contributions to the Democratic Party in 1996, but decided after that election not to give soft money to the parties anymore, and instead to fund an advocacy group that is promoting public financing of elections.

The point of these examples was supposed to be that wealthy donors are motivated by ideology and the desire to benefit the public as they see it rather than by the desire to gain access and influence with policy makers through their contributions. And I suppose that is sometimes the case. Of course, there is also the well known story of Roger Tamraz, who testified under oath to our Governmental Affairs Committee that he never even votes, and the only reason that he gave soft money to the DNC was to gain access to officials he thought could help him with his business. I mean no disrespect to the Senator from Utah and the civic-minded millionaires he cites, but Mr. Tamraz, I suspect, is more typical in his motives, if not his methods, of big contributors.

I'm not cynical, Mr. President. There is a reason that I hold that suspicion. And the reason is that the vast majority of soft money contributions to our political parties are coming from corporate interests. And it simply cannot be argued that these interests are acting out of public spiritedness or ideological conviction. Corporations do not have an ideology, they have business interests. They have a bottom line to defend, and they have learned over the years that making contributions to the major political parties in this country is a very good investment in their bottom line. Campaign money buys access, and access pays off at the bottom line.

Corporate interests are special interests. Special interests have self-interested motives. They are concerned with profits, not what is best for other citizens or consumers or the country as a whole. They like to cast their arguments in terms of the public interest, and they certainly will argue that if the Congress follows their advice on legislation the public will be better off, but in the end it is their own businesses that they care about, not the public good. Indeed, the boards of directors and management of corporations have a legal duty to act in the best interests of their shareholders, not the public at large.

And I have no problem with that, and no illusions about it either. It's OK with me that the corporate special interests are looking out for number one in the public debate, but I object when their deep pockets give them deep influence that ordinary Americans don't have.

Take the tobacco companies. They oppose increasing the taxes paid by consumers of their products, they promote putting caps on the damages that smokers and their families can be awarded in personal injury or wrongful death actions, but they oppose ending government subsidies for tobacco farmers. In each case, they say they are supporting the public interest, but in the end they are protecting their own bottom line. And they have invested heavily in this Congress, and in our political parties, millions upon millions of dollars to protect their bottom line.

These are the folks who raised their right hands and swore that tobacco was not addictive. These are the companies that concealed crucial studies on the dangers of their product for years. These are the people who spent millions on a misleading advertising campaign to kill the most important public health initiative that the Congress considered this year because it threatened their economic health. I'm not willing to rely on them to look out for the public interest, particularly when the voices of opposing views can hardly be heard because they don't have a lot of money.

Most soft money donors are using their contributions like Roger Tamraz and the tobacco companies do. That is borne out by a recent study by Common Cause of the major soft money donors so far in this election cycle. The political parties have already raised over $116 million in soft money in this cycle, the most ever in a non-presidential cycle and more than twice the amount given in a similar 18 month period in the 1993–94 cycle.

As is always the case, corporations with business before the Congress, not disinterested, public-spirited millionaires, and certainly not ordinary citizens, are leading the way in soft money giving in this cycle. Securities and investment companies and their executives have given $8.5 million, the insurance industry has given $7.3 million, the telecommunications industry $6.1 million, the real estate industry $5.9 million, the pharmaceutical industry $4 million, and the tobacco industry $3.9 million. All of these amounts are at least double and in some cases triple the amount given in 1993–94.

And one very interesting set of contributors shows that access, not ideology, is the main reason for soft money donations. Fifty-seven donors in the first 18 months of this cycle gave more than $75,000 to both parties. 15 companies, including Philip Morris, AT&T, Walt Disney Co., MCI, Bell South Corporation, Atlantic Richfield and Archer Daniels Midland gave more than $150,000 to both parties.

Now I suppose there might be some in those companies, or even in this body, who will argue that all of these "double-givers" just really want to help the political process. That they are motivated not by their bottom line but by a deep desire to assist the parties in serving the public. But if that is the case, why is that in every Congress since I have been here the industries most seriously affected by our work pony up to give huge contributions to us and to the political parties?

In 1993–94 it was the health care debate. Hospitals, insurance companies, drug companies, and doctors all opened their wallets in an unprecedented way. Then in 1995 and 1996, the Telecommunications Act was under consideration and lo and behold the local and long distance companies and the cable companies stepped up their giving. Now in this Congress, we've been working on bankruptcy reform and financial services modernization, and the biggest givers of all in this cycle according to Common Cause's research report are securities and investment companies, insurance companies, and banks and lenders, eager to have their business interests protected or expanded. What's going on here? I submit that it's not a spontaneous burst of civic virtue. And if we don't finish work on these bills this year, you can bet that the money will be there for us in the Congress as

well—it has been suggested that sometimes the very members of Congress who most want a big bill to pass will slow its progress to keep the checks coming in and the money flowing that much longer.

Mr. President, not surprisingly, there's also a powerful new player in the soft money game in this Congress—the computer and electronics industry. According to Common Cause, these companies have given the parties nearly $2.7 million so far, more than twice as much as they gave four years ago. And why is that, Mr. President? Could it have anything to do with the ongoing antitrust investigations and the possibility of congressional action in connection with those investigations? Or is it that the industry suddenly became more public spirited than it was in the past?

Mr. President, the American people are not gullible or naive. They know that these companies contribute these enormous sums to the parties because their bottom line is affected by what the Congress does and they want to make sure the Congress will listen to them when they want to make their case. And they know that the big contributors get results.

And frankly, Mr. President, it's a two way street. The parties are hitting up these donors because they know that most companies, unlike Monsanto and General Motors who announced early in 1997 that they would no longer make soft money donations—most companies don't have the courage to say no. Most companies are worried that if they don't ante up, their lobbyists won't get in the door. Our current campaign finance laws encourage old fashioned shakedowns, as long as they are done discreetly.

Faced with this kind of evidence, it is beyond me how any Senator could support this soft money system. We simply must pass comprehensive reform, including a ban on soft money at the beginning of the next Congress, and we must make that ban effective immediately to prevent the presidential election in the Year 2000 from being contaminated with this corrosive and corruptive force. The consequences of failing to make these reforms will be devastating to the confidence of average citizens in the fairness and impartiality of the legislative process and the actions of a future Chief Executive.

Let me be clear Mr. President, I'm not suggesting that any individual Member of Congress is corrupt. I don't know that any Member of this body has ever traded a vote for a contribution. But while Members are not corrupt, the system is riddled with corruption. It is only human to help those who have helped you get elected or reelected, to agree to the meeting, to take the phone call, to allow the opportunity to be persuaded by those who have given money. It is true of the parties, and it is true of the Members, even those who seek always to cast their votes on the merits. The result is that people who don't have money don't get heard.

So we don't need to point fingers at one another, we just have to rise above politics and do the right thing by the American people. We must clean up our own house, Mr. President. We cannot continue to ignore the corruption in our midst, the cancer that is eating the heart out of the great American compact of trust and faith between the people and their elected representatives.

We know that unlimited soft money contributions make a mockery of our election laws and threatens the fairness of the legislative process. We know that phony issue ads paid for with unlimited corporate and union funds undermine the ability of citizens to understand who is bankrolling the candidates and why. We can find bipartisan solutions to these problems that protect legitimate First Amendment rights if we are willing to put partisan political advantage aside and sit down and work it out.

Senator MCCAIN and I are ready—we have been ready ever since we introduced our bill—to make changes to our bill that will bring new supporters on board and get us past the 60 vote threshold that the Senate rules have placed in our way, so long as we stay true to the goal of a cleaner, fairer, system in which money will no longer dominate.

I look forward to continuing this work next year Mr. President. And I am confident that we will succeed. Again, I want to thank Senator MCCAIN and all the Republicans who joined our bill this year. And of course, Senator DASCHLE and all the Democratic Senators who have so steadfastly supported bipartisan reform in this Congress.

Mr. President, most important legislative accomplishments take more than one Congress to enact. Rome was not built in a day, and campaign finance reform obviously could not be enacted in a year. But I believe that early in the next Congress there will be a real chance to deal with the campaign finance issue in a bipartisan fashion to make the election in the Year 2000 cleaner and fairer than the one we just had or the one we are about to have. The American people deserve that as we enter a new century, and here is a promise: I will never, ever, give up this fight until we give it to them.

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, as the 105th Congress draws to a close, I rise to express my disappointment over something we did not do. The Senate, despite strong support from both sides of the aisle, has not brought the nomination of James C. Hormel to serve as U.S. Ambassador to Luxembourg to the floor, has not had a debate on the nomination, and has not had a vote on it.

This failure is really quite incomprehensible.

The President nominated James Hormel for this post on October 6, 1997. After a thorough review by the Senate Foreign Relations Committee, the committee approved the nomination by a vote of 16–2 and reported it to the full Senate with the recommendation that it be confirmed. And yet here it is, October 14, 1998, in the final hours of this Congress, and the nomination has not budged from the Executive Calendar.

Mr. Hormel is eminently qualified for the job of U.S. Ambassador to Luxembourg. He has had a diverse and distinguished career as a lawyer, businessman, educator, and philanthropist, and he gained diplomatic experience as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995 and as a member of the U.S. delegation to the 51st U.N. General Assembly in 1997. He was even confirmed unanimously by this very Senate for the latter post on May 23, 1997.

He has been an upstanding civic leader in San Francisco, and he has been honored for his work by organizations too numerous to mention. He is a man who is kind to all he meets, generous beyond measure, and deeply committed to making the world and his community a better place to live for all people. He is a devoted father of five grown children, and grandfather of 13. Anyone who knows him, as I have been privileged to do for over two decades, knows that he is a man of decency and honor, and the type of person who should be encouraged to be in public service.

So this is the situation we face: we have a nominee with outstanding talents and credentials; he was previously confirmed by this Senate for another post; he was approved by the Foreign Relations Committee by a 16–2 vote nearly a year ago; and over 60 Senators support bringing his nomination to a vote. And yet, we have never had the opportunity to vote on it.

Why? Because several Senators on the other side of the aisle have placed holds on the nomination, preventing a debate and a vote they knew they would lose. And the Majority Leader has refused to call up the nomination, effectively allowing the passage of time to kill it.

Why has Mr. Hormel been denied the Constitutionally delineated due process of a Senate debate and vote? The answer is simple: Mr. Hormel is gay. With no other reasonable grounds to block this nomination, one can come to no other conclusion than that some Senators are simply opposed to a gay man serving our country as a U.S. Ambassador. I believe the Senate does not want to allow this type of discrimination to prevail, and I think the vast

majority of my colleagues agree. But so far, it appears that discrimination has prevailed.

I believe the majority of Americans agree with this position as well. To cite just one measure, newspaper editorials have appeared in support of Mr. Hormel's nomination across the country, including in the: Albany Times Union, Albuquerque Journal, Arkansas Democrat-Gazette, Atlanta Journal & Constitution, Boston Globe, Charleston (W.Va.) Gazette, Chicago Tribune, Cincinnati Post, Cleveland Plain Dealer, Detroit Free Press, Evansville Courier, Fort Worth Star-Telegram, Hartford Courant, Houston Chronicle, Los Angeles Times, Louisville (Ky.) Courier-Journal, Minneapolis-St. Paul Star-Tribune, Newark (N.J.) Star-Ledger, New Orleans Times Picayune, New York Daily News, New York Times, Peoria Journal-Star, Philadelphia Inquirer, Pittsburgh Post-Gazette, Portland Press Herald, Providence Journal, Riverside (Ca.) Press-Enterprise, Rocky Mountain News, San Diego Union-Tribune, San Francisco Chronicle, San Francisco Examiner, Santa Rosa (Ca.) Press Democrat, Seattle Post-Intelligencer, Springfield (Ill.) Journal-Register, St. Louis Post-Dispatch, St. Petersburg Times, Syracuse Post-Standard, Tulsa World, Washington Post, and York (Pa.) Daily Record.

Many of these newspapers have also run op-ed columns which call for a vote on the nomination, as have the: Arizona Republic, Buffalo News, Columbus Dispatch, Dallas Morning News, Denver Post, Des Moines Register, Detroit News, Fort Lauderdale Sun-Sentinel, Greensboro News & Record, Madison Capital Times, Memphis Commercial Appeal, Northern New Jersey Record, Raleigh News & Observer, Salt Lake City Tribune, and USA Today.

I deeply regret that the Senate has not been permitted to have its say on this eminently qualified nominee solely because he is gay. But the Senate's failure to act need not prevent Mr. Hormel from assuming his post. In a case such as this, where the Senate has so clearly failed to fulfill its Constitutional obligation with respect to a nomination, even though a clear majority of the Senate supports that nomination, I believe it is entirely appropriate for the President to use his Constitutional authority to make a recess appointment.

Luxembourg is a NATO ally, and we need an ambassador there. Mr. Hormel has every qualification necessary to be an outstanding ambassador, and he would have been overwhelmingly confirmed if the Senate had been allowed to vote. But we were not. I, therefore, urge President Clinton, after Congress adjourns, to make a recess appointment of James Hormel to be U.S. Ambassador to Luxembourg. It is the right thing to do, and it will give the country the benefit of the service of James Hormel, which the Senate has failed to do.

Mr. President, because the Senate has not had the opportunity to debate this nomination, I ask unanimous consent to place in the RECORD some of the materials I would have used in the course of that debate, including some of the notable editorials, op-ed pieces, and letters of support that have come to my attention.

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

[From the Los Angeles Times, July 22, 1998]

GAME'S NOT OVER FOR HORMEL

Even though this hasn't been a notably busy or productive year for the U.S. Senate, Majority Leader Trent Lott has decided that there simply is no time available to vote on the nomination of James Hormel as ambassador to Luxembourg. Never mind that Hormel's confirmation has been pending since last fall, that hearings on his fitness have long since been completed or that Lott early on declared his unshakable belief that Hormel should not represent his country abroad because he is a homosexual. The excuse du jour is that the Senate calendar is too crowded to permit a confirmation vote. So Lott and a handful of others of like mind will have denied the Senate its constitutional responsibility to advise and consent to this nomination.

That's not the end of the story, however. The Constitution also empowers the president to fill vacancies when Congress is in recess. Congress is rushing toward recess now, its members eager to campaign for the November elections. Once it has adjourned, President Clinton can name Hormel to the Luxembourg post. He is qualified, he is acceptable to the host government and his sexual orientation is utterly irrelevant.

That's the way most senators feel, as Lott well knows. Had the Senate leader allowed a floor vote, Hormel would easily have been confirmed. Instead Lott used his powers to prevent a vote, meanwhile taking to the airwaves to give his opinion that homosexuality is a treatable condition, as he put it, like alcoholism or kleptomania. In other words, anyone who makes the effort can surmount it. That notion may play well in some circles. It hardly elevates the reputation of the Senate.

In a few weeks the Senate will recess. There's no reason why Hormel shouldn't be presenting his credentials in Luxembourg not long after.

[From the Atlanta Constitution, July 2, 1998]

SENATE DISCRIMINATES AGAINST GAYS

When gay Americans have sought protection against being fired from jobs or being denied employment solely because of their sexual orientation, they have been slapped with the charge that they are seeking "special rights."

The implication of the term, "special rights," has been that gay Americans don't really need job protection, that they seek some sort of exalted legal status above and beyond that enjoyed by other Americans. That doesn't make much sense to gay Americans, for whom job discrimination is very real, but it has nonetheless become the standard line for politicians in rejecting gay-rights legislation.

The example of businessman James Hormel has exposed the hypocrisy of that argument. President Clinton has nominated Hormel to be U.S. ambassador to Luxembourg, a largely honorary role that requires confirmation by the U.S. Senate. But a vote on Hormel's nomination has been blocked by a small minority of U.S. senators for one very obvious and silly reason: He is gay, and they don't like gay people.

It's a situation rich in irony. Most of those opposing Hormel have no doubt cited the "special rights" argument in the past, denying that gay Americans need protection. Now here they are, in a very public setting, committing a form of discrimination that supposedly does not exist.

For that reason, the Hormel nomination already has served a great public benefit. It has stripped away the code phrases and the weasel words that certain politicians have used to communicate their message of hate to one crowd while maintaining the pretense of tolerance for others. It has ripped away the mask exposing the hate that has always hidden behind that term "special rights."

Here is a good man, a person of great accomplishment and civic contributions, denied the chance to represent his country simply because he is gay. And the wellspring of that bias and hate, the agency denying him a job because of his sexual orientation, is the U.S. Senate.

That is shameful.

No American should be denied the opportunity to contribute to his country, or more fundamentally, to simply earn a living, because of his sexual nature. If the right to earn a living and contribute to one's country is a "special right," it is a special right that must be available to all Americans.

[From the Philadelphia Inquirer, June 23, 1998]

HOLD THAT HOMOPHOBIA

Maybe Don Nickles, the second-ranking Republican in the Senate, thinks he's Don Rickles, the insult-comedian? That might explain his screed Sunday against a gay businessman nominated to be an ambassador.

Alas, Mr. Nickles and other die-hard opponents of sending James Hormel to Luxembourg are slinging their insults in dead earnest.

They say it's not simply that this would-be diplomat is gay; it's that he's out of the closet. Mr. Hormel, a wealthy San Franciscan, has given tons of money to various causes and institutions, including Swarthmore College. But his foes fulminate about his donations to "a gay and lesbian center" at San Francisco's main library.

"One might have that lifestyle," said Mr. Nickles, "but if one promotes it as acceptable behavior . . . I don't think they [sic] should be representative of this country."

Never mind that Mr. Hormel's public service includes stints at the U.N. Human Rights Commission and General Assembly.

Never mind that his nomination has been endorsed by Republicans such as former Secretary of State George Shulz and Senate Judiciary Committee Chairman Orrin Hatch.

Never mind that his defenders, including the executive director of the American Library Association, argue that libraries ought to include a breadth of materials.

For months now, his nomination has been in limbo because a few senators invoke their informal power to put an indefinite "hold" on it. If homophobes want to oppose Mr. Hormel, even though Luxembourg has expressed its approval, let 'em. But his future should be decided by the full Senate, not X'd out by a tiny minority.

[From the New York Times, June 22, 1998]

LET THEM VOTE ON MR. HORMEL

James Hormel, President Clinton's nominee to be ambassador to Luxembourg, is opposed by a small group of Republican senators who are looking smaller all the time. It is not Mr. Hormel's credentials that are in question. An heir to the Hormel Meat-packing fortune, a former dean of the University of Chicago Law School, he has given leadership and money to causes that range from the San Francisco Symphony to Swarthmore College and the Human Rights Campaign, the main political lobby for homosexual rights.

Mr. Hormel is gay, but that is not an issue in Luxembourg. As Alphonse Berns, Luxembourg's Ambassador to the United States, said on Friday, "We would welcome Mr. Hormel." But for months, Senators James Inhofe of Oklahoma, Tim Hutchinson of Arkansas and Robert Smith of New Hampshire have been blocking a vote on the nomination, making dark suggestions about Mr. Hormel's gay-rights "agenda," as if he might somehow seek to lead the moral standards of Luxembourg array.

Discrimination against people on the basis of their sexual orientation is outlawed in Luxembourg and in all the other countries in the European Union. It is illegal in San Francisco, where Mr. Hormel lives, and in Washington—except in such place as Congress, where the Republican leadership has made a fetish of it lately.

Last week, Trent Lott, the Senate majority leader, who has refused to bring the Hormel nomination up for a vote, said in a television interview that he thought homosexuality was a sin. He likened it to alcoholism, kleptornania and "sex addiction." The next day, Dick Armey, the House majority leader, said he thought it was a sin too, and cited some Bible scripture to the effect that neither fornicators, nor adulterers, "nor effeminate, nor abusers of themselves with mankind" shall inherit the kingdom of God.

Finally, in a letter to Mr. Lott made public on Thursday, Senator Alfonse D'Amato of new York broke the silence of his fellow Republicans to say that it was wrong to block Hormel's nomination simply because he is gay. "I am embarrassed," he said. Senator Dianne Feinstein of California has said she believes more than 60 senators support Mr. Hormel. Mr. Lott should let the nomination go to the floor, so Mr. Hormel. can be judged on his merit.

[From the Washington Post, May 12, 1998]

QUALIFIED TO SERVE

Senate Majority Leader Trent Lott, refuses to let the Senate vote on President Clinton's nominee to be ambassador to Luxembourg. Four of Mr. Lott's fellow Republicans have objected to would-be ambassador James Hormel because, they say, of his support for gay rights. But many other Clinton appointees have shared Mr. Hormel's views on that matter. The real problem seems to be that Mr. Hormel is himself openly gay.

Mr. Hormel, 65, is a longtime supporter of the Democratic Party, and you could certainly make a case that more career diplomats and fewer political contributors should get ambassadorial posts. But as political nominations go, Mr. Hormel is, according to wide bipartisan consensus, unusually well qualified. A lawyer and businessman from San Francisco, Mr. Hormel has been a longtime and effective supporter of many charitable causes. George Shultz, former secretary of state, says Mr. Hormel "would be a wonderful representative for our country."

The senators who object—Tim Hutchinson of Arkansas, James Inhofe of Oklahoma, Robert Smith of New Hampshire and a fourth who remains anonymous—say they fear he would use his ambassadorship to advance a gay rights agenda. How that might come about in Luxembourg is hard to see; in any case, Mr. Hormel has made clear that he would use his post to promote U.S. policy, and U.S. policy only.

Mr. Hormel's nomination sailed through the Senate Foreign Relations Committee last fall. Now he deserves a vote in the full Senate. Those senators who don't believe a gay person should represent the United States overseas would be able to vote no. Those who believe the United States should welcome to public service its most qualified citizens regardless of race, religion, gender, ethnic background or sexual orientation, would be able to vote yes. We believe a majority of the Senate inclines toward the latter view. As Republican Sen. Orrin Hatch said in support of Mr. Hormel's nomination, "I just don't believe in prejudice against any individual, regardless."

[From the Arkansas Democrat-Gazette]

STRANGE DIPLOMACY—SENATOR HUTCHINSON, MEET MR. HORMEL

Any day now Tim Hutchinson is to meet with James Hormel. Mr. Hutchinson, you may have noticed, is the junior senator from Arkansas, and Mr. Hormel is the ambassador-designate to Luxembourg whose appointment Senator Hutchinson has been holding up.

We thought better of Tim Hutchinson. It's one thing to block an ambassadorial nomination when policy is the issue. That's what Jesse Helms did when William Weld, then governor of Massachusetts, was nominated as ambassador to Mexico. The irrepressible senator from North Carolina reasoned that the drug trade was going to be a major issue between the United States and Mexico, and that made Mr. Weld's position on legalizing marijuana fair game.

But now Senator Hutchinson has put ahold on the nomination of James Hormel—scion of the Spam-making family—as ambassador to Luxembourg. The senator says he's concerned about the "activism" of Mr. Hormel in pushing rights for homosexuals.

Funny, we don't remember homosexuality being a major issue between the United States and Luxembourg. Nor does Luxembourg seem to offer much of a platform for espousing any political agenda. Luxembourg is by all accounts a lovely country about the size of Rhode Island, and one not likely to be confused with a great power.

Tim Hutchinson says he plans to find out more for himself about the nominee's background. When he does he'll learn that James Hormel has many qualifications as representative of this country.

* * * * *

Not only all that, but James Hormel already has a diplomatic background of sorts: He was a delegate to the United Nations Human Rights Commission's meeting in Geneva in 1995, and he was an alternate in this country's delegation to the UN General Assembly this year.

That last position required confirmation by the Senate. Mr. Hormel's "activism" wasn't an issue for Senator Hutchinson when that vote came up.

When it comes down to it and ambassadorship to a small friendly country requires little more than an ability to throw good parties. What's our junior senator worried about—that James Hormel will serve Spam at diplomatic receptions? That he'll re-decorate the ambassador's residence in lavender? Come On, senator. Wake up and grow up.

Senators have more realistic problems to worry about. Or should have Senator Hutchinson's objections to Mr. Hormel are enough to make that clunky, over-worked word Homophobis all too relevant.

Orrin Hatch, the senator from Utah, said it plain when he urged his colleagues to lift Tim Hutchinson's embarrassing hold on this nomination. "We ought to vote on him," Senator Hatch said of the nominee, "and I personally believe he would pass and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual and, frankly, we have far too much of that." to quote Orrin Hatch. "I get tired of that kind of stuff." So do we.

[From the Washington Post, July 7, 1998]

A VOTE FOR HORMEL

(By James K. Glassman)

Luxembourg is a nation of 400,000 souls in the middle of Europe. It's smaller than Jacksonville, Fla., but it's the focus of a big controversy in Washington. Back in October, President Clinton picked James C. Hormel of San Francisco, an investor and philanthropist, to be U.S. ambassador to Luxembourg. The next month, he was approved by the Senate Foreign Relations Committee, 16–2. But it is unlikely that the "Spam heir," as the local newspapers call him, will ever become our envoy to the Grand Duchy.

Trent Lott, the Senate Majority Leader, refuses to put the matter to a vote. Hormel is gay, and Lott considers homosexuality a sin. In an interview on "The Armstrong Williams Show," Lott elaborated: "You should still love that person. You should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that problem, just like alcohol . . . or sex addiction . . . or kleptomaniacs."

Kleptomaniacs! The Hormel nomination has brought anti-gay sentiment among GOP leaders out of the closet—and it is an ugly sight. Recent comments by Lott, Foreign Relations Chairman Jesse Helms ("it's sickening") and Senate Whip Don Nickles ("immoral behavior") may appear unenlightened and ignorant, but politicians, like the rest of us, are entitled to their bigotries.

Through their actions as lawmakers, however, politicians should not be entitled to impose such bigotries—or religious or moral convictions, if you prefer—about matters of personal behavior on the rest of us.

In general, while Americans don't approve of homosexuality, they are very tolerant of it—and getting more so. For example, 52 percent of respondents to a Gallup poll last year said homosexuality was "not an acceptable alternative lifestyle"—a figure essentially unchanged from 1982. But 84 percent (up from 59 percent 16 years ago) said homosexuals "should have equal rights in terms of job opportunities." Gallup says that "solid majorities" favor gays as elementary school teachers (up from 27 percent in 1977) and clergy (up from 36 percent).

What's truly disturbing about the Hormel affair is that it shows how conservatives, who claim to favor a smaller, less intrusive government, can't resist using it to impose their own moral views on the public.

Frederich von Hayek, the Nobel Prize-winning economist and a patron saint to many conservatives, identified this propensity in a famous essay in 1960. "In general," he wrote, "it can probably be said that the conservative does not object to coercion or arbitrary

power so long as it is used for what he regards as right purposes. . . . Like the socialist, he regards himself as entitled to force the values he holds on other people."

At a conference on homosexuality at Georgetown University, Bill Kristol, a conservative intellectual leader and editor of the Weekly Standard, complained about "a denial of the public's right to uphold moral standards." But he, too, misses the key distinction: No one is denying the right of individuals and groups to campaign against immorality as they see it. But public officials, in the discharge of their duties are something else. Judgments about truly personal behavior are not their province.

Some of Hormel's foes claim they are against him not because he's gay but because he's a vigorous proselytizer for gay causes. "He has promoted that lifestyle and promoted it in a big way, in a way that is very offensive," said Nickles.

But this is a meaningless distinction. Gays are denied jobs because of their sexual orientation. Why shouldn't Hormel campaign to change that situation? Lott and Nickles sound like a couple of 1950s southern segregationists: "It's not that we're against nigras. It's that we're against them marching for their so-called rights."

One reason the American system works so well is that, in Hayek's words, "we agree to tolerate much that we dislike." It's that agreement "that makes it possible to build a peaceful society with a minimum of force."

When we abandon tolerance, the trouble begins. It's bad enough on college campuses, where rules against "offensive speech" are used to stifle ideas unpopular to the left and, of course, to hypersensitive gays. But when it comes to government, which wields the power to tax and imprison, tolerance is an absolute necessity.

As far as our international relations are concerned, it makes no difference at all whether Hormel becomes an ambassador. As far as the preservation of our freedoms and proper role of our government are concerned, it makes a big difference indeed.

SAN FRANCISCO, CA, *February 6, 1998.*

Senator TRENT LOTT,
U.S. Capitol,
Washington, DC.

DEAR TRENT: We are writing on behalf of James Hormel, a candidate for the post of Ambassador to Luxembourg. We know him as a highly regarded individual in the City of San Francisco. His community service and philanthropy are extraordinary. He gives time and personal effort as well as resources to improve the quality of life in our community.

We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible

Sincerely,

CHARLOTTE M. SHULTZ.
GEORGE P. SHULTZ.

D'AMATO URGES MAJORITY LEADER LOTT TO SCHEDULE VOTE ON NOMINATION OF JAMES HORMEL

WASHINGTON—U.S. Senator Alfonse M. D'Amato (R–NY) today called on Senate Majority Leader Trent Lott (R–MS) to permit an up or down vote on the nomination of James Hormel to serve as U.S. Ambassador to Luxembourg. Text of Senator D'Amato's letter follows:

DEAR MAJORITY LEADER: I urge you to permit an up or down vote on the nomination of Mr. James Hormel to serve as United States Ambassador to Luxembourg. I support proceeding to a vote for three basic reasons.

First, Mr. Hormel is a highly qualified nominee. His academic, business, and community service credentials are outstanding and are easily equal to or greater than those of most ambassadorial nominees. I know of no statements or actions by Mr. Hormel that make him unfit to represent our country in this diplomatic post. Furthermore, he clearly understands that his own personal philosophies, whatever they may be, are not to influence his ambassadorial duties. He is completely committed to representing the policies of the United States government.

Second, simple fairness demands that the Senate be allowed to vote on Mr. Hormel's nomination. The Foreign Relations Committee overwhelmingly approved the nomination, and a majority of Senators are on record supporting the nomination. Opponents of the nominee should certainly have their voices heard, but so too should supporters. And Mr. Hormel should also be given the chance to defend himself. This can only happen if the Senate is permitted to vote.

Third, and most fundamentally, I fear that Mr. Hormel's nomination is being obstructed for one reason, and one reason only, the fact that he is gay. In this day and age, when people ably serve our country in so many capacities without regard to sexual orientation, for the United States Senate to deny an appointment on that basis is simply wrong. What's more, on a personal level, I am embarrassed that our Republican Party, the Party of Lincoln, is seen to be the force behind this injustice.

I know that you join me in standing for the proposition that all people should be judged on their ability to do the job. By that sole standard, Mr. Hormel is well qualified to be Ambassador to Luxembourg. I urge you to permit a Senate vote on the nomination, and to join me in opposing those who would deny Mr. Hormel this position because of his sexual orientation.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

CATHOLIC CHARITIES,
San Francisco, CA, July 22, 1998.

Hon. TRENT LOTT,
U.S. Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: Please accept this letter in my capacity as the Chief Executive Officer of Catholic Charities of the Archdiocese of San Francisco and the immediate past President of Catholic Charities of California. It has been alleged that James Hormel, President Clinton's nominee to be Ambassador to Luxembourg, is anti-Catholic and anti-religious. I know the characterizations of Mr. Hormel are not true. I know personally that Mr. Hormel vigorously opposes discrimination in all forms including that of religion.

I urge you to allow Mr. Hormel's nomination to come before the full Senate for he would be an excellent representative for the United States to the predominantly Catholic country of Luxembourg.

Sincerely,

FRANK C. HUDSON,
Chief Executive Officer.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. MURKOWSKI. I rise to speak in support of the passage of H.R. 2000, a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, and I hope it will be sent on its way to the President for his signature.

A measure similar to H.R. 2000 was passed by the Senate Energy and Natural Resources Committee on September 24, of last year. S. 967 contained the majority of the provisions in H.R. 2000.

One of the most important provisions in H.R. 2000 is section 6 which implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by P.L. 102–172, would provide for the United States to acquire more than 200,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The Refuge serves as an important habitat and as a breeding and nesting ground for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange.

Mr. President, it is past time to move forward with this exchange.

Another section of this bill I wanted to comment on is a provision that was not included in the technical amendments I introduced but that was added in the House.

Section 12 of this bill expressly authorizes and confirms the original intent of ANCSA in 1971: that ANCSA corporations could provide health, education and welfare benefits for Alaska Natives, including those persons who were their shareholders.

This provision is necessary because one recent Alaska Supreme Court case has concluded that an ANCSA corporation had liability to its shareholders

under Alaska state law for a cash payment benefits program. The program at issue in that case was limited to the persons reached a certain age. Given the narrowness of this program, it was not consistent with the intent of ANCSA. Section 12 of this bill is not intended to alter the result in that case, or otherwise, with regard to that specific benefit program.

However, in reaching its decision under Alaska state law, the court used language which suggests that any ANCSA corporate benefits program which does not provide equal pro rata benefits to all shareholders simultaneously is invalid. Such a conclusion goes too far and is inconsistent with the intent behind ANCSA.

Thus, section 12 of this bill is intended to make clear that in evaluating the legality of health, education and welfare programs maintained by ANCSA corporations, federal law (ANCSA) is to preempt Alaska state law. Such programs have been established in good faith to provide health, education and/or welfare benefits for the ANCSA corporations' shareholders or their family members.

To be valid under ANCSA, it is not necessary that benefits be provided on an equal pro rata basis simultaneously to all shareholders, or even that the program recipients be shareholders as long as they are family members of shareholders.

Examples of the type of programs authorized include: scholarships, cultural activities, shareholder employment opportunities and related financial assistance, funeral benefits, meals for the elderly and other elders benefits including cash payments, and medical programs.

I believe these programs represent an important part of the ANCSA corporations, and I hope they will continue long into the future.

REVISION OF RECORD CONCERNING AMENDMENT NO. 3812

Mr. HATCH. Mr. President, prior to the passage of H.R. 3494 by the Senate and House, Title 18 of the United States Code, Section 2252 and 2252A permitted prosecution for possession of child pornography only when it could be alleged that an individual possessed three or more pictures or images of child pornography. When the original Senate substitute to H.R. 3494 was reported out of the Judiciary Committee, no agreement had been reached on amending the federal child pornography laws to prohibit the possession of even one picture or image of child pornography.

Thanks to the diligent efforts of Senators LEAHY, DEWINE, and SESSIONS, we were able to reach agreement on that issue. The final bill makes it clear that the United States has "Zero Tolerance" for the possession of any child pornography. Unfortunately, Senators LEAHY, DEWINE, and SESSIONS were inadvertently omitted from the list of cosponsors of Senate amendment 3812 to H.R. 3494, which incorporated that agreement. The RECORD should be corrected to reflect their work on, and cosponsorship of, this important amendment.

MISPRINT OF THE STATEMENT OF MANAGERS OF S. 1260

Mr. SARBANES. Mr. President, I rise to address a question to the chairman of the Banking Committee, Senator D'AMATO: it is my understanding that the joint explanatory statement of the committee of conference on S. 1260, as printed by the Government Printing Office in Report 105–803, and as it appeared in the CONGRESSIONAL RECORD for Friday, October 9, 1998, contained an error and was incomplete. Is that the Senator's understanding?

Mr. D'AMATO. Yes, my colleague from Maryland, the ranking Democrat on the Banking Committee is correct. Due to a clerical error, the joint explanatory statement of the committee of conference on S. 1260, was printed without the final page. This page contained some essential explanatory information regarding the 1995 Securities Litigation Reform Act regarding scienter standards. Unfortunately, this same clerical error occurred in the version of the report language that appeared in the House RECORD at H10270. The official version of the joint explanatory statement was filed in the Senate on October 9th and did contain the page that was omitted by the GPO and the CONGRESSIONAL RECORD for October 9th.

In order to clarify this situation, I ask for unanimous consent that the text of the explanatory statement be reprinted in its entirety.

Mr. SARBANES. Is it the further understanding of the Chairman of the Banking Committee that page 26011 of the CONGRESSIONAL RECORD for October 13, 1998 contains a printing error?

Mr. D'AMATO. The Senator from Maryland is correct. The Joint Explanatory Statement of the committee of conference begins on page 26010 of the CONGRESSIONAL RECORD for October 13, 1998 and concludes on page 26011 where the names of the House and Senate Managers appear. The material on page 26011 that follows the names of the Managers, although printed in the same typeface, is not part of the Joint Explanatory Statement. It does not represent the views of the Managers.

Mr. SARBANES. So the correct version of the Joint Explanatory Statement is that which will appear in today's Senate RECORD?

Mr. D'AMATO. The Senator is correct.

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

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title I of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless "strike" suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a "covered security" (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

"Class actions" that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called "mass actions," in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of "class action" for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the "Reform Act") and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

[1] Public Law 104–290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104–67 (December 22, 1995).

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a "substition effect" whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court "potentially the most significant development in securities litigation" since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its peculiar litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must "state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind." The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder,[10] the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston,[11] where it stated, "We have explicitly left open the question of whether recklessness satisfies the scienter requirement."

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

[4] Grundfest, Joseph A. & Perino, Michael A., Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995*, U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities" "Oversight Hearing on the Private Securities Litigation Reform Act of 1995," Serial No. 105–182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO DANA TASCHNER

• Mr. REID. Mr. President, I rise today to call attention to the outstanding achievements of a Nevadan who has dedicated himself to helping individuals who often lack the means to help themselves. Dana Taschner has achieved national recognition as a champion for victims of domestic violence and civil rights abuses. He is a 38 year-old lawyer from Reno who chooses cases that are relatively small-scale, but representative of many of the problems facing Americans. Time and again, Mr. Taschner has had the courage and initiative to take on cases that more prominent firms are hesitant to handle for political or monetary reasons. Dana Taschner truly brings honor to his profession.

Mr. Taschner's devotion to fighting oppression recently earned him the American Bar Association's Lawyer of the Year award. He was chosen from a pool of approximately 245,000 other lawyers in North America, competing with litigators with much higher profiles and greater wealth. In 1993, Mr. Taschner took on the Los Angeles Police Department and succeeded in forcing them to change their policy regarding police officers who commit domestic violence. In this case, he represented 3 orphans whose father, an L.A. police officer, murdered their mother and then took his own life. Taschner was able to overcome his own painful childhood memories of domestic abuse and secure the orphans a settlement. He argued that the department should not have returned the officer's gun after he had beaten his wife and threatened to kill her. He also forced the department to treat these matters as criminal cases, rather than internal affairs.

In this era of cynicism and self-promotion, I believe we must take steps to encourage and reward sincerity. Dana Taschner's unwavering dedication to his clients can be seen in his personal relationships with them, relationships that often outlive the outcome of the case. As an attorney myself, I have seen firsthand how much our country needs people in my field who care enough about their clients to commit themselves personally, as well as professionally. Many litigators find it much easier to take the cases that bring financial gain, rather than attempting to help the true victims of injustice.

I am proud that his colleagues have lavished accolades upon Mr. Taschner, but I believe it is a much greater sign of his success that his clients put their faith in him. Dana Taschner, whose integrity and selfless devotion to fairness truly embody our American justice system, is a role model for us all.•

THE HEALTHCARE QUALITY ENHANCEMENT ACT

Mr. FRIST. Mr. President, I rise today to express my continued support for S. 2208, the Healthcare Quality Enhancement Act, which seeks to reform and improve the Agency for Healthcare Policy and Research (AHCPR).

Studies show that health care quality is dictated more by where you live than by scientific evidence or what is the best practice in medicine. Today, we have more biomedical research results than ever before, yet we are falling short in our success to disseminate our findings and to influence practice behavior. In 1843, Dr. Holmes published his famous article on hand washing for the prevention of puerperal fever in the

New England Quarterly Journal of Medicine and Surgery. While it is an accepted and expected practice today, it took several decades before his recommendation became a universally accepted practice.

The landmark Early Treatment Diabetic Retinopathy Study was published in 1985. Then, three years later, the American Diabetes Association published its eye care guidelines for patients with diabetes. Unfortunately, however, today the national rates for annual diabetic eye exam is still only 38.4 percent. Clearly, the practical application of scientifically sound diabetic eye care recommendations has not fared much better than the highly beneficial and very important hand washing theory. While there are more scientific discoveries than ever before, the practical introduction of these new scientific discoveries does not appear to be much faster today than it was more than 100 years ago.

Through S. 2208, I am seeking to close the gap between what we know and what we do in health care. The expired statute of AHCPR represented an outdated approach to health care quality improvement. S. 2208 would establish the Agency for Healthcare Quality Research (AHQR), whose mission is the overall improvement in health care quality.

Built upon the current AHCPR, the Agency for Healthcare Quality Research is refocused and enhanced to become both the hub and driving force of federal efforts to improve quality of health care in all practice environments. The Agency will assist, not burden physicians in four specific ways. First, it will aggressively support state-of-the-art information systems for health care quality. Improved computer systems will advance quality scoring and facilitate quality-based decision making in patient care. Next, it will support research in areas of primary care delivery, priority populations and access in under served areas. The Agency's authority is expanded to support health care improvement in all types of office practice—both solo practitioners and managed care. In addition, it will promote data collection that makes sense. Physicians want information on quality to enable them to compare their outcomes with their peers. Statistically accurate, sample-based national surveys based on existing structures will efficiently provide reliable and affordable data. And finally, the Agency will promote quality by sharing information with doctors, not the federal government. While proven medical advances are made daily, patients wait too long to benefit from these discoveries. We must get the science to the people who use it—physicians.

I would like to point out that S. 2208 does not create a new bureaucracy, nor does it expand the federal government. Rather, it refocuses an existing agency, the AHCPR, on a research mission that can better serve the health and health care of all Americans. The reauthorization of the AHCPR and the creation of the Agency for Healthcare Quality Research enjoys broad-based support. By taking leadership in supporting research on health care quality improvement, eight Senators, including myself, are co-sponsoring this bill. They are Senators COLLINS, FAIRCLOTH, JEFFORDS, INOUYE, MACK, BREAUX, and LIEBERMAN. In addition, S. 2208 was later incorporated in another bill which received co-sponsorship from 49 Senators. Also, I am pleased to report that 44 leading organizations, consisting of health care professionals, patient advocates, major health care organizations and health services researchers, have also lent their support for this measure.

Americans want and deserve better health care. For this compelling reason, I will reintroduce S. 2208 in the 106th Congress. I urge my colleagues to support health care quality improvement and to refocus the federal government's role in this vitally important area of research.

NOMINATION OF JEFFREY S. MERRIFIELD

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of Mr. Jeff Merrifield to the position of U.S. Nuclear Regulatory Commissioner.

Mr. Merrifield was born in Westerly, Rhode Island and spent most of his childhood in Antrim, New Hampshire. In 1985, Jeff graduated Magna Cum Laude with his B.A. from Tufts University. In 1986, he joined Senator Gordon Humphrey's staff and handled energy and environmental issues. I first came to the Senate in 1990 and I was fortunate that Jeff was one of several staffers who carried over from Senator Humphrey's staff to mine.

While working for Senator Humphrey and me, Jeff put himself through Georgetown Law School. He graduated in 1992 after which he began work for the Washington D.C. based law firm of McKenna and Cuneo. There, he practiced environmental and government contracts law until 1995. I was very pleased to have Jeff returned to my staff in 1995 to be my counsel for the Senate Subcommittee on Superfund, Waste Control and Risk Assessment. He was the lead staffer in developing my Superfund reauthorization legislation.

During his time with the Senate, Jeff has been involved with all aspects of solid and hazardous waste disposal and cleanup regulation. He took part in a number of bills including the Price Anderson reauthorization, the Oil Pollution Control Act, the Clean Air Act reauthorization, efforts to reauthorize both Superfund and RCRA, and the Intermodal Surface Transportation Act (ISTEA I).

In addition to his duties on the Committee, Jeff has also been extensively involved in assisting me on the Armed Services Subcommittee on Strategic Forces, which I chair. He has provided me with valuable oversight of hazardous and radiological waste programs at DOD and DOE facilities.

Jeff's philosophy as Commissioner will be that the NRC cannot take a solitary role in maintaining full public confidence in the safety of nuclear power. He has said that the nuclear industry must also assume equal responsibility for taking the steps necessary to maintain the trust of the American public.

Mr. President, Jeff has done a great job for me over the years. Although I'm sorry to lose him from my staff, I'm confident that he will provide the NRC with the talents necessary to ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. Jeff is a bright, dedicated and articulate individual who will serve the nation with distinction. I strongly recommend him for the position of U.S. Nuclear Regulatory Commissioner and urge my colleagues to do the same. Thank you, Mr. President.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. FRIST. Mr. President, I rise to address the Senate today on the passage of the Health Professions Education Partnerships Act of 1998. This bill reauthorizes the programs funded through Titles VII and VIII of the Public Health Service Act. These programs are intended to increase access to primary care and to improve the distribution of members of the health professions—physicians, dentists, pharmacists, nurses, and others—to underserved areas. For many years, this legislation has helped our nation's schools of health serve the needs of their communities better and prepare the health care practitioners of the future. This bill provides a comprehensive and flexible authority to support training programs for health professions and related community-based educational partnerships. It will improve the quality, diversity, and distribution of the work force.

The Senate has worked diligently on this effort for the past four years. Reauthorization has been a priority since the authority expired for Title VII programs in 1995 and for Title VIII programs in 1994. In 1995, Senators Kassebaum, KENNEDY, and I introduced S. 555 to take the 44 programs involved and consolidate them into six groups or clusters. Performance outcomes and improved data collection were added.

This approach was used to streamline the granting process, and to allow the Department of Health and Human Services greater flexibility to leverage areas of development; and to align with community workforce needs. It also provided flexibility for strategic planning of the workforce supply, and insured that a greater percentage of program dollars would go directly to grantees versus federal administration.

After this bill, S. 555, passed in the Senate but failed to pass in the House during the 104th Congress, I identified areas of disagreement and developed ways to address these obstacles. At a hearing in April 1997, I had the opportunity to listen to concerned groups and outline possibilities for compromise. My staff has worked very hard to maintain a high level of input from constituency groups. We worked with the Congressional Hispanic Caucus to address their concerns. We worked to ensure that this bill lived up to the goal of increasing the number of underrepresented minorities in the health professions. We are very pleased that the Congressional Hispanic Caucus supports S. 1754.

This bill enjoys broad support in the medical and public health community. The bill is supported by a broad range of professional societies for physicians, nurses, pharmacists, psychologists, dentists, and others.

S. 1754 establishes a program with the flexibility to respond to changes in the workforce. Flexibility is built into the bill over time. As funding lines change, the Secretary's authority to move funds across program lines increases. This revision will allow programs to address the constantly changing health care needs of communities and respond to the changes in the health care delivery system.

Since so much of the Act's flexibility is based on the discretion of the Secretary, we have added advisory councils to ensure that the view points of those providing medical services are considered. This will generate confidence among the grantees and encourage collaboration between agency officers and the programs they manage. In addition, these councils will report back to Congress to ensure oversight of these programs.

However, flexibility alone will not result in successful targeting of resources. As noted by the Government Accounting Office in testimony to the Senate Labor Subcommittee on Public Health and Safety in April 1997, federal efforts should be based on performance measures and achievement of goals. The Secretary of Health and Human Services will ensure that there is an annual evaluation of programs and projects funded through this legislation.

It was very important to maintain the distinct and separate funding for nurse education—Title VIII, the "Nursing Education and Practice Improvement Act of 1998." We wanted to increase the flexibility of the Department of Health and Human Services to target funding and to respond to the nursing workforce needs of a rapidly changing health care system. S. 1754 strengthens the role of the National Advisory Council on Nursing Education and Practice. We rewrote the duties of the Council so that it not only provides advice and recommendations to the Secretary and the Congress but also to report its findings and recommendations annually. In addition, S. 1754 specifies that the Council include representatives of advanced practice nursing groups, including nurse practitioners.

The bill specifically states that authorized nurse practitioner programs have as their objective the education of nurses who will provide primary health care. For advanced practice nurse traineeships, the Secretary shall give special consideration to those programs that agree to train advanced practice nurses who will practice in health professional shortage areas. The amendment proposed and passed by the House further clarifies how funding for training for nurse midwives, nurse practitioners, and nurse midwives will be allocated. The Department of Health and Human Services, in consultation with individuals in the field of nursing, will develop a methodology, based on data, to allocate training funds. The data for this methodology will include the need for and distribution of services among underserved populations and health professional shortage areas, and the percentage of the population that are minorities, elderly, or below the poverty level. The methodology will be in place by fiscal year 2003. Until the methodology is developed, the funding for nurse practitioners, nurse midwives, and nurse anesthetists will be "held harmless". The House amendment also clarifies the use of the definition of an advanced practice nurse in S. 1754.

Mr. President, this bill creates new partnerships and supports existing ones. It represents the best example of team work among interest groups, agencies and legislators. Through the goals of improving the distribution and quality of health professions in underserved areas and of simplifying the administration of existing programs, this bill fosters change. The Health Professions Education Partnerships Act of 1998 will help underserved areas meet their future health care needs.

Mr. President, I am proud of our work. I would like to take this opportunity to specifically thank, Senators KENNEDY, JEFFORDS, and BINGAMAN, and all their staffs for their efforts to work with us on this bill. I would also like to thank the interest groups which gave so generously of their time and support to help us address the issues involved. Mr. President, I especially thank Dr. Mary Moseley, Dr. Carol Pertowski, Dr. Debra Nichols, and Sue Ramthun of my staff for their dedication and hard work toward the reauthorization of these programs.

THE WOMEN'S BUSINESS NETWORK

Mr. CAMPBELL. Mr. President. I take this opportunity to call my colleagues' attention to the role of women owned businesses in our economy, and particularly in Colorado. The Business Women's Network (BWN), which is a network of 1200 women's associations working in concert to expand all women's inclusion in business development, is helping towards that end. Tonight, the BWN will be hosting an event to honor its members and the many structures which serve the development of women's business.

Colorado enterprises which embody well-developed and successful business ventures include: the Colorado Women's Business Office, which represents more than 75,000 women and 50,000 girls; the Denver Women's Business Network; the Casa Career Development and Business Center for Women; the Southern Colorado Women's Chamber of Commerce; the University of Colorado Women's Resource Center; the Women Owner, Managers and Executive Network of Colorado Springs; the Women's Foundation of Colorado; the Women's Library Association in Denver, and many others. Colorado's success in identifying and nurturing a strong base of women owned businesses provides a model for other states seeking to conquer the spectrum of needs and obstacles that confront women entrepreneurs.

National recognition is in order. Last year, the women-owned businesses in the Denver metro area had the highest regional growth rate in the country, at 57%. Both employment and sales increased four-fold. The translation for Coloradans is easy. As a state, we enjoy more than 77,600 women-owned businesses that provide jobs for almost 208,000 people, to the tune of $23 billion in annual sales.

The Business Women's Network is important because it profiles all women's groups, both nationally and globally, in salute of their achievements. Today, I wish to single out for special honor the solid foothold women's business has in Colorado's unparalleled economy. I also want to encourage the continued efforts of BWN—the strong presence of women in our world economy cannot be emphasized enough.

WHITE RIVER JUNCTION VA CENTER—60 YEARS OF EXCELLENCE

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Department of Veterans Affairs (VA) Hospital and

Regional Office Center of White River Junction, Vermont. October 16 marks this facility's sixtieth anniversary. For six decades it has provided compassionate, high-quality service to Vermont and New Hampshire Veterans.

On October 16, 1938, an elaborate dedication ceremony was held in White River Junction at the newly completed VA hospital. The next day, the first patient was admitted. In an unusual move, the regional VA office relocated its offices from Burlington to the White River Junction location to better serve veterans in processing their claims for benefits. The facility gradually grew over the years. By the end of World War II, 26 "Quonset" huts had to be erected to provide space for the rapidly expanding veterans programs, increasing the hospital's capacity to 250 beds.

In 1946, the VA hospital entered into an agreement with Dartmouth Medical School to become a teaching hospital, an arrangement that continues and thrives today. Recognizing the importance of research programs, in 1954, the VA, in partnership with Dartmouth Medical School, launched a medical research initiative. The research function was significantly expanded in 1992 with the completion of a research and education facility that enabled the hospital to perform medical and health services research, rehabilitation and cooperative studies. In addition to these critical fields of study, this facility is helping veterans make more informed choices about their medical treatment through cutting edge outcomes research.

From 1971 through 1981, several construction projects were undertaken to modernize and expand the hospital. In 1989, the VA began its venture of providing community-based outreach centers (CBOCs) to meet veterans' primary care needs in locations closer to their homes. A outreach clinic was opened in Burlington, and based on the success of this project, a community clinic was opened in Bennington earlier this year.

The White River Junction VA center has also done an exemplary job of meeting more than just the veterans' health care needs. Vermont veterans are also very fortunate to have, under the same roof, a very capable group of people to assist them with their benefit needs. The staff is small but mighty when its comes to their advocacy for veterans and I greatly appreciate the assistance they have provided Vermont veterans, for more than half a century, as well as to my office for the past 20 years.

In closing, Mr. President, I want to publicly thank all of the unsung heroes associated with this tremendous facility. They know who they are—the director of this facility, Gary DeGasta; the dedicated staff at the hospital and regional office; the Veterans Service Organizations who donate so much time and money to help provide for veterans; and, of course, the veterans, who for 60 years have supported the mission of this fine facility with their continuous patronage.

To my friends at the VA in White River Junction—Happy Anniversary. May you have many more.

IN SUPPORT OF SUBSTITUTE TO H.R. 3433

Mr. GRASSLEY. Mr. President, I rise today in support of the amendment in the form of a substitute to H.R. 3433.

Many people with disabilities who have been out of the workforce are eager to return to work. However, because of the risks of losing cash benefits and health insurance provided through the Social Security Disability Insurance program and the Supplemental Security Income program many beneficiaries are discouraged from entering or re-entering the workforce. The intent of these programs was never to demoralize or dishearten Americans who are ready, willing and able to work. We must look at ways to overcome this attitude.

Thanks to the disability reform proposal developed by Senator JEFFORDS and Senator KENNEDY many of the barriers facing people with disabilities will be addressed. Several provisions in the Jeffords-Kennedy substitute to H.R. 3433 tackle the problems of loss of cash benefits and health insurance which can prevent beneficiaries from being able to support themselves once they begin working. The substitute legislation would provide working individuals with disabilities access to additional services under the Medicaid program, such as personal assistance and prescription drugs. These services are vital to many people on SSDI and SSI. Furthermore, this proposal would provide improved access to rehabilitation opportunities for beneficiaries of both the SSI and SSDI programs.

The most encouraging parts of this proposal are those that eliminate work disincentives and facilitate self-sufficiency among those with disabilities. This legislation prohibits using work activity as the only basis for triggering a continuing disability review. Moreover, the proposal put forth by my colleagues, Senator JEFFORDS and Senator KENNEDY, would expedite the process of eligibility determinations of individuals who have been on disability insurance but who lost it because they were working. Also, the Jeffords-Kennedy substitute creates incentives for both disabled beneficiaries and providers of vocational rehabilitation to secure jobs for those who want to work. It is my hope that this will eliminate shuffling these people from vocational rehabilitation programs to state programs without them being able to make any real progress.

Finally, I want to say how glad I am to see that a component of the Jeffords-Kennedy substitute includes a proposal to ensure that local prisoners will not receive Social Security Disability Insurance benefits. I sponsored legislation in the beginning of the 105th Congress to prevent this needless waste of taxpayer dollars by closing a loophole in the law. Criminals should not be allowed to "double dip" and receive Federal money earmarked for the purchase of food and clothing while they are part of a prison system which provides these necessities already. This proposal would protect the financial soundness of the Social Security Disability Insurance program for the people it is meant to assist.

The work Senator JEFFORDS and Senator KENNEDY have put forth on this bill characterizes the bipartisanship necessary to pass the proposal into law. I am glad to lend my support to the Senate substitute legislation to H.R. 3433. I look forward to passage of this legislation.

ADDRESSING READINESS ISSUES

Mr. WELLSTONE. Mr. President, I rise in opposition to proposed increases in military spending contained in the supplemental appropriations provisions for FY 1999, and to comment on even larger anticipated proposals for increases in the military budget for fiscal year 2000 and beyond that will be the subject of ongoing debate in Washington in the coming months.

I have always been a strong supporter of our men and women in uniform, and I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. But certain Republican proponents of increased defense spending here in Washington are trying to use an alleged "readiness crisis" to get $1 billion or more additional funding included in the omnibus appropriations bill to be considered before adjournment. And this is just the first step. Some Pentagon officials, and Republican defense hawks here in Congress, are reportedly already pressing the Administration to increase next year's budget request by up to $15 billion, and by an estimated $50–75 billion over the next five years. These numbers are in addition to the grossly wasteful and unnecessary military spending of recent years, much of which was over and above what the Pentagon itself had requested from Congress to complete its mission.

These large increases are unjustified. Yes, I recognize that to a certain extent there are problems with readiness. There are shortages of spare parts in some areas, for example. It is reportedly difficult to retain pilots and other key personnel; certain of our armed forces, especially enlisted personnel,

are suffering a declining quality of life. But if we look carefully at the military budget we can see that these readiness problems are not caused by inadequate military budgets, but rather by a wasteful and irresponsible, often politically-motivated misallocation of existing defense dollars to military programs and projects in states of key members of Congress. This is the crux of the matter. There is more than sufficient funding in the current budget to fix these problems if priorities are reassessed and money is redirected from wasteful and obsolete weapons programs to crucial readiness measures.

We continue to pour billions into Cold War era weapons programs that are essentially massive pork projects for the states and districts of various members of Congress. Congress has also contributed to the readiness problems by refusing to close military bases which the Pentagon acknowledges are unneeded and obsolete, and has pressed to have closed. The Chairman of the Joint Chiefs, and his colleagues on the Joint Staff, testified to this recently before the Armed Services Committee—they effectively said if you want us to fix these problems, then stop ramming down our throats weapons systems, ships and planes that we don't need, don't want, and haven't requested—and start closing down antiquated or outdated military bases that we can no longer afford to maintain, for which there is no reasonable purpose.

Mr. President, as I've said, I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. But let's make sure we carefully identify the threats we face and tailor our defense spending to meet them. Let's not continue to maintain military spending based on the needs of the Cold War.

Mr. President, we do not need to spend more on the military. We only need to spend what we have already allocated more intelligently and more honestly. We do not need to give more money to an already bloated Pentagon for wasteful pork projects when we have so many urgent problems in this country that need attention. We need to focus on adequate funding for the hundreds of domestic programs that protect the vulnerable; protect our lakes and streams; provide health care for the vulnerable elderly; and create expanded opportunities for the broad middle class, such as student loans and job retraining.

The real "readiness" crisis, Mr. President, is not in the military budget but in the readiness of the Congress to give up its attachment to wasteful pork projects, and in the readiness of Pentagon officials to make the hard choices about what programs are really necessary for the restructured military force we need to face the challenges of the 21st century. I expect that an omnibus bill will pass, and that some additional defense spending will be included in it for Bosnia and other needs. But I hope my colleagues will keep these concerns in mind as the defense spending debate moves forward next year.

I intend to press forward my efforts here in the Senate to make sure we more responsibly balance our defense and domestic priorities, by scaling back wasteful defense spending, and reallocating existing military funds to address our readiness problems, so that we can invest more in the skills and intellect and character of our children; in basic health care for all; in decent education, affordable housing and jobs that can sustain families.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. FEINGOLD. Mr. President, in these last few days of the 105th Congress, when I come to the floor, I often look wistfully to the aisle just to my left here, where DALE BUMPERS has trod up and down yanking the microphone cord and dispensing wisdom for just about twenty-four years now. The other day he gave his last speech here, and it was brilliant—an eloquent and moving reminder of the best purposes of politics. But now I want to look back and pay tribute to my friend DALE BUMPERS for what he has done and what he has been for me, for the Senate, for his beloved Arkansas and for our country.

DALE BUMPERS was born in Charleston, Arkansas in 1925, and it's from that little town he first drew the values he has eloquently proclaimed on this floor for two and a half decades. In a small town in western Arkansas during the Depression, young DALE BUMPERS learned about human suffering and deprivation, learned to believe that it could be defeated and came to understand, on his father's knee, that the government could be a force for good in that struggle. He saw typhoid in his hometown and saw a New Deal program put an end to it. He saw rural electrification light the countryside, projects that made the water cleaner, the roads safer, he saw the WPA and he saw the tenacity, and the ingenuity and the sense of community of the American people. One day as a boy he went to the nearby town of Booneville and saw Franklin Roosevelt himself, and he heard his father tell him that politics is an honorable profession—he took all that to heart and we are all the richer for it. He sometimes says, as his father did, "When we die, we're going to Franklin Roosevelt."

In 1943, DALE BUMPERS joined the Marines. He shipped out to the Pacific and he expected to be a part of the invasion force that would hit the beaches of Japan. He did not expect to survive it. The invasion never came, but that experience made a profound impression on him. When I hear him speak about the Constitution, our Founding Fathers and the flag on this floor it is plain how that wartime experience helped him comprehend the true stakes of the constitutional debate, how it informed his notions of patriotism and his sense of what America means. When he returned from the service he got a first-rate education at the University of Arkansas and Northwestern University Law School, all paid for, he is quick to point out, by Uncle Sam under the GI bill. He has been returning the favor to the American people ever since.

DALE BUMPERS started his career as a country lawyer in Charleston, a very successful one by all reports, and he got a reputation around Arkansas, even if he was, as he says, "the entire membership of the South Franklin County Bar Association." As time went by, his practice grew, he took over his father's hardware store, he taught Sunday School and sang in the church choir and he and his wonderful wife Betty started a family. But he wasn't feeling complacent.

There are a lot of great DALE BUMPERS stories many people don't know. In the days following the *Brown* v. *Board of Education* decision, tension was building in the South as school integration looked more and more inevitable. By 1957, we had the Little Rock Crisis, but there was one town in Arkansas that had already integrated by then, without any great trouble. It was the first in Arkansas, maybe the first in the entire south. It was Charleston, Arkansas, where DALE BUMPERS was a young lawyer, representing the school board. He saw what was coming and he knew what was right. He did a little research and he found out how much the district was spending to bus its black students to Fort Smith. He made his case to the school board about the right course, working those numbers into the argument. The board then voted to do what he had advised them to do—integrate the schools. It was not long after that he helped to integrate his church—the pastor of the local black Methodist church approached the all white congregation of his Methodist church, seeking help to repair a leaky roof. Why spend all that money and have two churches, why not just join our two churches together, said DALE BUMPERS, and it was done. Those are two quiet little pieces of history that tell us plenty about the principles and the persuasive powers of DALE BUMPERS.

Well, after a while, school board politics were getting to him, so DALE decided he would like to be the Governor of Arkansas. So off he went, eighth out of eight in the early primary polls, to do battle with Orval Faubus and other

established politicians. His critics said he had "nothing but a smile and a shoeshine." But then the people of Arkansas heard what he had to say. He beat everybody but Faubus in the primary, beat Faubus in the runoff and then he beat Winthrop Rockefeller. Arkansas had never seen a governor like DALE BUMPERS. He reformed everything from education to heath care and gained the lasting affection of the people while doing it.

After four years as Governor, he decided he wanted to go to the Senate. All that stood in his way was J. William Fulbright, an institution in his own right. But BUMPERS won, and he came to the Senate. As we have seen, this chamber is the place where he always belonged.

When I came to the Senate, I had heard of Senator BUMPERS' intelligence, his quick wit, his impatience with wasteful spending, his vigorous defense of the environment and his role as a relentless guardian of our Constitution. When it comes to amending the Constitution. DALE BUMPERS always says, "I'm a founding member of the 'Wait Just a Minute' club." That is a great line, but it tells of a Senator who has risked defeat, has felt real contempt from those who disagree, all because he would not stand for the political use of the Constitution. He gave a great speech once called "The Trivialization of the Constitution" in which he made the case that we must never casually fiddle with our Constitution for political gain or to deal with transitory policy issues. His work to defend the Constitution and inject sobriety into the constitutional debate, all by itself, qualifies him as a great patriot and senator. Let the record reflect that I too am a member of the "Wait Just a Minute" club.

DALE BUMPERS' leadership in cutting wasteful spending and his fiscal foresight are unsurpassed. In 1981, when Ronald Reagan was calling the shots in the budget debate, DALE BUMPERS was one of only three Senators to oppose Reagan's tax cuts and support the spending cuts. If their position had prevailed, the budget would have been balanced in 1984. That was fourteen years ago. Now there's a fiscal role model.

Senator BUMPERS went after what we now call "corporate welfare" years before the term was coined, and years before others were willing to focus on the problem of government waste. From the international space station to the 1872 Mining Law, Senator BUMPERS has been resolute in his pursuit of excesses in the federal budget. He has gone after sacred cows and hidden pork, and faced strong opposition from both sides of the aisle. But he has continued his work, tirelessly and often thanklessly, because he knows he is doing what is right for the American people. I have often felt great pride standing with DALE BUMPERS on an amendment, even when we knew we would lose, because when he made a stand, his allies knew they were doing the right thing.

His campaign against government waste is matched only by his efforts to protect the environment as Chairman and Ranking Member of the Energy and Natural Resources Committee. Senator BUMPERS has been an outstanding leader on the committee, and has exhibited a conservation ethic unparalleled in the U.S. Senate. DALE BUMPERS was the first Senator to sound the alarm about the ozone layer and the danger of ozone-depleting gases, long before most of us had ever heard of them. And he always remembered his father's hardware store—there never was a more relentless defender of small business in the Senate.

I have been honored to work with him on a number of conservation efforts, including public land reform and nuclear energy issues, and I know the Senate will miss his leadership in that area. His work to reform the 1872 mining law is the issue where his environmental stewardship and his determination to cut wasteful spending have gone hand-in-hand. I have been proud to join him in this fight, because it's a crucially important one, an "outrage," as he calls it, that wouldn't be under scrutiny today if it weren't for the work of Senator BUMPERS. And I am confident, Senator BUMPERS, that your view will prevail on the mining law soon enough, because you are right and everybody knows you're right.

Everybody thinks of DALE BUMPERS first and foremost as an orator, a story teller, a raconteur and a dispenser of folk wisdom. He is common sense with a silver tongue and a sense of history. So let me finish my remarks with a tribute to his oratorical style. DALE BUMPERS often decried the idea that we could eliminate the deficit by cutting taxes and raising spending, he said "That reminds me of the combination taxidermist/veterinarian in my hometown. His slogan was 'Either way you get your dog back.'" When he saw a flaw in his opponent's argument he jumped on it like a duck on a junebug. He might declare. "His argument is as thin as spit on a rock!" Why is he such a masterful debater? Because he can explain the complex in a simple way, and expose the truth in uncomplicated language, without demagoguery or distortion. As he would say, "You gotta throw the corn where the hogs can get at it." He hated deficit spending, and when he saw a budget full of red ink, he said, "Well, you pass that and you'll create deficits big enough to choke a mule. That's just eating the seed corn!"

Being in this body, and having the honor of serving with DALE BUMPERS, has given me an invaluable chance to get to know a remarkable man, and to understand what his legacy in this body will mean for generations to come. The greatest thing he has taught me is not to fear the tough votes. Time and again, from the Panama Canal to the flag amendment, he has cast the hard votes. Time and again, he has gone home to Arkansas and made his case, explaining his votes to the people. He didn't always persuade them all, but he convinced them that his were votes of principle—and the poeple's confidence in his integrity has sustained him in the affection of even those Arkansans who disagreed.

DALE BUMPERS has plenty to be proud of, but he has always remembered who he is and where he came from. He mixed it up with the best of them during debate, but never with rancor. He is quick to point out the work of other Senators and his staff when things are accomplished. The other day he stood on this floor and thanked his grade school teacher, Miss Doll, for encouraging him more than sixty years ago! He never fails to credit all his success to his remarkable wife Betty, who has achieved so much in promoting peace and the health of children. He speaks always of his family as the wellspring of his values and the source of his priorities.

So now he leaves the Senate having enriched this country and this institution in a thousand ways. His wisdom and courage and his persistent voice will echo long into the future. To every member of the Senate, on both sides of the aisle, DALE BUMPERS is an admired friend and colleague. To those of us who share his principles and have learned from his leadership, he is nothing less than a hero. He is one of the great ones—and you don't need to be all broke out in brilliance to know that. Thank you DALE BUMPERS and good luck! I yield the floor.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. SESSIONS. Mr. President, six years seems too short a time for a man of DIRK KEMPTHORNE's character to serve in the United States Senate. In the two years that I have been privileged to work with the Senator from Idaho, I have been impressed by both his considerable integrity and also his unwavering dedication to the citizens of Idaho and to his fellow countrymen. When I reflect upon Senator KEMPTHORNE's tenure in the Senate, I will remember the traits that made him such a successful legislator. I will especially remember the thoughtful approach the the Senator used when addressing the pressing issues of the day. When Senator KEMPTHORNE chose a course of action, every Senator could be certain that his decisions were guided by careful deliberation, broad consultation, and sincere prayer. Now, Senator KEMPTHORNE has decided to return to his people of Idaho, offering to sere their interests closer to home.

Selfishly, I and others will miss his quiet strength, his leadership in a pinch, his good judgment, and his deep faith. It has enriched all who have had the privilege of serving with him and, I must say, it has been a special source of strength to me. DIRK not only talks the talk, he walks the walk. His concern is for the least among us and his insights are superior. Whether he is in a small group meeting, a committee hearing, a leadership conference, a Bible study, or on the floor of the United States Senate, DIRK KEMPTHORNE always reveals himself to be a man of integrity. This is so because he is one solid whole. He does not compartmentalize. What you see is what you get, from the surface to the center.

DIRK has called us to higher things than mere public policy. He wants our government to make us better, not just richer and more powerful. His service in the Senate has been to that goal. He is both a humble servant of a higher calling, and an effective leader. We will miss that leadership and strength on issue after issue. We will miss even more his good example, his living proof that one can serve in public life and posses the richest qualities of a Christian gentleman. DIRK, we will miss you. You have made us better by your word, your manner, and your life. Our best wishes go with you. Godspeed DIRK KEMPTHORNE.

TRIBUTE TO SENATOR WENDELL FORD

Mr. INOUYE. Mr. President, since taking my oath of office in January of 1963, I have had the high privilege of serving with 323 senators. Among them were some of the giants we read about in history books, Richard Russell of Georgia, Everett Dirksen of Illinois, Mike Mansfield of Montana, and John Stennis of Mississippi.

I have served with men and women of great moral strength and high intellect, but, of the 323 senators, I shall always look upon one person as my "best friend"—Senator WENDELL FORD.

How does one become a best friend of a stranger? I had some knowledge of WENDELL before he was elected, because I was then a member of the Senate Campaign Committee and serving as the Secretary of the Democratic Caucus. I knew that he was a former State Senator, Lieutenant Governor, and the 49th Governor of the Commonwealth of Kentucky before he was elected to the Senate. I also knew that he was one of the most popular Presidents of the U.S. Junior Chamber of Commerce.

When I first met WENDELL in early 1974, I immediately liked what I saw.

I could see that he was "truth in packaging" personified. There were no fancy frills, or bells, or ribbons around him. He was down to earth. He obviously loved his constituents and without question, understood them. Immediately, I concluded that he was a "man of the people." Soon, I found myself serving with him on two important Committees—the Senate Committee on Commerce, Science, and Transportation and the Committee on Rules and Administration.

Whenever he stood and raised his voice to defend, advocate, oppose, or support a measure, you knew that it related to people.

Therefore, I was not surprised when he became the prime mover of the National Voter Registration Act which would ensure that every American who was of age, qualified and wanted to vote was given the opportunity to do so. He took away all of the obstacles that stood in their path.

He also made certain that when a worker's spouse was ill at home, he or she was given the right to be with their loved ones in their time of great need. He knew what it was to be a husband and a father. And he knew what it meant to comfort wives and children in time of need. When WENDELL became the Chairman of the Aviation Subcommittee, first and foremost on his agenda was passenger safety.

He was always ready to carry the banner for the working man and woman. And during the recent tobacco legislation debates, WENDELL's voice was one of the very few that spoke out for the tobacco farmer. His concern was not for the wealthy Chief Executive Officers. His concern was for the poor farmer who had to struggle, day in and day out, to eke out a livelihood.

WENDELL also spoke out for the miners who worked in the deep coal mines, and for those who had been discriminated against in employment because of their age. He was a "work horse," never a "show horse." When others would give eloquent speeches on cutting the cost of government, he did something about it. He led the movement to adopt a two-year budget, thereby saving millions of dollars by streamlining our budgetary process.

He introduced the measure that is responsible now for using recycled printing paper by the federal government, thus saving millions of dollars. After all, the paperwork of the federal government today, with all the technological advances, still uses more than 480,000 tons of paper annually. However, before WENDELL FORD got into the act, it was nearly double that amount.

As a politician, he wanted to make certian that campains were carried out without corruption and without impediments. He streamlined voter registration procedures, and did everything to increase voter participation in federal elections.

WENDELL FORD's departure from the Senate will leave a huge void in the committee rooms and in the Senate Chamber. It is difficult for me to imagine that next year we will not hear his voice rising to defend the working man and woman.

We will not hear his voice to insist upon safety for our traveling public. And we will not hear his voice for good and clean government. I hope that the people of Kentucky will someday come to the realization that they and the people of this nation were blessed with the service of WENDELL FORD.

Winston Churchill just prior to his retirement from active government service said, "Service to the community is the rent we pay for living on this earth." WENDELL FORD has been paying his rent throughout his life.

It will be difficult for me to say goodbye to my good friend. It will be difficult no matter how good a person his successor may be, to fill his "huge boots."

But most importantly, I agree with my wife, Maggie, that what makes WENDELL a good husband, a good father, and decent human being is the fact that he had the good sense to marry his beloved Jean. Without Jean, Kentucky and our nation would have been denied the great service of WENDELL H. FORD.

WENDELL and Jean, you have my best wishes for continued happiness and fulfillment in the bright years ahead. We shall miss you immensely.

RETIREMENT OF SENATORS

WENDELL FORD

Mr. FEINGOLD. Mr. President, I want to take a moment to honor Senator WENDELL FORD for his long and distinguished record of service in the United States Senate.

A vigorous defender of his home state, WENDELL FORD's raspy voice has spoken out for the people of Kentucky and the entire nation with intelligence, tenacity and humor, winning him the respect and affection of his colleagues.

Of Senator FORD's many accomplishments during his years of public service, his positions in the Senate's Democratic leadership and as Chairman of the Senate Rules Committee stand out as invaluable contributions to his party and his country. I have greatly appreciated, as have all my Democratic colleagues, the outstanding job Senator FORD has done as the Democratic whip, and the dedication he has shown to the caucus. Here on the floor, WENDELL FORD has exhibited an uncommon commitment to fairness.

Kentuckians can also be proud of Senator FORD's sponsorship of the Motor Voter bill and longstanding support of government reforms, which are a testament to his commitment to the democratic principle of government.

I want to wish Senator FORD all the best for his well-earned retirement, and thank him for his many contributions to American political life.

DIRK KEMPTHORNE

Mr. FEINGOLD. Mr. President, I want to wish all the best to Senator KEMPTHORNE as he leaves the Senate. Senator KEMPTHORNE and I both joined the Senate in 1992, and both, as very junior senators, initially found ourselves with offices in the basement of the Dirksen building.

Senator KEMPTHORNE has always demonstrated a strong grasp of policy issues, including his work on unfunded mandates, and has always conducted himself with the highest degree of professionalism in the Senate. I thank him for his service, and wish him well in his new endeavors.

Now he returns to Idaho to seek the office of governor. Whatever happens in that race, the people of Idaho will know that he is a thoughtful man of grace and civility.

JOHN GLENN

Mr. FEINGOLD. Mr. President, today I want to take this opportunity to thank Senator JOHN GLENN for his long and distinguished service in the United States Senate. He has served this body with great dignity, and with an unparalleled commitment to our country.

Of course, Senator GLENN is known for a great deal more than his Senate service, as the first man to orbit the earth and a hero in both World War II and the Korean War. But his contributions here in the Senate, all by themselves, have made for Senator GLENN the legacy of an American hero.

I worked with Senator GLENN in 1993 on an amendment to the Clean Water Act, which was just one of his many efforts to focus environmental protection efforts on the Great Lakes region. The Great Lakes states owe a great debt to Senator GLENN for his work in this area, which has included chairing the Senate's Great Lakes Task Force and helping to get Great Lakes regional offices for the Environmental Protection Agency and the Fish and Wildlife Service.

As the Chair and Ranking Member of the Senate Governmental Affairs Committee, Senator GLENN has been fair-minded and provided outstanding leadership on the committee, in particular during the recent hearings into campaign finance violations. During those hearings, Senator GLENN showed his keen understanding of the flaws in the current system and his commitment to its reform. As someone who cares deeply about campaign finance issues, I was grateful for his leadership.

Senator GLENN has also worked tirelessly on nuclear proliferation issues, and been a valued member of the Armed Services Committee, the Select Committee on Intelligence, and the Special Committee on Aging.

Now Senator GLENN is moving on to his newest challenge, and, as usual, making history. At the age of 77, he will again launch into space, this time for a nine-day ride on the Shuttle Discovery. Most of us would be content being the first man to orbit the earth, flying 149 combat missions, and breaking a transcontinental flight speed record in a Navy jet. But then JOHN GLENN has more determination, more talent and more courage than most of us can imagine. He must know that he is not just respected and famous, he must know that he holds a special place in the hearts of his fellow Americans and in American culture, yet there is no humbler man in the Senate. We admire him for that, we thank him for his dedicated service to the U.S. Senate, to the people of Ohio and to America. We wish him every success on his next mission, and wish him all the best in his retirement.

DAN COATS

Mr. FEINGOLD. Mr. President, I want to offer my best wishes to Senator COATS as he retires from the Senate this year. I have enjoyed working with him in areas where we agree, and I have always respected his viewpoint when we have differed. He is a gentleman in the best tradition of the Senate.

I have appreciated Senator COATS leadership in several areas, including his commitment to the line-item veto, which I agree can be a powerful tool against wasteful spending. Senator COATS has also taken on the issue of solid waste disposal, calling for more state discretion over what types of waste are disposed of within individual states. In Wisconsin, where we have a strong recycling program and create less solid waste than many states, we share Senator COATS' belief that states deserve to be heard on this issue, and not be forced to accept unwelcome garbage.

Senator COATS has also been a leader among the "donor states" in ISTEA funding for a more equitable distribution of highway funds, another issue of great importance to Wisconsin, where we again appreciate his commitment to fairness.

Senator COATS now voluntarily walks away from the Senate, still a young man, with humility and dignity, sure to find success in private life. As he leaves the Senate, I thank him for his years of service in this body and in the House of Representatives, and I wish him all the best in his new endeavors.

THE RETIREMENT OF SENATOR DAN COATS

Mr. SESSION. Mr. President, many have spoken more eloquently than I of the contributions made to this body and to this nation by DAN COATS. I will not try to describe his distinguished career or to list his legislative achievements, but I will, once again, attempt to review the qualities that have made DAN COATS special to me and to so many others.

First, he is a man of faith who lives that faith and allows it, shockingly to some, to actually affect how he votes and how he does his job. He is fully apprized of all the technical data and the Senate procedures required for effective service in the Senate on the Armed Services Committee and the Labor and Human Resources Committee. But, the strength of his service goes beyond technical skills—DAN brings honesty, strong principle and faith to every issue he faces. He does not approach these issues in a shallow or parochial fashion, but instead brings perspective to these matters that only comes from faith. Faith shapes what he does. It inspires others. It has inspired me, an event for which I am most grateful. DAN COATS is generous, kind, loving and courteous. He is also courageous. He cares about our nation and he wants it to achieve its highest and best goals. He knows that coarseness, selfishness, dishonesty, and meanness must not be our norm. So, while DAN tended to the daily duties of the Senate, he always kept his eye on the permanent things. Whether he was working quietly behind the scenes, or passionately on the floor, DAN has sought to ensure that our nation's policies result not only in making us stronger and richer, but also better. DAN knows, to the depth of his being, that God desires goodness, humility, honesty and justice more than power, fame and wealth. Indeed, DAN has steadfastly and in a winsome manner, worked, perhaps more than any other Senator, to cause the members of this body to think on these things. He has encouraged us, as the prophet Habakkuk says, "to walk on my high places". He has shown that one person can improve the lives of others by articulating and living a message of faith. That DAN is national president of the Big Brothers organization is not surprising. He knows that profound change comes one life at a time, not through the expenditure of a few more governmental dollars. And, though he has served in the most exemplary fashion as a United States Senator, still, to paraphrase, nothing has so become him as his manner of leaving. He, with grace and diginity, has just walked away. DAN knows, he really knows, that this great Senate, this earthy pit, too often leads us to believe, by our own pride and self deception, that we control our own destinies, the destinies of others, and the destiny of the world. And, most importantly, he knows that such price is false. DAN knows that another power controls this world, a power far beyond our imaginings. While we have governmental duties to fulfill, we must also listen to that still, small voice. It is not only important to listen, but to obey. DAN does both. He has just walked away from this Senate and the wise think this decision is foolish. But, as he leaves this body, and begins a new period in his life of obedience, none can know precisely what the future will hold anymore than Abraham

did when he was called. But, when he was called, he went. As DAN COATS leaves this Senate, we are all saddened because we love him, admire him, and because we will miss his guidance. Certainly, he has loved us first and uplifted this senator and others with his example. With grace and strength he has dropped the trappings of power to serve in another way. His example, Mr. President, is bright and pure. We watch with love and awe. Godspeed DAN COATS.

RETIREMENT OF SENATOR WENDELL FORD

Mr. SESSIONS. Mr. President, I am pleased to join others to comment on the service provided to America and to Kentucky by WENDELL FORD. While we were members of different political parties, I often had the opportunity to hear him speak on this floor and to observe him represent his party as a Democratic leader. He is strong, experienced, filled with good humor and a tough advocate for his state and for his beliefs. I was honored to be the presiding officer for the Senate on the day in which WENDELL FORD eclipsed the service record of a host of outstanding Kentucky senators and became the longest serving Senator from that great state.

While he loves government, politics and the debate that goes with this office, he is a family man at heart. He has the sense of a southerner. He remembers his friends and he loves his state.

He is also independent. I recall one late night that we were debating whether to limit the high attorneys' fees in the tobacco cases. Senator FORD came on the floor and I noticed him looking my way during the debate. As we concluded, he asked if I would yield for a question. I answered his inquiry as best I could and he firmly nodded. Even though his party was strongly against my amendment, and no one could doubt that WENDELL FORD is a good Democrat, he voted for the amendment and it passed by one vote.

Those are the things that you remember and are a good example for all of us. While we want to be loyal, we are also independent.

Mr. President, we are losing one of our more notable members. We will miss the richness of his experience, the sharp debate, and the good humor. While our association has been a short one, I have enjoyed and benefitted from it, and expect that it will continue.

ALLOWING HASKELL INDIAN NATIONS UNIVERSITY AND THE SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE EACH TO CONDUCT A DEMONSTRATION PROJECT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4259, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 4259) was considered read the third time and passed.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. 2253.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3825

(Purpose: To establish a matching grant program to help State and local jurisdictions purchase video cameras for use in law enforcement vehicles)

Mr. JEFFORDS. Mr. President, Senators TORRICELLI and LEAHY have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. TORRICELLI, for himself and Mr. LEAHY, proposes an amendment numbered 3825.

The amendment is as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:

vise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

Mr. JEFFORDS. I ask unanimous consent that the amendment be considered read and agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill appear in the RECORD.

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

The amendment (No. 3825) was agreed to.

The bill (S. 2253), as amended, was considered read the third time and passed, as follows:

S. 2253

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 "Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1998".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a "public safety crisis in Indian country".

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

"PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

"Subpart A—Grant Program For Armor Vests";

(2) by striking "this part" each place that term appears and inserting "this subpart"; and

(3) by adding at the end the following:

"Subpart B—Grant Program For Bullet Resistant Equipment

"SEC. 2511. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2512. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for

any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

"(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

"(b) USES OF FUNDS.—Grants awarded under this section shall be—

"(1) distributed directly to the State, unit of local government, or Indian tribe; and

"(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

"(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

"(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

"(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

"(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

"(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

"(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

"(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

"(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

"(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

"(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

"For purposes of this subpart—

"(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

"(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

"(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

"(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

"(23) There are authorized to be appropriated to carry out part Y—

"(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

"(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

"(C) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.".

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

"(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

"(1) IN GENERAL.—The Institute is authorized to—

"(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

"(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

"(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

"(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 1999 through 2001.".

AUTHORIZING TESTIMONY AND REPRESENTATION IN BCCI HOLDINGS (LUXEMBOURG), S.A., ET AL. V. ABDUL RAOUF HASAN KHALIL, ET AL.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 299, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 299) to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Khalil, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of BCCI Holdings (Luxembourg), S.A., et al. versus Abdul Raouf Hasan Khalil, et al., pending in the District Court for the District of Columbia, is a civil action brought by court-appointed fiduciaries of the Bank of Credit and Commerce, International, known as BCCI, to recover on behalf of depositors and creditors of BCCI funds wrongfully diverted from the bank.

Between 1988 and 1992, the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, under the leadership of Senator JOHN KERRY and Senator HANK BROWN, conducted a wide-ranging investigation into BCCI. As the Subcommittee described in its report to the Foreign Relations Committee, one of the individuals with whom the Subcommittee staff met during its investigations may have used his contacts with the Subcommittee to extort money from BCCI. The court-appointed fiduciaries are seeking to recover any such improperly diverted funds. As a part of that effort, the fiduciaries are seeking testimony from a former Subcommittee counsel, Jack Blum, about his contacts with the BCCI employee.

Both Senator KERRY and the Committee believe that it is appropriate to authorize the testimony requested on this subject. This resolution would accordingly authorize Mr. Blum to testify about this subject and to be represented by the Senate Legal Counsel in connection with the testimony.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95-1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AUTHORIZING PAYMENT OF SALARIES AND EXPENSES OF PATENT AND TRADEMARK OFFICE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3723 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3723) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 3723) was considered read the third time and passed.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2375) entitled "An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Anti-Bribery and Fair Competition Act of 1998".

SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (1) of section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1(f)(1)) is amended to read as follows:

"(1)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd-1) is amended—

(1) by adding at the end the following:

"(g) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any issuer organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof and which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any United States person that is an officer, director, employee, or agent of such issuer or a stockholder thereof acting on behalf of such issuer, to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a) of this section for the purposes set forth therein, irrespective of whether such issuer or such officer, director, employee,

agent, or stockholder makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (g)"; and

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (g)".

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) in paragraph (1)(A), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A";

(2) in paragraph (1)(B), by striking "section 30A(a)" and inserting "subsection (a) or (g) of section 30A"; and

(3) by amending paragraph (2) to read as follows:

"(2)(A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

"(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Commission.".

SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or";

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or"; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or".

(b) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is amended—

(1) by amending subsection (g)(1) to read as follows:

"(g)(1)(A) PENALTIES.—Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be fined not more than $2,000,000.

"(B) Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General."; and

(2) by amending paragraph (2) to read as follows:

"(2)(A) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (i) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.".

(c) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (2) of section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is amended to read as follows:

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.".

(d) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is further amended—

(1) by adding at the end the following:

"(i) ALTERNATIVE JURISDICTION.—

"(1) It shall also be unlawful for any United States person to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, irrespective of whether such United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

"(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.";

(2) in subsection (b), by striking "Subsection (a)" and inserting "Subsections (a) and (i)";

(3) in subsection (c), by striking "subsection (a)" and inserting "subsection (a) or (i)"; and

(4) in subsection (d)(1), by striking "subsection (a)" and inserting "subsection (a) or (i)".

(e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(4)(A)) is amended by striking "For purposes of paragraph (1), the" and inserting "The".

SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING OTHER PERSONS.

Title I of the Foreign Corrupt Practices Act of 1977 is amended by inserting after section 104 (15 U.S.C. 78dd–2) the following new section:

"SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

"(a) PROHIBITION.—It shall be unlawful for any person other than an issuer that is subject to section 30A of the Securities Exchange Act of 1934 or a domestic concern (as defined in section 104 of this Act), or for any officer, director, employee, or agent of such person or any stockholder thereof acting on behalf of such person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

"(1) any foreign official for purposes of—

"(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

"(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person;

"(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

"(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person; or

"(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

"(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or

"(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person.

"(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) of this section shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

"(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) of this section that—

"(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the foreign official's, political party's, party official's, or candidate's country; or

"(2) the payment, gift, offer, or promise of anything of value that was made, was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate and was directly related to—

"(A) the promotion, demonstration, or explanation of products or services; or

"(B) the execution or performance of a contract with a foreign government or agency thereof.

"(d) INJUNCTIVE RELIEF.—

"(1) When it appears to the Attorney General that any person to which this section applies, or officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

"(2) For the purpose of any civil investigation which, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General or his designee are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

"(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or his designee, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(4) All process in any such case may be served in the judicial district in which such person resides or may be found. The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

"(e) PENALTIES.—

"(1)(A) Any juridical person that violates subsection (a) of this section shall be fined not more than $2,000,000.

"(B) Any juridical person that violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(2)(A) Any natural person who willfully violates subsection (a) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

"(B) Any natural person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

"(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a person, such fine may not be paid, directly or indirectly, by such person.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'person', when referring to an offender, means any natural person other than a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the law of a foreign nation or a political subdivision thereof.

"(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

"(B) For purposes of subparagraph (A), the term 'public international organization' means—

"(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

"(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.

"(3)(A) A person's state of mind is knowing, with respect to conduct, a circumstance or a result if—

"(i) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

"(ii) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

"(B) When knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

"(4)(A) The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in—

"(i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

"(ii) processing governmental papers, such as visas and work orders;

"(iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

"(iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

"(v) actions of a similar nature.

"(B) The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business to or continue business with a particular party.

"(5) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof, and such term includes the intrastate use of—

"(A) a telephone or other interstate means of communication, or

"(B) any other interstate instrumentality.".

SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATIONS PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.

(a) DEFINITION.—For purposes of this section:

(1) INTERNATIONAL ORGANIZATION PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.—The term "international organization providing commercial communications services" means—

(A) the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization; and

(B) the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization.

(2) PRO-COMPETITIVE PRIVATIZATION.—The term "pro-competitive privatization" means a privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.

(b) TREATMENT AS PUBLIC INTERNATIONAL ORGANIZATIONS.—

(1) TREATMENT.—An international organization providing commercial communications services shall be treated as a public international organization for purposes of section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) until such time as the President certifies to the Committee on Commerce of the House of Representatives and the Committees on Banking, Housing and Urban Affairs and Commerce, Science, and Transportation that such international organization providing commercial communications services has achieved a pro-competitive privatization.

(2) LIMITATION ON EFFECT OF TREATMENT.—The requirement for a certification under paragraph (1), and any certification made under such paragraph, shall not be construed to affect the administration by the Federal Communications Commission of the Communications Act of 1934 in authorizing the provision of services to, from, or within the United States over space segment of the international satellite organizations, or the privatized affiliates or successors thereof.

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as specifically and expressly required by mandatory obligations in international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—The President and the Federal Communications Commission shall, in a manner that is consistent with specific and express requirements in mandatory obligations in international agreements to which the United States is a party—

(1) expeditiously take all actions necessary to eliminate or to limit substantially any privileges or immunities accorded to an international organization providing commercial communications services, its officials, its employees, or its records from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States, that are not eliminated by subsection (c);

(2) expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities not eliminated pursuant to paragraph (1); and

(3) report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any remaining privileges and immunities of an international organization providing commercial communications services within 90 days of the effective date of this act and semiannually thereafter.

(e) PRESERVATION OF LAW ENFORCEMENT AND INTELLIGENCE FUNCTIONS.—Nothing in subsection (c) or (d) of this section shall affect any immunity from suit or legal process of an international organization providing commercial communications services, or the privatized affiliates or successors thereof, for acts or omissions—

(1) under chapters 119, 121, 206, or 601 of title 18, United States Code, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 514 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 884), or Rules 104, 501, or 608 of the Federal Rules of Evidence;

(2) under similar State laws providing protection to service providers cooperating with law enforcement agencies pursuant to State electronic surveillance or evidence laws, rules, regulations, or procedures; or

(3) pursuant to a court order.

(f) RULES OF CONSTRUCTION.—

(1) NEGOTIATIONS.—Nothing in this section shall affect the President's existing constitutional authority regarding the time, scope, and objectives of international negotiations.

(2) PRIVATIZATION.—Nothing in this section shall be construed as legislative authorization for the privatization of INTELSAT or Inmarsat, nor to increase the President's authority with respect to negotiations concerning such privatization.

SEC. 6. ENFORCEMENT AND MONITORING.

(a) REPORTS REQUIRED.—Not later than July 1 of 1999 and each of the 5 succeeding years, the Secretary of Commerce shall submit to the House of Representatives and the Senate a report that contains the following information with respect to implementation of the Convention:

(1) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification by such countries, and the entry into force for each such country.

(2) DOMESTIC LEGISLATION.—A description of domestic laws enacted by each party to the Convention that implement commitments under the Convention, and assessment of the compatibility of such laws with the Convention.

(3) ENFORCEMENT.—As assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention and achieve its object and purpose including—

(A) an assessment of the enforcement of the domestic laws described in paragraph (2);

(B) an assessment of the efforts by each such party to promote public awareness of such domestic laws and the achievement of such object and purpose; and

(C) an assessment of the effectiveness, transparency, and viability of the monitoring process for the Convention, including its inclusion of input from the private sector and non-governmental organizations.

(4) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each party to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes.

(5) NEW SIGNATORIES.—A description of efforts to expand international participation in the Convention by adding new signatories to the Convention and by assuring that all countries which are or become members of the Organization for Economic Cooperation and Development are also parties to the Convention.

(6) SUBSEQUENT EFFORTS.—An assessment of the status of efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

(7) ADVANTAGES.—Advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by the organizations described in section 5(a), the reason for such advantages, and an assessment of progress toward fulfilling the policy described in that section.

(8) BRIBERY AND TRANSPARENCY.—An assessment of anti-bribery programs and transparency with respect to each of the international organizations covered by this Act.

(9) PRIVATE SECTOR REVIEW.—A description of the steps taken to ensure full involvement of United States private sector participants and representatives of nongovernmental organizations in the monitoring and implementation of the Convention.

(10) ADDITIONAL INFORMATION.—In consultation with the private sector participants and representatives of nongovernmental organizations described in paragraph (9), a list of additional means for enlarging the scope of the Convention and otherwise increasing its effectiveness. Such additional means shall include, but not be limited to, improved recordkeeping provisions and the desirability of expanding the applicability of the Convention to additional individuals and organizations and the impact on United States business of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(b) DEFINITION.—For purposes of this section, the term "Convention" means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on November 21, 1997, and signed on December 17, 1997, by the United States and 32 other nations.

AMENDMENT NO. 3826

(Purpose: To strike provisions relating to treatment of international organizations providing commercial communications services, and for other purposes.)

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with a further amendment by Senators D'AMATO and SARBANES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 3826.

The amendment is as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7), (8), and (9).

Redesignate section 6 of the bill as section 5.

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

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956 AMENDMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4660, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3827

(Purpose: To provide substitute language)

Mr. JEFFORDS. Mr. President, Senators HELMS and BIDEN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 3827.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

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

The amendment (No. 3827) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 4660), as amended, was considered read the third time and passed.

AMENDING CHAPTER 47, TITLE 18, UNITED STATES CODE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of H.R. 4151, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4151) to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing H.R. 4151, the "Identity Theft and Assumption Deterrence Act." This is virtually identical to the Kyl-Leahy substitute to S.512, which passed the Senate unanimously on July 30, 1998. This bill penalizes the theft of personal identification information that results in harm to the person whose identification is stolen and then used for false credit cards, fraudulent loans or for other illegal purposes. It also sets up a "clearinghouse" at the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

Protecting the privacy of our personal information is a challenge, especially in this information age. Every time we obtain or use a credit card, place a toll-free phone call, surf the Internet, get a driver's license or are featured in "Who's Who,"in the form of personal information, which can be used without our consent or even our knowledge. Too frequently, criminals are getting hold of this information and using the personal information of innocent individuals to carry out other crimes. Indeed, U.S. News & World Report has called identity theft "a crime of the 90's".

The consequences for the victims of identity theft can be severe. They can have their credit ratings ruined and be unable to get credit cards, student loans, or mortgages. They can be hounded by creditors or collection agencies to repay debts they never incurred, but were obtained in their name, at their address, with their social security number or driver's license number. It can take months or even years, and agonizing effort, to clear their good names and correct their credit histories. I understand that, in some instances, victims of identity theft have even been arrested for crimes they never committed when the actual perpetrators provided law enforcement officials with assumed names.

The new legislation provides important remedies for victims of identity theft. Specifically, it makes clear that these victims are entitled to restitution, including payment for any costs and attorney's fees in clearing up their credit histories and having to engage in any civil or administrative proceedings to satisfy debts, liens or other obligations resulting from a defendant's theft of their identity. In addition, the bill directs the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

This is an important bill on an issue that has caused harm to many Americans. It has come a long way from its original Senate formulation, which would have made it an offense, subject to 15 years' imprisonment, to possess "with intent to deceive" identity information issued to another person. I was concerned that the scope of the proposed offense in the original Senate version of the bill would have resulted in the federalization of innumerable state and local offenses, such as the status offenses of underage teenagers using fake ID cards to gain entrance to bars or to buy cigarettes, or even the use of a borrowed ID card without any illegal purpose. This problem, and others, were addressed in the Kyl-Leahy substitute that was passed by the Senate.

This bill appropriately limits the scope of the new offense governing the illegal transfer or use of another person's "means of identification" to exclude "possession." This change ensures that the bill does not inadvertently subject innocuous conduct to the risk of serious federal criminal liability. For example, with this change, the bill would no longer raise the possibility of criminalizing the mere possession of another person's name in an address book or Rolodex, when coupled with some sort of bad intent.

At the same time, the Kyl-Leahy substitute as reflected in H.R. 4151, restores the nuanced penalty structure of section 1028 of the Federal criminal code. Specifically, the bill provides that the use or transfer of 1 or more means of identification that results in the perpetrator receiving anything of value aggregating $1,000 or more over a 1-year period, would carry a penalty of a fine or up to 15 years' imprisonment, or both. The use or transfer of another person's means of identification that does not satisfy those monetary and time period requirements, would carry a penalty of a fine and up to three years' imprisonment, or both.

Finally, again with the support of the Department of Justice, we created a limited and appropriate forfeiture penalty for these offenses and specified the forfeiture procedure to be used in connection with them.

I am glad that Senator KYL and I were able to join forces to craft legislation that both punishes the perpetrators of identity theft and helps the victims of this crime.

Finally, an amendment added in the House, at the joint request of Senator HATCH and myself, gives the United States Judicial Conference limited authority to withhold personal and sensitive information about judicial officers and employees whose lives have been threatened. Apparently, sophisticated criminals are able to use information set forth in publicly available financial disclosure forms to collect more detailed personal information then used in carrying out threats against our judicial officers. This amendment is an important step to protect the lives of judges, and I am glad that we were able to accomplish this.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 4151) was considered read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 15, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Thursday, October 15. I further ask that the time for the two leaders be reserved.

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

Mr. JEFFORDS. I further ask unanimous consent that there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Thursday, there will be a period for morning business until 1 p.m. Following morning business, the Senate may consider any legislation that can be cleared by unanimous consent. Negotiations are still ongoing with respect to the omnibus appropriations bill, and it is still the leader's hope that the bill can be passed without a rollcall vote. Once again, Members will be notified if a rollcall vote is necessary on passage of the funding bill.

RECESS

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:43 p.m., recessed until Thursday, October 15, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 14, 1998:

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003, VICE WILLIAM B. GOULD IV, RESIGNED.

HOUSE OF REPRESENTATIVES—*Wednesday, October 14, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BLUNT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 14, 1998.

I hereby designate the Honorable ROY BLUNT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David FORD, D.D., offered the following prayer:

We are taught in Your word, O God, that we should come into Your presence with joy and singing. And yet we know too that there are places and times when people do not sing and there is no joy. Our petition to You, gracious God, is that You would show us the marvelous vision of Your eternal grace, so we would see more clearly the power and presence of charity and kindness, of love and appreciation, of esteem and respect. Remind us always, O God, that whatever we are doing or wherever we are we can show forth a spirit that reflects these virtues. May Your benediction of joy and peace, of love and grace be with all Your people, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Dakota (Mr. THUNE) come forward and lead the House in the Pledge of Allegiance.

Mr. THUNE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on either side.

HUMPTY DUMPTY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is time for a nursery rhyme for the kids in the White House:

"Humpty Dumpty sat on a wall. Humpty Dumpty had a great fall."

Mr. Speaker, back when this nursery rhyme was written, when kings were sovereign and people were subjects, it was a revolutionary concept to say that we the people are sovereign and that government officials are subject to the rule of law like all other citizens.

In America, the President is not a king. In America, no man has more rights because he has more money, more property or higher position. All are equal before the law. All are subject to the law. And when a man violates the law, he must answer to the law and not opinion polls.

"And all the king's horses and all the king's men couldn't put Humpty Dumpty together again."

Today all the king's men are still trying to put Humpty back together in one piece, but falling and breaking the law has consequences in America even for a man who thinks he is above the law.

ON GAY STUDENT MURDER

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today compelled to speak out about the murder of 21-year-old Matthew Shepard. This college freshman was kidnapped, robbed, savagely beaten and then tied to a fence in near-freezing temperatures, left to die. And why? Because of his sexual orientation.

Unfortunately, Matthew is not alone. FBI statistics reveal that sexual orientation played a role in over 1,000 hate crimes recorded in 1996. This behavior cannot be tolerated. Legislation must be passed to increase the penalty for crimes committed because of sexual orientation.

Today, I join my voice with thousands of Americans who are outraged and who are calling for their elected leadership to do just that, just lead. As a cosponsor of the Hate Crimes Prevention Act of 1998, I know that we have legislation that addresses this issue. We have a responsibility to pass this legislation. How can we do anything less?

Pass the bill and pass the bill now.

EDUCATION POP QUIZ

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is time for a pop quiz. Parents, teachers and local educators, get out your number two pencils.

Question number one: Who do you trust more when it comes to educating your kids?

A. Yourselves.

B. Washington bureaucrats.

Question number two: Who should decide whether your school district needs more teachers, more books, more computers or more funds for school construction?

A. Yourselves.

B. Washington bureaucrats.

Question number three: Who has a better understanding of the individual needs of each student in your school?

A. Yourselves.

B. Washington bureaucrats.

Okay. Time is up. Put down your pencils.

Mr. Speaker, parents, teachers and local educators, if you answered "Washington bureaucrats" to any of these questions, then the new $1 billion Republican education plan for your classrooms is not for you.

EDUCATION FUNDING FROM DEMOCRATIC PERSPECTIVE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I listened to my Republican colleague who just spoke and I have to say that he essentially is not indicating what has happened here in the last 2 years with the Republican effort to slash funding for public education, with the suggestion that we abolish the Department of Education and with the opposition to the two Democratic initiatives that we insist be included in this budget before we go home. That is, 100,000 new teachers across the country and money to modernize and upgrade our schools.

Democrats and President Clinton want the local school boards to make the decisions about who to hire and how to fix their buildings and how to go out to bond, but we also know that those school districts do not have the money, they do not have the local property taxes to pay for those new initiatives. They cannot hire extra teachers, they cannot renovate the school buildings because they do not have the dollars.

Democrats are pushing this Republican leadership kicking and screaming to the point over the next few days where hopefully we will have the funding available for those local school districts. Those local school districts will decide how the money is spent, but right now they do not have the money because this Republican leadership wants to slash education funding.

EDUCATION FUNDING FROM REPUBLICAN PERSPECTIVE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, every year Republicans have been in charge we have increased spending on public schools. The gentleman knows this. But yet he says something differently.

The strength of America's future depends upon the education of our children, not the Washington bureaucracy. Republicans have offered an education plan that would send $1.1 billion to our local school districts. This Republican education plan would empower our local communities to hire new teachers if they see fit, to reduce class sizes, to train special education teachers, to test teacher competency, purchase more books and supplies and allow for school repairs.

Mr. Speaker, every Member of this body on both sides of the aisle should agree with the intent of this plan. The main difference boils down to this: How should we deliver the money. The beauty of the Republican plan is local control. This means 100 percent of this money will go directly to the classrooms, I repeat, directly to the classrooms, not to the fat-cat Federal bureaucrats or hollow Federal programs.

Republicans believe education is best accomplished on a local level and decisions should be made on the local level.

PINK SLIPS TO AMERICAN WORKERS WHILE WASHINGTON BAILS OUT ASIA AND BRAZIL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Merrill Lynch just cut 3,000 jobs. Ameritech cut 5,000 jobs. Raytheon cut 14,000 jobs. Motorola cut 15,000 jobs. AT&T cut 20,000 jobs. Boeing cut 30,000 jobs. Jobs lost. Jobs lost. And Japan, Russia, Brazil and Korea are destroying our steel industry and getting away with it. Illegal trade, getting away with it.

Unbelievable, ladies and gentlemen. While Washington is bailing out Asia and Brazil, American workers are getting the pink slips because of in fact illegal trade from people we are giving loans to.

Beam me up. We were not elected to the United Nations. We were elected to the Congress of the United States and Congress should take care of America first, before there is not a job left here.

I yield back the balance of any jobs left in this country.

REPUBLICANS WANT MORE SPECIAL ED TEACHERS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, we have heard here again this morning that this Congress and the Congress before it has not appropriated money for education when in fact we have appropriated more money every year than the year before. So much of the debate about education in the Congress is about who controls the money and about whether the Federal Government is going to keep its word to local school districts.

Any time I am in the Seventh District in Missouri and ask an educator what is their biggest problem with the Federal Government, they always say, "Special education mandates." When we mandated special education, we said we would provide 40 percent of the money. At the beginning of the 104th Congress, we were providing 6 percent. Now we are providing 12 percent.

Part of the debate about teachers is whether some of those teachers could be special education teachers and help us get to what we have promised local districts we could do. But, no, that is not good enough. We have to tell local districts exactly what classes those teachers should be in and special education would not be one of them unless we prevail in this debate about education.

ROLE OF EDUCATION IN ONGOING BUDGET BATTLE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, public education is a local responsibility but a national concern. We have provided more police on the street to make our neighborhoods safe. Now, let us go the next step and spend it smarter by providing 100,000 new teachers to make our country stronger and hopefully not have to provide more police on the street. Let us help local public schools and parents have smaller classes to teach and mentor those children so we do not need those 100,000 new police officers in the next generation.

My Republican friends oppose the new 100,000 teachers and the smaller class sizes. In fact one of their Members was quoted a few months ago as saying that public education is a relic of communism. Well, my district does not share that. More than 90 percent of my children go to public schools.

My Republican friends brought a bill to the floor, the Labor-HHS appropriations bill about 2 weeks ago that would cut first Goals 2000, which is a block grant, 51 percent; cut School-to-Work 40 percent; cut American Reads Challenge 100 percent; cut summer youth jobs 100 percent.

Where are the priorities they have for education?

WORD TO LIBERALS: GO HOME AND DO SOME REAL WORK

(Mr. THUNE asked and was given permission to address the House for 1 minute.)

Mr. THUNE. Mr. Speaker, I have a suggestion to all my friends on the other side of the aisle who think that we are not spending enough time here in Washington. Do what some of the rest of us do. Go home and do some real work. Find out what is going on in your local communities and your schools. Go home and work on a Habitat for Humanity house or something like that.

I know our liberal friends think it is important that we spend more time in Washington. We do not define good government by how much time we spend here creating new bureaucracies, hiring new bureaucrats, raising taxes, or how many bills we pass. We define good government by how much power we give back to communities and to people in this country, hardworking Americans. We are doing what we can to free up Americans to make a difference in their communities. That is where the real work is getting done. I invite my liberal colleagues to go home and check it out.

DEMOCRATS KEEP REPUBLICANS IN TOWN TO FUND EDUCATION

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Day 111 of this Congress. This Congress has worked 111 days this year. The average American has worked 202 days so far this year. The Republican majority is being held against its will in Washington, D.C. They wanted to adjourn last Saturday after 108 days of work. Because so far as they were concerned, their job was

done. They had served the special interests. They had killed insurance industry HMO reform, they had killed for the tobacco industry cessation of teenage smoking, and they had served Wall Street very well.

When they wanted to adjourn last Saturday, there were zero dollars for the after-school programs, zero dollars for the school-to-work program, zero dollars for new teachers. Today because the President and the Democrat minority kept them in town to work just a few more days, they might even put in 115 days this year, those programs are funded and now they want to say, "Well, it is really about how we want to spend the money, that billion dollars on the new teachers. It is about local control." That is not the point. They did not want to spend a penny on these new education programs. It is very clear. You wanted to adjourn without one cent additional for education.

REPUBLICANS DEMAND ACCOUNTABILITY FOR EDUCATION DOLLARS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the President, as the gentleman said, wants 100,000 new teachers. I am opposed to giving the Federal Government any more power over local schools. But I am willing to compromise. So I would like to say something that might surprise my Democrat colleagues. I am willing to accept the President's proposal to hire 100,000 new teachers but the President must then agree to test them for competence and he must also agree to discharge them for incompetence.

Uh-oh, I am just guessing, but suddenly the President may not be so enthusiastic about his idea for 100,000 new teachers. The special interests who currently protect incompetent teachers at all costs would go ballistic and find a way to block the proposal. Suddenly the talk about education and the children would end because a proposal with more Federal dollars that demanded accountability for those dollars would be automatically unacceptable.

So how many on the other side would be willing to take up my proposal?

□ 1015

EDUCATION IS TOO IMPORTANT TO LEAVE THE FEDERAL GOVERNMENT OUT OF IT

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, we hear a lot of talk these days about the education proposals that the Democrats are fighting for, and those on the other side of the aisle say it is a matter of federal control versus local control. Democrats, they say, want federal control. They made the same arguments when we tried to get 100,000 police on the streets of this country, and that is local control. It may be federal money, but it is local control, and that is what Democrats are arguing for now.

Education is simply too important in this country to leave it to someone else. We all have to participate. We all have to participate in fighting crime, and that is what we did when we asked for 100,000 new police on the streets, and we got them in every district around this country. Now what we are saying is education is too important to leave the federal government out of it. The public servants who work for this government, for the state government and the local governments have to join together.

Mr. Speaker, we need support for 100,000 new teachers in this country. That is what we are fighting for as Democrats right now, and we are not going home until we have that as part of this agenda. There has been plenty of time in this Congress for votes on vouchers, but this issue has not come up before.

RETINAL DEGENERATIVE DISEASES TAKING THE SIGHT OF MILLIONS OF AMERICANS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. ROS-LEHTINEN. Mr. Speaker, every day I look around me at all the beautiful things I am lucky enough to see, the faces of the people I love, the words on the pages of a book I read, and I think of the living angels who are working to help me and my sister and brother keep this most precious gift of all, our sight.

As I read the note that Ilana Lidsky sent to me, I thought of how blessed Ilana's, Carlos and Betti Lidsky, are to have such caring and brave children who in the midst of adversity see the value of all that is truly important in life. Ilana, Daria and Isaac Lidsky, three of Carlos and Betti's children are afflicted with retinal degenerative diseases, a group of diseases with no current treatment which is taking the sights of millions of Americans who, like the Lidsky children, have great hopes and dreams for their future.

While we work toward a cure, Mr. Speaker, we can learn much from the Lidskys about courage, hope and unconditional love. They exemplify loving what is truly precious about having a loving family that recognizes, as Betti Lidsky once wrote to me, that in spite of the challenges life is most beautiful. For the Lidskys and the millions of Americans who, like them, wait for a cure, let us do all we can to help them in this battle.

WE STILL HAVE TIME

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, eating and learning are two very important functions for the young people of this Nation and for my State of North Carolina, yet both of those functions are threatened because this Congress would rather focus on the President than to fight for our children.

Eating is threatened because we have not yet corrected the provision in the 1996 farm bill which are driving small farmers out of farming. Unless we allow small farmers access to credit, we are threatened with losing almost 57,000 of them. There is still time now to pass the agriculture appropriation bill of year 1999 with the corrected language. I hold out hope for that.

Learning is threatened because Congress has not come to final agreement on the problems of overcrowded classes and has not addressed the problem of crumbling schools. There is still time to pass education legislation that addresses both of these problems. We still have time, Mr. Speaker, to make sure American children, we can make sure that they are fed and that they are learning, but time is rapidly falling aside.

DEMOCRATS' SILENCE ON ILLEGAL CAMPAIGN CONTRIBUTIONS SPEAKS VOLUMES

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, one can tell an awful lot about people by what they do not talk about. How many times have we heard Members of the other side express their shock, outrage or even curiosity about why 79 witnesses have taken the Fifth Amendment in connection with the campaign finance investigation? Again I ask is there not a single Democrat who is even curious about why 79 witnesses have taken the Fifth? Anyone? Anyone at all? In addition, 12 witnesses have fled the country, 23 foreigners have refused to be interviewed.

What does that say about the ethics of the Democrat party? Would the party of Andrew Jackson, FDR and Harry Truman have remained silent in the face of all this evidence of illegal campaign contributions from a Communist Nation? Is that what the Democratic party has become? Is there not a single statesmen left in the entire party? Does not the Democratic party even want to know if foreign policy decisions were sold for campaign contributions? Their silence, Mr. Speaker, speaks volumes.

MORE TEACHERS MEANS A BETTER EDUCATION FOR OUR KIDS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today this do-nothing Congress will try to buy some time to pass a budget that they had all year long to complete. The last few days, the Republican leadership has steadfastly refused to reduce the size of our classrooms by giving local schools, local authority the funding that they need to hire 100,000 new teachers. They call it federal intrusion, but I tell my colleagues 2 years ago Republicans said that the Cops program was federal intrusion on the local police departments, but when we put 100,000 more cops on the street, we made dangerous neighborhoods safe again. We gave police departments, local police departments, targeted resources so that they could make local decisions, and it worked. Now what we need to do is to do the same thing, to help our schools in the same way.

Mr. Speaker, we need to put 100,000 teachers in America's classrooms. We need to reduce the size, give our kids the attention that they need, bring greater discipline to our classrooms and allow our kids to succeed. Just as more cops has meant more safety for our families, more teachers means a better education for our kids.

SUPPORT FUNDING FOR SPECIAL EDUCATION

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, 25 years ago the Congress passed the Individuals with Disability Education Act, and contained therein was a mandate that the Federal Government should supply 40 percent of the funding to teach disabled children. To date we have broken the record at 12 percent.

Mr. Speaker, let me suggest to my colleagues that in the course of these negotiations Republicans and Democrats should join together and urge the budget negotiators to fulfill the unfunded mandate for special education because fulfilling that unfunded mandate will not only help teachers, but it will help school administrators, it will help principals, it will help parents, it will help taxpayers, and most importantly, it will help the children of America.

Let us get together and agree on something that Republicans and Democrats can move forward on. Let us put more money into special education because it helps the entire educational system across this country.

I urge my colleagues to call my office and join me in urging the negotiators to support special education when it really counts, and it counts today.

DEMOCRATS CONTINUE THE FIGHT FOR OUR CHILDREN AND PUBLIC SCHOOLS

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, the issue before this House is education, and the question is which party, the Republican party or Democratic party, best stands up for our Nation's public schools?

Let me remind the American people, Mr. Speaker, what the Republicans would have had in the law had it not been for Democrats. They would have eliminated the Department of Education, the agency that administers Head Start and college student loans. They would have stolen money from public schools where 90 percent of our kids are educated to subsidize private schools, wealthy private schools in America's neighborhoods. They would have eliminated title I reading programs. They would have reduced funding for Head Start. They would have cut school nutrition programs for the children of low income working families. They would like us to forget that they tried to throw out funding for summer youth jobs. They wanted to get rid of the Safe and Drug-free School Program.

These are the education platform proposals the Republican party would like us to forget. The Democrats will continue to fight for our children in public schools.

WE ARE SAVING MILLIONS OF CHILDREN FROM POVERTY

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, one of the central planks of our Contract with America was real welfare reform that required work and personal responsibility. Three times we passed our plan that gave States wide latitude to reform their systems. Twice the President vetoed. Our friends on the left warned of dire consequences. Donna Shalala was, quote, visibly shaken when the President finally signed the bill. Since then welfare rolls have been cut by nearly 40 percent. Over 2 million families have moved off of welfare rolls and onto payrolls. Dependency and despair have been replaced with hope and opportunity. Billions of dollars are being saved, but, more important, we are saving millions of children from one more generation of poverty.

Mr. Speaker, what a difference a Republican Congress has made.

IS THIS WHAT WE WANT FOR OUR KIDS?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, as we meet here today, hundreds of thousands of American children are beginning their school days in overcrowded classrooms with poor lighting, ceilings that are literally crumbling apart, lead pluming systems and barely enough money for textbooks and basic supplies, and what we, as Democrats, want to do is to make sure those local school districts have the opportunity with federal assistance to leverage and to have their own decision-making to make a difference in those classrooms with 100,000 school teachers which they will put in classrooms. We want to make sure that in fact we end up hiring 100,000 school teachers and not spending money on things that will not reduce class size or will not improve the leaking roof over their head. Mr. Speaker, if it were up to Republicans, they just simply would not support these initiatives.

Is that what we want for our kids?

Republicans say stop throwing money at the problem. For God's sake, Mr. Speaker, it takes money to repair a roof, it takes money to buy a modern heating system, it takes money to hire new teachers, and schools like these can be found in urban, suburban and rural areas alike.

Every child deserves a good school and a good education, and that is why we are still here fighting on a budget to make sure that happens.

DO NOT LEAVE EDUCATION UP TO THE WASHINGTON BUREAUCRATS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, regardless of the rhetoric that is bandied about on this floor, it would be nice if everyone here learned a simple lesson when they came to the well of the House. The lesson may not be taught that often in school; it should be taught at home to tell the truth.

Now, Mr. Speaker, since the debate centers around numbers, here are some important numbers our colleagues should remember:

Number of days since the last U.S.-U.N. inspection for weapons of mass destruction in Iraq: 71.

Number of days since the last fundraiser featuring the President: 2.

Number of meaningful educational initiatives passed by this common sense conservative Congress, vetoed by the President of the United States: 7.

Number of Cabinet meetings held in the White House by the President of the United States this year: 2, focusing on his personal problems.

Mr. Speaker, we need not fall for the lure of focus groups. We need to join sincerely to solve problems and not

leave education up to the Washington bureaucrats.

Remember these numbers as the days continue.

SCHOOLS NEED FEDERAL ASSISTANCE, NOT FEDERAL CONTROL

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, I have here in my hand a cloth filled with coal dust sent to me by a principal from a southern Ohio school saying:

Congressman, this is what our teachers must use to wipe the coal dust from our desks and the computers before our students can use them.

Ohio, Ohio ranks 50 among the States in terms of the physical condition of our school buildings, and yet in Ohio we use public tax dollars to build sports stadiums. The average school in my district is 46 years old. Students in my district go to schools that are unsafe. Ten percent do not meet local fire codes.

We need federal assistance, not federal control, but federal assistance to enable our local schools to build, repair and modernize the schools our children attend.

In Ohio prisoners could not be housed in some of our school buildings because the courts would say they were unfit for prisoners, and yet we send our students there.

□ 1030

NEA FUNDING FOR OBSCENE PLAY 'CORPUS CHRISTI'

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I was deeply disturbed this morning listening to NPR, National Public Radio, regarding a play called Corpus Christi, written by Terence McNally, playing at the Manhattan Theater Club in New York City. This play is a blasphemous, pseudo-creation by homosexuals about the life of Christ.

Now, the first thought I had was, how much money did the NEA provide?

Sure enough, in a letter on June 11, 1998, the chairman of the NEA admitted, "The theater did apply to the NEA for funding to support development of Corpus Christi." It goes on to say, "After consideration, the NEA approved an award of $31,000 to support the development of this play based upon the information provided in the application."

The NEA now claims the money was eventually used for other purposes, but this entire situation further shows that the NEA still does not get it and uses taxpayers' money to fund questionable projects that are antithetical to our values.

I call on Bill Ivey, Chairman of the NEA, to cut off all funding, all funding, to the Manhattan Theater Club today.

WORK IN A BIPARTISAN FASHION ON IMPROVING EDUCATION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, we all know that we do our best work in government when we work in a bipartisan matter and we work in partnership with each other, and that is why it is so important when we look at funding for 100,000 teachers that we do it the smart way, that we do it in partnership, making sure that the funding gets into the classroom.

I was in local government for 14 years and our school board for two years before that, and I saw a lot of money wasted under programs that were just block granted. Instead, what works best is when we set parameters, we hold hands and we work together for the well-being of our country, and nothing is more important than having enough teachers to make sure that our children get the best education available and are the best educated children in the world. Our economic future depends on it, and really the peace and hope for society depends on it.

I would urge all of us to work with our President to make sure that the funding for teachers gets to the classroom and not into the administration, as is currently being recommended and requested by the majority party.

STATISTICS ON INDEPENDENT COUNSEL INVESTIGATIONS

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, quite frankly, I have had it right up to my eyeballs with the rhetoric from the Democrats and the White House. Now Vice President GORE has the gall to go to my state, Florida, and slam Republicans for too many investigations.

Mr. Speaker, this is like Clyde saying to Bonnie, "I can't believe the law continues to pursue us."

He does this as he is under investigation by his Attorney General. Then the Vice President has the audacity to say that Republicans are dragging their feet on investigations.

Do they think the American people and the Congress are fools? When over 100 witnesses have either fled the country or taken the 5th Amendment? The fact is that more independent counsels have been appointed by their Democrat-appointed Attorney General for this administration, their administration, than all the previous in the history of the United States.

The fact is the Independent Counsel law expired in 1992 under President Bush. The fact is President Clinton signed into law and 243 Democrats, all but two, voted to pass the Independent Counsel Law, and put these investigations in place only after their Attorney General finds substantial and credible evidence of wrongdoing. Those are the facts.

PASS H.R. 3081, THE HATE CRIMES PREVENTION ACT

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, history has taught us that unchecked ignorance, intolerance and hatred always yields violence. The fact that we have not yet learned this lesson was made strikingly clear this week with the brutal beating and murder of Matthew Shepard, a Wyoming college student. His killers chose Matthew only because he was gay.

Mr. Speaker, incidences of violent crime are in fact decreasing in the United States, yet FBI statistics show that this is not so for crimes based on sexual orientation.

The time has come to recognize these heinous acts for what they are. They are hate crimes. The time has come to pass the Hate Crimes Prevention Act. We should do it today by unanimous consent.

It is tragic that yet another life has been lost to ignorance and intolerance. How many more will be lost by our silence?

TRUSTING LOCAL COMMUNITIES TO EDUCATE CHILDREN

(Mr. FOSSELLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOSSELLA. Mr. Speaker, like all things in public life, in the covenant that exists between the people and their elected officials, the overriding issue is trust and credibility.

Now, we have heard for the last few days an attempt by the other side to divert attention away from the fact that we were going to deliver much-needed tax relief for the American people, phasing out the marriage penalty tax, helping small business owners with health insurance deductibility, raising it to 100 percent, and, above all, helping farmers across our country.

Now we hear that education is the issue. Of course it is the issue. We all want to see education improve. But every attempt we have to take the bureaucracy out of Washington and bring it back home to Staten Island, Brooklyn, across the country, we are opposed.

We passed education savings accounts to give parents more flexibility to do what is right for their children, not the Washington bureaucrats. Threatened by the President, vetoed by the President.

Opportunity scholarships for the poorest students in the Washington, D.C. school system passed this House and Senate, again giving power back to parents locally. Vetoed by the President.

Let us end the rhetoric. We all want to improve education. The question is how do we do it. We say give it back to the people, back to the parents, back to the teachers.

PARTNERSHIP WITH THE FEDERAL GOVERNMENT ON EDUCATION

(Mr. SNYDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SNYDER. Mr. Speaker, I am pleased to hear that the negotiations are now concentrated on education as the issue this week before we go back to our districts.

Let me make two points. Hopefully we will get some progress on education in these final days of the budget negotiations. I fear it will be too little to be of great help to our districts back home.

I recently made a tour of one of my schools in my district, and I spend a lot of time visiting schools. The superintendent and principal took me around to show me how they had parced together these buildings, put these buildings together, different ages, poor wiring systems, inadequate for the technology of the day; science labs with inadequate utilities, gyms with inadequate air conditioning, the problems that they have in trying to keep up in a rural district with the needs for school construction and school renovation.

These are real problems, whether you are in an urban area, a rural district or a suburban area. Our school districts want help modernizing their buildings and building new classrooms. They know they can do it in partnership with the Federal Government, with them maintaining local control. They know we are not about taking away their local control.

LETTING PARENTS AND LOCAL SCHOOL AUTHORITIES DETERMINE EDUCATION NEEDS

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, they are not all liberals, but the Democrats have a position on education that I think needs to be addressed. That is, they keep asking the question, do Democrats represent the best for education, or do Republicans represent the best for education?

What is wrong with this particular position is that it leaves out the parents and the local school authorities. This is not a political issue. It is not a question of which party can gain in an election by blaming the other person or taking credit for their particular position. What it is is a difference in between what the Democrats want to do for education and what the local school boards and the parents can do for education.

We as conservatives want to step out of the way and point to the local school districts and to the parents and say it is not a political issue, it is not whether the Democrat or Republicans are doing the most, it is how we are taking care of our children.

MAKING EDUCATION IMPROVEMENT A ONE-MONTH-A-YEAR PRIORITY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, in October of every election year the Republican leadership says they support public education. The other 11 months they try to dismantle the Department of Education, they try to cut Head Start and school lunches, they try to weaken the student loan program.

Now, for the month before the election, Republicans reluctantly say they want to better fund public education. But the issue is this: Should we adopt the Republican plan, which is a blank check to school administrators, which will mean more money in bureaucracy, more money in central offices, more money wasted in school districts, or do we adopt the democratic plan to put 100,000 teachers in the classroom?

Mr. Speaker, we should support the democratic plan. It means more modern schools, it means more teachers, and it means smaller class size. It simply makes sense.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the provisions of clause 5 of rule I, the Chair announces that it will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV. Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 2 p.m. today.

CANYON FERRY RESERVOIR LEASEHOLD CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3963) to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana, as amended.

The Clerk read as follows:

H.R. 3963

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

SECTION 1. FINDINGS.

Congress finds that the conveyance of the properties described in section 4(b) to the lessees of those properties for fair market value would have the beneficial results of—

(1) reducing Pick-Sloan project debt for the Canyon Ferry Unit;

(2) providing a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(A) restore and conserve fisheries habitat, including riparian habitat;

(B) restore and conserve wildlife habitat;

(C) enhance public hunting, fishing, and recreational opportunities; and

(D) improve public access to public land;

(3) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Federal Government's ownership of the properties while increasing local tax revenues from the new owners; and

(4) eliminating expensive and contentious disputes between the Secretary and leaseholders while ensuring that the Federal Government receives full and fair value for the properties.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish terms and conditions under which the Secretary of the Interior shall, for fair market value, convey certain properties around Canyon Ferry Reservoir, Montana, to private parties; and

(2) acquire certain land for fish and wildlife conservation purposes.

SEC. 3. DEFINITIONS.

In this Act:

(1) CANYON FERRY-BROADWATER COUNTY TRUST.—The term "Canyon Ferry-Broadwater County Trust" means the Canyon Ferry-Broadwater County Trust established under section 8.

(2) CFRA.—The term "CFRA" means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(3) COMMISSIONERS.—The term "Commissioners" means the Board of Commissioners for Broadwater County, Montana.

(4) LEASE.—The term "lease" means a lease or permit in effect on the date of enactment of this Act that gives a leaseholder the right to occupy a property.

(5) LESSEE.—The term "lessee" means—

(A) the leaseholder of 1 of the properties on the date of enactment of this Act; and

(B) the leaseholder's heirs, executors, and assigns of the leasehold interest in the property.

(6) MONTANA FISH AND WILDLIFE CONSERVATION TRUST.—The term "Montana Fish and Wildlife Conservation Trust" means the Montana Fish and Wildlife Conservation Trust established under section 7.

(7) PROJECT.—The term "project" means the Canyon Ferry Unit of the Pick-Sloan Missouri River Basin Project.

(8) PROPERTY.—

(A) IN GENERAL.—The term "property" means 1 of the cabin sites described in section 4(b).

(B) USE IN THE PLURAL.—The term "properties" means all 265 of the properties and any contiguous parcels referred to in section 4(b)(1)(B).

(9) PURCHASER.—The term "purchaser" means a person or entity, excluding CFRA or a lessee, that purchases the properties under section 4.

(10) RESERVOIR.—The term "Reservoir" means the Canyon Ferry Reservoir, Montana.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) STATE.—The term "State" means the State of Montana.

SEC. 4. SALE OF PROPERTIES.

(a) IN GENERAL.—Consistent with the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), the Secretary shall convey to CFRA or a purchaser—

(1) all right, title, and interest (except the mineral estate) of the United States in and to the properties, subject to valid existing rights and the operational requirements of the Pick-Sloan Missouri River Basin Program; and

(2) perpetual easements for—

(A) vehicular access to each property;

(B) access to and use of 1 dock per property; and

(C) access to and use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of enactment of this Act.

(b) DESCRIPTION OF PROPERTIES.—

(1) IN GENERAL.—The properties to be conveyed are—

(A) the 265 cabin sites of the Bureau of Reclamation located along the northern end of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; and

(B) any small parcel contiguous to any property (not including shoreline or land needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate an inholding and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property and of each parcel shall be determined by the Secretary in consultation with CFRA.

(3) RESTRICTIVE USE COVENANT.—

(A) IN GENERAL.—In order to maintain the unique character of the Reservoir area, the Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that the use restrictions to carry out subparagraphs (B) and (C) shall—

(i) be appurtenant to, and run, with each property; and

(ii) be binding on each subsequent owner of each property.

(B) ACCESS TO RESERVOIR.—

(i) IN GENERAL.—The Secretary, the purchaser, CFRA, and the subsequent owners of each property shall ensure that—

(I) public access to and along the shoreline of the Reservoir in existence on the date of enactment of this Act is not obstructed; and

(II) adequate public access to and along the shoreline of the Reservoir is maintained.

(ii) FEDERAL RECLAMATION LAW.—

(I) IN GENERAL.—No conveyance of property under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(II) NO LIABILITY.—The operation of the Reservoir by the Secretary in fulfillment of the duties described in subclause (I) shall not result in liability for damages, direct or indirect, to the owner of any property conveyed under section 4(a) or damages from any loss of use or enjoyment of the property.

(C) HISTORICAL USE.—The Secretary, the purchaser, CFRA, and each subsequent owner of each property shall covenant that future uses of the property shall be limited to the type and intensity of uses in existence on the date of enactment of this Act, as limited by the prohibitions contained in the annual operating plan of the Bureau of Reclamation for the Reservoir in effect on October 1, 1998.

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit sealed bids for the properties;

(B) subject to paragraph (2), sell the properties to the bidder that submits the highest bid above the minimum bid determined under paragraph (2); and

(C) not accept any bid for less than all of the properties in 1 transaction.

(2) MINIMUM BID.—

(A) IN GENERAL.—Before accepting bids, the Secretary shall establish a minimum bid, which shall be equal to the fair market value of the properties determined by an appraisal of each property, exclusive of the value of private improvements made by the leaseholders before the date of the conveyance, in conformance with the Uniform Appraisal Standards for Federal Land Acquistion.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(3) RIGHT OF FIRST REFUSAL.—If the highest bidder is other than CFRA, CFRA shall have the right to match the highest bid and purchase the properties at a price equal to the amount of the highest bid.

(d) TERMS OF CONVEYANCE.—

(1) PURCHASER.—If the highest bidder is other than CFRA, and CFRA does not match the highest bid, the following shall apply:

(A) PAYMENT.—The purchaser shall pay the amount bid to the Secretary for distribution in accordance with section 6.

(B) CONVEYANCE.—The Secretary shall convey the properties to the purchaser.

(C) OPTION TO PURCHASE.—The purchaser shall give each lessee of a property conveyed under this section an option to purchase the property at fair market value, as determined under subsection (c)(2).

(D) NONPURCHASING LESSEES.—

(i) RIGHT TO CONTINUE LEASE.—A lessee that is unable or unwilling to purchase a property shall be provided the opportunity to continue to lease the property for fair market value rent under the same terms and conditions as apply under the existing lease for the property, and shall have the right to renew the term of the existing lease for 2 consecutive 5-year terms.

(ii) COMPENSATION FOR IMPROVEMENTS.—If a lessee declines to purchase a property, the purchaser shall compensate the lessee for the fair market value, as determined pursuant to customary appraisal procedures, of all improvements made to the property by the lessee. The lessee may sell the improvements to the purchaser at any time, but the sale shall be completed by the final termination of the lease, after all renewals under clause (i).

(2) CFRA.—If CFRA is the highest bidder, or matches the highest bid, the following shall apply:

(A) CLOSING.—On receipt of a purchase request from a lessee or CFRA, the Secretary shall close on the property and prepare all other properties for closing within 45 days.

(B) PAYMENT.—At the closing for a property—

(i) the lessee or CFRA shall deliver to the Secretary payment for the property, which the Secretary shall distribute in accordance with section 6; and

(ii) the Secretary shall convey the property to the lessee or CFRA.

(C) APPRAISAL.—The Secretary shall determine the purchase amount of each property based on the appraisal conducted under subsection (c)(2), the amount of the bid under subsection (c)(1), and the proportionate share of administrative costs pursuant to subsection (e). The total purchase amount for all properties shall equal the total bid amount plus administrative costs under subsection (e).

(D) TIMING.—CFRA and the lessees shall purchase at least 75 percent of the properties not later than August 1 of the year that begins at least 12 months after title to the first property is conveyed by the Secretary to a lessee.

(E) RIGHT TO RENEW.—The Secretary shall afford the lessees who have not purchased properties under this section the right to renew the term of the existing lease for 2 (but not more than 2) consecutive 5-year terms.

(F) REIMBURSEMENT.—A lessee shall reimburse CFRA for a proportionate share of the costs to CFRA of completing the transactions contemplated by this Act, including any interest charges.

(G) RENTAL PAYMENTS.—All rent received from the leases shall be distributed by the Secretary in accordance with section 6.

(e) ADMINISTRATIVE COSTS.—Any reasonable administrative costs incurred by the Secretary, including the costs of survey and appraisals, incident to the conveyance under subsection (a) shall be reimbursed by the purchaser or CFRA.

(f) TIMING.—The Secretary shall make every effort to complete the conveyance under subsection (a) not later than 1 year after the satisfaction of the condition established by section 8(b).

(g) CLOSINGS.—Real estate closings to complete the conveyance under subsection (a) may be staggered to facilitate the conveyance as agreed to by the Secretary and the purchaser or CFRA.

(h) CONVEYANCE TO LESSEE.—If a lessee purchases a property from the purchaser or CFRA, the Secretary, at the request of the lessee, shall have the conveyance documents prepared in the name or names of the lessee so as to minimize the amount of time and number of documents required to complete the closing for the property.

SEC. 5. AGREEMENT.

(a) MANAGEMENT OF SILO'S CAMPGROUND.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Commissioner of Reclamation, shall—

(1) offer to contract with the Commissioners to manage the Silo's campground;

(2) enter into such a contract if agreed to by the Secretary and the Commissioners; and

(3) grant necessary easements for access roads within and adjacent to the Silo's campground.

(b) CONCESSION INCOME.—Any income generated by any concession that may be granted by the Commissioners at the Silo's recreation area—

(1) shall be deposited in the Canyon Ferry-Broadwater County Trust; and

(2) may be disbursed by the Canyon Ferry-Broadwater County Trust manager as part of the income of the Trust.

SEC. 6. USE OF PROCEEDS.

Notwithstanding any other provision of law, proceeds of conveyances under this Act shall be available, without further Act of appropriation, as follows:

(1) 10 percent of the proceeds shall be applied by the Secretary of the Treasury to reduce the outstanding debt for the Pick-Sloan project at the Reservoir.

(2) 90 percent of the proceeds shall be deposited in the Montana Fish and Wildlife Conservation Trust.

SEC. 7. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.

(a) ESTABLISHMENT.—The Secretary, in consultation with the State congressional delegation and the Governor of the State, shall establish a nonprofit charitable permanent perpetual public trust in the State, to be known as the "Montana Fish and Wildlife Conservation Trust" (referred to in this section as the "Trust").

(b) PURPOSE.—The purpose of the Trust shall be to provide a permanent source of funding to acquire publicly accessible land and interests in land, including easements and conservation easements, in the State from willing sellers at fair market value to—

(1) restore and conserve fisheries habitat, including riparian habitat;

(2) restore and conserve wildlife habitat;

(3) enhance public hunting, fishing, and recreational opportunities; and

(4) improve public access to public land.

(c) ADMINISTRATION.—

(1) TRUST MANAGER.—The Trust shall be managed by a trust manager, who—

(A) shall be responsible for investing the corpus of the Trust; and

(B) shall disburse funds from the Trust on receiving a request for disbursement from a majority of the members of the Joint State-Federal Agency Board established under paragraph (2) and after determining, in consultation with the Citizen Advisory Board established under paragraph (3) and after consideration of any comments submitted by members of the public, that the request meets the purpose of the Trust under subsection (b) and the requirements of subsections (d) and (e).

(2) JOINT STATE-FEDERAL AGENCY BOARD.—

(A) ESTABLISHMENT.—There is established a Joint State-Federal agency Board, which shall consist of—

(i) 1 Forest Service employee employed in the State designated by the Forest Service;

(ii) 1 Bureau of Land Management employee employed in the State designated by the Bureau of Land Management;

(iii) 1 Bureau of Reclamation employee employed in the State designated by the Bureau of Reclamation;

(iv) 1 United States Fish and Wildlife Service employee employed in the State designated by the United States Fish and Wildlife Service; and

(v) 1 Montana Department of Fish, Wildlife and Parks employee designated by the Department.

(B) REQUESTS FOR DISBURSEMENT.—After consulting with the Citizen Advisory Board established under paragraph (3) and after consideration of the Trust plan prepared under paragraph (3)(C) and of any comments or requests submitted by members of the public, the Joint State-Federal Agency Board, by a vote of a majority of its members, may submit to the Trust Manager a request for disbursement if the Board determines that the request meets the purpose of the Trust.

(3) CITIZEN ADVISORY BOARD.—

(A) IN GENERAL.—The Secretary shall nominate, and the Joint State-Federal Agency Board shall approve by a majority vote, a Citizen Advisory Board.

(B) MEMBERSHIP.—The Citizen Advisory Board shall consist of 4 members, including 1 with a demonstrated commitment to improving public access to public land and to fish and wildlife conservation, from each of—

(i) a Montana organization representing agricultural landowners;

(ii) a Montana organization representing hunters;

(iii) a Montana organization representing fishermen; and

(iv) a Montana nonprofit land trust or environmental organization.

(C) DUTIES.—The Citizen Advisory Board, in consultation with the Joint State-Federal Agency Board and the Montana Association of Counties, shall prepare and periodically update a Trust plan including recommendations for requests for disbursement by the Joint State-Federal Agency Board.

(D) OBJECTIVES OF PLAN.—The Trust plan shall be designed to maximize the effectiveness of Montana Fish and Wildlife Conservation Trust expenditures considering—

(i) public needs and requests;

(ii) availability of property;

(iii) alternative sources of funding; and

(iv) availability of matching funds.

(4) PUBLIC NOTICE AND COMMENT.—Before requesting any disbursements under paragraph (2), the Joint State-Federal Agency Board shall—

(A) notify members of the public, including local governments; and

(B) provide opportunity for public comment.

(d) USE.—

(1) PRINCIPAL.—The principal of the Trust shall be inviolate.

(2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (b) and to administer the Trust and Citizen Advisory Board.

(3) LOCAL PURPOSES.—Not more than 50 percent of the income from the Trust in any year shall be used outside the watershed of the Missouri River in the State, from Holter Dam upstream to the confluence of the Jefferson River, Gallatin River, and Madison River.

(e) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purpose described in subsection (b).

SEC. 8. CANYON FERRY-BROADWATER COUNTY TRUST.

(a) ESTABLISHMENT.—The Commissioners shall establish a nonprofit charitable permanent perpetual public trust to be known as the "Canyon Ferry-Broadwater County Trust" (referred to in this section as the "Trust").

(b) PRIORITY OF TRUST ESTABLISHMENT.—

(1) CONDITION TO SALE.—No sale of property under section 4 shall be made until at least $3,000,000, or a lesser amount as offset by in-kind contributions made before full funding of the trust, is deposited as the initial corpus of the Trust.

(2) IN-KIND CONTRIBUTIONS.—

(A) IN GENERAL.—In-kind contributions—

(i) shall be approved in advance by the Commissioners;

(ii) shall be made in Broadwater County;

(iii) shall be related to the improvement of access to the portions of the Reservoir lying within Broadwater County or to the creation and improvement of new and existing recreational areas within Broadwater County; and

(iv) shall not include any contribution made by Broadwater County.

(B) APPROVAL.—Approval by the Commissioners of an in-kind contribution under subparagraph (A) shall include approval of the value, nature, and type of the contribution and of the entity that makes the contribution.

(3) INTEREST.—Notwithstanding any other provision of this Act, all interest earned on the principal of the Trust shall be reinvested and considered part of its corpus until the condition stated in paragraph (1) is met.

(c) TRUST MANAGEMENT.—

(1) TRUST MANAGER.—The Trust shall be managed by a nonprofit foundation or other independent trustee to be selected by the Commissioners.

(2) USE.—The Trust manager shall invest the corpus of the Trust and disburse funds as follows:

(A) PRINCIPAL.—A sum not to exceed $500,000 may be expended from the corpus to pay for the planning and construction of a harbor at the Silo's recreation area.

(B) INTEREST.—The balance of the Trust shall be held and the income shall be expended annually for the improvement of access to the portions of the Reservoir lying within Broadwater County, Montana, and for the creation and improvement of new and existing recreational areas within Broadwater County.

(3) DISBURSEMENT.—The Trust manager—

(A) shall approve or reject any request for disbursement; and

(B) shall not make any expenditure except on the recommendation of the advisory committee established under subsection (d).

(d) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Commissioners shall appoint an advisory committee consisting of not fewer than 3 nor more than 5 persons.

(2) DUTIES.—The advisory committee shall meet on a regular basis to establish priorities and make requests for the disbursement of funds to the Trust manager.

(3) APPROVAL BY THE COMMISSIONERS.—The advisory committee shall recommend only such expenditures as are approved by the Commissioners.

(e) NO OFFSET.—Neither the corpus nor the income of the Trust shall be used to reduce or replace the regular operating expenses of the Secretary at the Reservoir, unless approved by the Commissioners.

SEC. 9. AUTHORIZATION.

(a) IN GENERAL.—The Secretary is authorized to—

(1) investigate, plan, construct, operate, and maintain public recreational facilities on land withdrawn or acquired for the development of the project;

(2) conserve the scenery, the natural historic, paleontologic, and archaeologic objects, and the wildlife on the land;

(3) provide for public use and enjoyment of the land and of the water areas created by the project by such means as are consistent with but subordinate to the purposes of the project; and

(4) investigate, plan, construct, operate, and maintain facilities for the conservation of fish and wildlife resources.

(b) COSTS.—The costs (including operation and maintenance costs) of carrying out subsection (a) shall be nonreimbursable and

nonreturnable under Federal reclamation law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3963 authored by the gentleman from Montana (Mr. HILL) would establish terms and conditions under which the Secretary of the Interior must convey fee title to leaseholders in certain properties around Canyon Ferry Reservoir in Montana. Canyon Ferry Reservoir is a man-made lake located in central Montana near Helena.

The Bureau of Reclamation presently leases 265 cabin sites around the lake to local citizens. This section would direct the Secretary of Interior to sell these leaseholds at fair market value to a private interest. The sites would be sold at public auction. The present leaseholders would then have the opportunity to purchase title to the land.

This bill is a compromise negotiated with the gentleman from Montana (Mr. HILL) and Senator BAUCUS of Montana and with the administration.

Mr. Speaker, this is a very important bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 3963. Here we are again, in the last days of the session, presented with a bill that has never cleared the Committee on Resources and violates the Budget Act and sets precedents on the use of and disposition of Federal resources.

I understand why Senator BAUCUS and the gentleman from Montana (Mr. HILL) have been in discussions with the administration on this initiative, and he has a letter from OMB stating they will not object. That is worth considering, but I believe there are still serious problems with this legislation.

First, the bill sets up a bidding process for these cabin sites, supposedly to get fair and open bids on the property. However, the bill then sets terms and conditions that rig the bid so that effectively there is only one bidder, that just happens to be the Canyon Ferry Recreation Association.

Next the bill takes any funds received from these sales and sets up a fund for the Federal, state and local management board, trust funds for the resources. I guess some would argue why we have the board or do not have the board, but I think, more importantly, that this is the conveyance of public resources, ostensibly to private hands. And yet, at the same time, when we look at the process to receive fair market value, it really precludes others from bidding on these properties, because if any bidder is other than the Canyon Ferry Recreation Association, that purchaser then has to provide for an option to purchase to the lessees, the existing lessees, and also for those who decide they do not want to purchase, it has to provide them continuance of the lease.

□ 1054

Well, is highly unlikely that somebody who seeks to have one of these properties for their use and enjoyment would bid in that process and therefore, then by default, what we have is Canyon Ferry being really the only bidder in the process, and they also get the benefit in that situation of fully depreciating, excluding the value of the improvements on that property.

However, under existing Federal law at the end of their lease, the value, if there are cabins or improvements, would revert to the Federal Government as it would in the private sector. If one makes improvements on lease property, generally those enure to the property owner.

So, I think for those reasons that this legislation should undergo further consideration. I also think because of the fact that we have, scattered throughout the public lands in this country, hundreds of thousands of inholdings, lease holdings and all the rest, that we ought to make sure of what we are doing here, prior to setting a precedent on how we would convey those properties either to existing private owners or on a bid process, or whether in fact they should revert to the people of the United States.

Mr. Speaker, reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. HILL), the sponsor of this legislation.

Mr. HILL. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) for yielding to me, and thank him for bringing this bill to the floor.

Mr. Speaker, let me point out that what this bill will do is to authorize the sale of 240 cabin sites on Canyon Ferry Reservoir to people who currently have cabins that have been built on these sites. These are truly cabins. These are not houses. They are not high-value properties. These are simply recreational properties.

But the management of this reservoir has been a matter of considerable dispute and controversy ever since the reservoir was originally constructed back in the late 1940s. What this bill attempts to do by selling these cabin sites to these cabin owners is to resolve an area that has been contentious and a long-standing matter of dispute.

This bill has the support of the governor of the State of Montana. It has the support of both United States Senators, Democrat and Republican. It has the support of county commissioners in Broadwater and Lewis and Clark County, Democrats and Republicans. It has the support of the administration. It has the support of sportsman groups, and it has the support of local conservation groups.

On October 10, the Executive Office of the President wrote to Senator BAUCUS saying, "I am writing to express the Administration's support for the substitute amendment to . . . the Montana Fish and Wildlife conservation act." It goes on to say that this bill would create "a unique opportunity to exchange lands at Canyon Ferry Reservoir for other lands in the State to conserve fish and wildlife, enhance public hunting, fishing, and recreation opportunities, and improve public access to public lands."

It is important for my colleagues to understand that this is basically a land exchange bill. The proceeds from the sale of these lots will be put into a trust fund, and this trust fund will be used for the purposes of acquiring other lands in this area or other conservation efforts in those areas.

I want my colleagues to understand that this area on the Missouri River from Three Forks to Holter Dam is an area that is prime trout habitat. In fact, the watershed there is a watershed that supports critical cutthroat habitat, and the funds from the sale of these lots will be used for the purposes of conserving that habitat which is extremely critical. As we all know, the cutthroat has been proposed as a threatened species. It will also be used to accomplish other conservation efforts to acquire other access to the river and to the reservoir and it will also be used to secure other lands.

Mr. Speaker, it is important to note that the trustees over this trust fund will be appointed by the Secretary of the Interior, so the Secretary will approve whoever serves on this trust fund, and the trust fund itself will be protected. Only the income from the trust fund can be used, so it will be a permanent trust fund to help secure important habitat and to provide access.

Mr. Speaker, the gentleman from California (Mr. MILLER) has pointed out that there is some controversy, or was some controversy, over the method of selling the lots. Substantially, those were changed at the request of the administration so that it is clear now these lots will be valued using existing law for the purposes of determining the appraisal and for the purposes of bidding.

It is important for Members to understand that these lots can only be sold at or above fair market value, which will be determined by an independent appraisal process. It is true that cabin owners will have the option

to buy those lots, a last refusal right, but it is important for my colleagues to understand that that is necessary because currently the leases go to the year 2008, and there are improvements on these lots that have to be accommodated somehow in the transaction.

I would just urge my colleagues to look at the fact that the administration supports this; Democrats and Republicans that are local and here in Washington support it; it has the support of landowners and conservation groups and sportsman groups. I think that that in and of itself indicates this is a consensus approach to resolving a long-standing problem.

Mr. Speaker, with that I urge all of my colleagues to support the bill.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUBJECTING CERTAIN RESERVED MINERAL INTERESTS OF THE OPERATION OF THE MINERAL LEASING ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3878) to subject certain reserved mineral interests of the operation of the Mineral Leasing Act, and for other purposes.

The Clerk read as follows:

H.R. 3878

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

SECTION 1. LEASING OF CERTAIN RESERVED MINERAL INTERESTS.

(a) APPLICATION OF MINERAL LEASING ACT.—Notwithstanding the provisions of section 4 of the 1964 Public Land Sale Act (P.L. 88-608, 78 Stat. 988), the Federal reserved mineral interests in lands conveyed under that Act by United States land patents No. 49-71-0059 and No. 49-71-0065 shall be subject to the operation of the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) ENTRY.—Any person who acquires any lease under the Mineral Leasing Act for the interests referred to in subsection (a) may exercise the right to enter reserved to the United States and persons authorized by the United States in the patents conveying the lands described in subsection (a) by occupying so much of the surface thereof as may be required for all purposes reasonably incident to the exploration for, and extraction and removal of, the leased minerals by either of the following means:

(1) By securing the written consent or waiver of the patentee.

(2) In the absence of such consent or waiver, by posting a bond or other financial guarantee with the Secretary of the Interior in an amount sufficient to insure—

(A) the completion of reclamation pursuant to the Secretary's requirements under the Mineral Leasing Act, and

(B) the payment to the surface owner for—

(i) any damages to crops and tangible improvements of the surface owner that result from activities under the mineral lease, and

(ii) any permanent loss of income to the surface owner due to loss or impairment of grazing use, or of other uses of the land by the surface owner at the time of commencement of activities under the mineral lease.

(c) LANDS COVERED BY PATENT NO. 49-71-0065.—In the case of the lands in United States patent No. 49-71-0065, the preceding provisions of this section take effect January 1, 1997.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3878, a bill to open to the operation of the Mineral Leasing Act two tracts with reserved Federal mineral estate near Big Piney, Wyoming. The lands affected by this bill were sold at auction several decades ago under a statute which requires the minerals be reserved to the United States in the land patent because the surface was to be used for commercial purposes.

But, the planned use never occurred. The tracts remain grazing lands, like thousands of acres nearby that are currently subjected to interest for oil and gas exploration and development. Sublette County, Wyoming, where the affected parcels are located, hosts the Jonah field, which has been described as the largest recent onshore discovery of natural gas on public lands. One unleased parcel will be subject to competitive bid offering under the normal BLM leasing process. BLM has already leased the other parcel.

Mr. Speaker, I urge my colleagues to support H.R. 3878 to help make available a prospective supply of this fuel. The gentlewoman from Wyoming (Mrs. CUBIN) should be commended for her work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3878, as explained by the chairman of the subcommittee, would open two tracts of land in Sublette County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended.

It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the United States to enter lands and occupy the surface for oil and gas operations. The bill would also protect the surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. This bill would also would validate an existing lease on one of the two tracts of land that the BLM inadvertently leased in 1997.

Mr. Speaker, the administration supports the enactment of this legislation, and we have no objection to the substance of the bill.

Mr. Speaker, H.R. 3878 would open two tracts of land in Sublette, County, Wyoming, to oil and gas leasing under the Mineral Leasing Act of 1920, as amended. It would provide that any party acquiring a lease under this authority could also exercise the right reserved to the U.S. to enter the lands and occupy the surface for oil and gas operations. The bill would also protect the surface landowner against damage to crops or tangible improvements and the loss of surface uses as a result of oil and gas activities. The bill would also validate an existing lease to one of the two tracts of land that the BLM inadvertently leased in 1997.

Title to the surface of the subject lands was transferred through the Public Land Sales Act of 1964, P.L. 88-608, which authorized disposal of public lands for certain specified users (chiefly grazing and foraging.) Upon transfer of the lands, the mineral rights were reserved to the U.S. and withdrawn from leasing.

The surface of the land was sold and has been used primarily for grazing. In 1997, the BLM offered one of the two tracts for competitive lease. Enron Corporation succeeded in leasing the tract for $165 per acre. Subsequently, BLM discovered its error and concluded that they would be required to cancel the leases. H.R. 3878 would allow the lease to stay in effect and would authorize them to offer the other tract for lease.

The administration supports enactment of H.R. 3878. We have no objection to the substance of the bill.

Mr. MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3878.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The title of the bill was amended so as to read as follows:

"A bill to subject certain reserved mineral interests to the operation of

the Mineral Leasing Act, and for other purposes."

A motion to reconsider was laid on the table.

REQUIRING STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

The Clerk read as follows:

H.R. 4501

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

SECTION 1. STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES.

(a) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of the Interior shall jointly conduct a study regarding ways to improve the access for persons with disabilities to outdoor recreational opportunities (such as fishing, hunting, trapping, wildlife viewing, hiking, boating, and camping) made available to the public on the Federal lands described in subsection (b).

(b) COVERED FEDERAL LANDS.—The Federal lands referred to in subsection (a) are the following:

(1) National Forest System lands.

(2) Units of the National Park System.

(3) Areas in the National Wildlife Refuge System.

(4) Lands administered by the Bureau of Land Management.

(c) REPORT ON STUDY.—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report containing the results of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4501 is a bill introduced by the gentleman from Colorado (Mr. BOB SCHAFFER). The gentleman deserves credit for working hard to craft a bill which will lead to the benefit of disabled people across the United States.

H.R. 4501 directs the Secretary of Agriculture and the Secretary of the Interior to study ways to improve access for the disabled to outdoor recreation on Federal land. Emerging disabled outdoor sports markets point to a growing demand for recreational opportunities for the over 40 million disabled in America.

Over the last several decades, the disabled have proven that personal determination and technological advances can overcome seemingly insurmountable obstacles. This legislation brings a heightened awareness of these issues by studying ways to improve access for disabled Americans pursuing outdoor recreational activities. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation H.R. 4501, has had no hearings or markups in the Committee on Resources. We just did a disabled access study 7 years ago cosponsored by the gentleman from Utah (Mr. HANSEN) and the gentleman from Minnesota (Mr. VENTO) of our committee. The result of this study was a memorandum of understanding entered into between Federal land management agencies and the wilderness disability access groups.

So, I do not think there is really a need for this study when, in fact, we have already procured that information and have entered into an agreement and continue to work on those efforts.

There is concern by a number of people that this legislation, in fact, is a stalking horse for those who would unfortunately want to use this agenda to justify additional roads, whether in wilderness areas or in other Federal resource areas, and use the subject of individuals with disabilities as a means of sponsoring those roads to cut in and to open a number of the wilderness areas.

Mr. Speaker, I think given the history of our committee's work on this legislation, the fact that we have reached agreement with a number of these groups on this topic, and that we just did an expansive and exhaustive study on this effort, I would oppose this legislation.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the people in America realize that a few years ago under the direction of President Bush, we passed a bill called the Americans with Disabilities Act, a very important piece of legislation. Up to that point, there were all kinds of obstacles standing in the way of people who were disabled.

The thing I found very interesting at that time was a part of the Wilderness Act. In 1964, Congress passed the Wilderness Act which said we could use no mechanized things in the wilderness. Up to that point, what does a person do who wants to take something mechanized into the wilderness?

I remember distinctly being in Ogden, Utah, and a youngster came up to me, young by my terms anyway, and he was in a wheelchair and had the broad shoulders and the biceps and the bit. We talked about what he could do. He unfortunately lost his legs in Vietnam. He made an interesting statement to me. He said, "As a kid, I used to go in the wilderness areas with my uncle and my dad and we would fish." He talked about the north slope of the Uinta Mountains and he said, "Congressman, I am not subject to this wheelchair. I play tennis," and he said, "I'll take you on." And he probably would have defeated me.

He said, "I play basketball. I road race. I do all of these things, and I do it in this wheelchair." He showed how he could get on his hands, and said "I am not subjected to this wheelchair, and I would still like the right to go to the North Slope of the Uinta Mountains and fish as I did as a youngster."

□ 1100

Well, what does one say? That at that point we decided we would put an amendment to the Americans with Disabilities Act which would allow people in wheelchairs to go into wilderness areas.

I notice that the environmental community, especially the Sierra Club, really took that on. They did not like the idea at all. They said this was a poor idea. Why would we ever encroach on these wilderness areas? But we came to the floor and fortunately Members saw the wisdom in that, and we now have amended into that bill the right for people in wheelchairs to go into wilderness areas.

I do not know why we do not expand it and make it more accessible to more people. It is really not wilderness areas. It is severely restricted areas is what it amounts to. My good colleague from Colorado has a good idea to benefit more people who are disabled. A lot of people are disabled in America, whether it be a slight disablement or be something rather substantial like my friend I was talking about in the wheelchair. So I think that this is a good piece of legislation, one of the things we should do to help people out who have some unfortunate thing happen to them somewhere in their life.

Therefore, I strongly recommend to my colleagues that they do everything in their power to support this bill.

Mr. Speaker, I include the following for the RECORD:

COMMITTEE ON AGRICULTURE,
Washington, DC, September 10, 1998.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR DON: It is my understanding that the Committee on Resources will soon consider H.R. 4501, a bill to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons with disabilities to outdoor recreational opportunities made available to the public.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our committees on these matters, I would be pleased to waive the additional referral of the bill to the Committee on Agriculture. I do so with the understanding that this waiver does not waive

any future jurisdictional claim over this or similar measures. In addition, in the event the bill should go to conference with the Senate, I would reserve the right to seek the appointment of conferees from this Committee to be represented in such conference.

Once again, I appreciate your cooperation in this matter and look forward to working with you in the future on matters of shared jurisdiction between our respective committees.

Sincerely,

ROBERT F. (BOB) SMITH,
Chairman.

COMMITTEE ON RESOURCES,
Washington, DC, October 12, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture, Longworth HOB, Washington, DC.

MR. CHAIRMAN: Thank you for your letter regarding H.R. 4501, to require the Secretary of Agriculture and the Secretary of the Interior to conduct a study to improve the access for persons, with disabilities to outdoor recreational opportunities made available to the public, authorized by our colleague, Congressman Bob Schaffer.

I appreciate you waiving the Committee on Agriculture's additional referral of this bill and agree that it does not prejudice your jurisdiction over the subject matter. In addition, I will be pleased to support your request to be represented on any conference on the bill, although I hope that one will not be necessary.

I will include our letters in any Floor debate on H.R. 4501 and once again thank you, Gregory Zerzan, and David Tenny for your cooperation on this matter which is very important to Congressman Schaffer.

Sincerely,

DON YOUNG,
Chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself 1 minute.

No one argues, no one argues with the purpose of the gentleman's remarks, but he cited the exact provision of the Wilderness Act that he and others have attacked now for 20 years and that is no motorized vehicles in wilderness areas. This comes at the same time in the session that we see Members on the other side supporting helicopter flights over wilderness, roads through wilderness of questionable need, added on as riders to the environmental legislation and tragically, unfortunately, I think that here again the disability groups are being used to try and confront what they really want, and that is opening up of the wilderness areas with roads and other means to overfly these areas and to start invading the various concepts of wilderness.

This has been how they contest it in the gentlemen's States. People said they have rights to go into these areas. They bulldozed roads into some of the areas in southern Utah that are under study that are existing wilderness areas. This is a constant battle.

Again, the wilderness disability groups and other groups have worked with the administration. They have worked out memorandums of understanding, and I have very serious concerns about Members using this legislation to try and attack a fundamental key component of the wilderness legislation about the use of motorized vehicles or any other motorized object in the wilderness area. But this has been under attack, as I have said, since the Wilderness Act was put into law by many Members on the other side of the aisle. I do not think that we ought to do this where we have had had no hearings on the committee.

This bill has not been reported out of the committee, and most of the wilderness groups do not seek an exemption in the case of that. We ought to bring forth the hearings. We ought to find out exactly what you believe the problem to be. But as the gentleman knows, he was a cosponsor of the study over the last 7 years. We just went through all of this. For that reason, I would again ask Members not to support the legislation.

Mr. HANSEN. Mr. Speaker, I ask unanimous consent to reclaim the time I yielded back.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. I would like to respond to my friend from California.

I think it is very interesting, as we look at all of the various environmental organizations who have decided to put legislation or introduce legislation that comes into the west. I find it also interesting that most of those who introduce this legislation have never even been in the country and never seen it. I would ask some of these people if they would harken back to the 1964 Wilderness Act and also the many things that were said in the House and Senate and both committees when the bill was passed. Hubert Humphrey said some very interesting things about it. Let us read the act. Untrammeled by man, as if man was never there, no sign of man, intended to mean no roads, no cattle ponds, no fences, no structures, no sign of man, as if man was never there.

You are the first man God puts on earth and there you are, in a pristine beautiful area. I say, why then is it that my friends who introduced this legislation, expecially in my home State of Utah, put legislation in that goes right over the top of structures, of class B and class C roads, some of them even paved. I call their attention to one called King Top mountain in Millard County. It has paved roads in it. It has stop signs in it. It has mines in it. It has a whole area. I ask them, let us take it out. It does not even come close, but they would not do that.

So they go down to this idea of my friend from California and others, fine, let us live by the 1964 Wilderness Act. Let us not be introducing bills that go over the top of these areas and we would not have to be doing these things.

I can name you, having been part of a lot of these wilderness bills in the last 18 years, most of them that are introduced Utah, Wyoming, Arizona and Nevada absolutely blatantly go against the spirit and the intent of the law.

Mr. Speaker, I reserve the the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

It did not take long to get past the disability issue here to see the anger over the fact that we have a national Wilderness Act in this country. It does not say no sign of man. It talks about the context in which the wilderness will be considered and which the wilderness will be created and it will be untrammeled and you do not see permanent impact of man in these situations.

We have structures in wilderness areas. We have old trails in wilderness areas. In some cases we have old mines. As we try to create wilderness today in 1998, clearly the context is different than if you are trying to create it in 1898, because lands have been utilized from time to time. That does not mean that it is permanent upon the land. That does not mean overtime those trails will not revert back, as they are overgrown, what have you, if that is the concern that Members have, or even some of those crazy roads that some of your constituents have bulldozed into what they thought was going to be a wilderness area. Over time even out there in the desert some of those will be healed through time and through nature.

But the fact of the matter is, the Wilderness Act says disability groups have not asked for this exemption. They have worked out a memorandum. This is really not about disabilities. This is really about trying to find another way in which you can get into under the old Wilderness Act and get those motorized vehicles in there.

I do not think the disability groups appreciate being used as a stalking horse for that effort. It is not the first time, because we have seen here in terms of the IDEA legislation in education where last year education for people with disabilities was thrown up as every alternative. They were used to try to cut every other budget within the Department of Education. Those were all rejected by the Congress. It is not because they were not concerned about people with individual disabilities. It was concern that they were being used as an attack on other segments of the education budget. And here we see that same effort being undertaken here.

Again, I will repeat myself, you are just duplicating a study which you are

not supposed to be for. You just finished a study. We just worked out the memorandums. We have ended in consultation with these groups. I suspect that the longer this debate goes on, the clearer the case is made that this is about an attack on wilderness status of public lands less than it is about access to people with disability to those lands.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. Let me respond if I may.

I think it is interesting that my friend from California used the term the context is different in 1998 than it was in 1964. I think that is a direct quote. I would agree with that. I think it is different.

So if we are going to say that all of our friends in the extreme environmental community can come up with all of these wild bills that go right over the top of cities, airports and the whole nine yards, then we ought to say, let us look at this wilderness bill again. I would hope the gentleman would join with me in the next session of Congress, if we are both still here and maybe look at some of these things.

Why do we not define what a road is? I agree with the gentleman, some roads are reclaimed. Are two tracks a road or does it take a freeway to be a road? It does not say. Why do we not put a sunset on these things instead of a WSA being in perpetuity. Let us bring it to a head. Let us put 10 years on it, as has been suggested by both Democrats and Republicans alike.

If ever there was a time to take care of some contentious issues, this wilderness issue is one of the more contentious ones. I would hope that maybe we could do something about it instead of this nebulous loose term that we use as we look at the 1964 Wilderness Act.

Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. BOB SCHAFFER), the sponsor of this bill.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, H.R. 4501 directs the Secretaries of Agriculture and Interior to contract with an independent entity in consultation with the National Council on Disabilities to study ways to improve access for the disabled to outdoor recreation. Few agencies have a thorough understanding of the needs of this important population of Americans.

Over the last several years the disabled have proven that personal determination and technological advancements overcome seemingly insurmountable odds. This bill will bring a heightened awareness of those issues and help facilitate the hopes and goals of over 40 million disabled Americans through outdoor recreation.

This bill has had the inputs, suggestions and support of many organizations, including particularly the Rocky Mountain National Park Associates, the Wilderness Inquiry, and I thank my colleagues on both sides of the aisle for their support in this well-timed 18-month study. I encourage all of my colleagues to vote for this sound bipartisan measure.

This measure does enjoy bipartisan support not only here in Congress but throughout the country as well. I think as we look across the country at how we manage our public lands, national parks and forests, other public lands, that we keep in mind that there are many, many Americans who are taxpayers who are citizens who have every right to enjoy this great, rich legacy that our country has set aside for all Americans to enjoy. This is public lands, I speak to.

Making sure that the new improvements, the new developments, that all of the new designations that are made in our public lands, systems and structures take into account the needs of the disabled and the rights that they have to enjoy these national treasures is something that is of paramount importance. That is what is embodied in this important legislation. Those are the issues that I hope all Members of this body will agree are important in moving forward on this day and in persuading the Senate to do the same following our action.

I want to thank the chairman again for the opportunity to present this legislation, to bring it to the floor and for his vigorous support of it.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume. Again, let us just understand what is being said over here. Now this is an attack on extreme environmentalists. This was supposed to be about disability groups.

The gentleman was in the room last year when the disability groups and the agencies and others penned the agreement of understanding pursuant to his study to do exactly what this legislation has done. That is what the memorandum of agreement was about, it was about further consultations and reviews of laws and access and all of the rest of that as a result of the Hansen-Vento work that had been completed.

Now all of a sudden we are going to create new legislation without any hearings as to its purpose at all. I would again say that this is really about an attack on wilderness. This is not about access issues. Members ought to reject this, what I have to tell Members, I think, is somewhat cynical use of the disability issue, when we know that many of the concerns that are being articulated here have in fact been resolved during the process of being resolved with the combined efforts of all of the various agencies that are outlined in this legislation and the disability groups across this Nation. We should not accept this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4501.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1115

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 3963, H.R. 3878 and H.R. 4501, the last three bills considered.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the gentleman from Utah?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. TRAFICANT. Mr. Speaker, I rise to a question of privileges of the House and offer a privileged resolution.

The SPEAKER pro tempore. Under rule IX, the gentleman will state the form of the resolution.

Mr. TRAFICANT. Mr. Speaker, in accordance with House rule IX, clause 1, expressing the sense of the House that the House's integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930 (Subtitle B of Title VII) have not been expeditiously enforced;

Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President of the United States to:

(1) Immediately review and investigate for a period of 10 days the entry into the customs territory of the United States of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil;

(2) Immediately impose a one-year ban on imports of all steel products that are the product or manufacture of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil, if, after the above referenced review period, he finds that the governments of those countries are not abiding by the spirit and letter of international trade agreements with respect to dumping or other illegal actions.

(3) Establish a task force within the Executive Branch to closely monitor U.S. imports

of steel from other countries to determine whether or not international trade agreements are being violated with respect to dumping and other illegal actions.

(4) Report to the Congress by no later than January 5, 1999, on any other actions the Executive Branch has taken, or intends to take, to ensure that all the trading partners of the United States abide by the spirit and letter of international trade agreements with respect to the import into the United States of steel products.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair within two legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Ohio (Mr. TRAFICANT) will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. TRAFICANT. Mr. Speaker, I thank the chair.

AUTHORIZING PRESIDENT TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. "BOWMAN COUNTY" TO USS LST SHIP MEMORIAL

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4519) to authorize the President to consent to third party transfer of the ex-U.S.S. *Bowman County* to the U.S.S. LST Ship Memorial, Inc.

The Clerk read as follows:

H.R. 4519

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

SECTION 1. AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-USS BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States Government to deny requests for the retransfer of significant military equipment that originated in the United States to private entities.

(2) In very exceptional circumstances, when the United States public interest would be served by the proposed retransfer and end-use, such requests may be favorably considered.

(3) Such retransfers to private entities have been authorized in very exceptional circumstances following appropriate demilitarization and receipt of assurances from the private entity that the item to be transferred would be used solely in furtherance of Federal Government contracts or for static museum display.

(4) Nothing in this section should be construed as a revision of long-standing policy referred to in paragraph (1).

(5) The Government of Greece has requested the consent of the United States Government to the retransfer of HS Rodos (ex-USS Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(b) AUTHORITY TO CONSENT TO RETRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(2) CONDITIONS FOR CONSENT.—The President should not exercise the authority under paragraph (1) unless the USS LST Memorial, Inc.—

(A) utilizes the vessel for public, nonprofit, museum-related purposes; and

(B) complies with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the Federal Government of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4519, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chairman of the Subcommittee on Military Procurement of the Committee on National Security, I rise in support of H.R. 4519. This bill would consent to the third-party transfer at no cost to the U.S. Government of the ex-U.S.S. *Bowman County*, a World War II era tank loading ship, to the U.S.S. LST Ship Memorial, Incorporated, a not-for-profit organization.

This organization would operate the vessel as a memorial to the veterans of World War II amphibious landings. The ex-U.S.S. *Bowman County* is currently the property of the government of Greece. It was transferred to Greece in 1960 under the Military Assistance Program.

Today, Greece wants to dispose of this vessel and is willing to transfer the ship back to the U.S. Government, who would then transfer it to the LST Ship Memorial, Incorporated.

That is the state of play, Mr. Speaker. We support this particular bill very strongly on the Republican side of the aisle and in the Committee on National Security.

We want to commend, of course, not only the gentleman from Virginia (Mr. SISISKY), the ranking member on the Subcommittee on Military Procurement, but also the gentleman from Texas (Mr. HALL), who has been the prime mover of this particular bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SISISKY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as ranking member of the Subcommittee on Military Procurement, I rise in support of H.R. 4519. I agree with the representations made by the distinguished gentleman from California (Mr. HUNTER) regarding the proposed transfer of ex-U.S.S. *Bowman County*, LST 391, from the government of Greece to the U.S.S. LST Ship Memorial, Incorporated.

Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SISISKY) and the gentleman from California (Mr. HUNTER).

Mr. Speaker, I will be brief. I just want to say a word or so of gratitude to those that have been of such great help to a group of veterans to whom this means so very much.

This bill, of course, is to recognize a group of veterans who put their lives in harm's way, and I am going to mention some of them. One of them right off, Speaker Rayburn, appropriated the funds with which these ships were built and bought and dispatched. It is from these ships that they went to Omaha Beach.

Olin Tiger Teague of this body, the first chairman of the Committee on Space and longtime Member here departed from this ship. General Earl Rudder, who is next to the highest decorated veteran of World War II from Texas, just under Audie Murphy, embarked from this ship.

It means a lot to us and it means a lot to these old soldiers and sailors. After World War II, it was transferred to Greece. The government of Greece has requested the consent that it come back. I think all the bases have been tagged.

This ship was in Sicily. It was in Italy, Salerno, Normandy, Omaha Beach. It suffered casualties. It transported prisoners of war when the war was over. It is a ship that will find its home port in New Orleans with the help of these two fine leaders in Congress and the support their committees have given, and I appreciate it.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. HALL of Texas. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thought this might be an appropriate moment, too, to reflect on the fact that today we do not have a lot of World War II veterans in the United States Congress. At one time we had a lot of them but we now have very few. I know the gentleman from Texas (Mr. HALL) is a World War II veteran, I believe a pilot,

and the gentleman from Virginia (Mr. SISISKY) is a World War II veteran.

I know on our side, on the national security side, the gentleman from Arizona (Mr. STUMP) is a World War II veteran. He claims he joined at the age of 11. I think he is trying to keep his age down there.

I just want to express my thanks to the gentleman from Texas (Mr. HALL) for all of the great service that he has given this country, long before he came to the House of Representatives. I believe we only have a handful of World War II veterans right now serving in the U.S. Congress. Is that accurate?

Mr. HALL of Texas. Those of us that are just the very healthiest and have really taken care of ourselves, live real clean lives, are still around.

Mr. McGOVERN. Mr. Speaker, I rise in support of H.R. 4519, and I want to thank my colleague from Texas, Congressman RALPH HALL, for his leadership and persistence in bringing this bill to the House floor for consideration.

Earlier this summer, I was contacted by Mr. Peter Leaska and told about the history of the U.S.S. *Bowman County*. Mr. Leaska is a member of the LST Association of Massachusetts, an association of veterans who served on these LST vessels during World War II. He is a man of quiet dedication and courage, like his fellow members in the LST Association, who served our country during its time of greatest peril.

Mr. Leaska told me how the U.S.S. *Bowman County* was used to carry troops, tanks and guns to Normandy as part of the amphibious assault to liberate Europe. His request was simple: Could the U.S.S. *Bowman County*, now in Greece, be transferred back to the United States and to the control of the nonprofit U.S.S. LST Ship Memorial? The veterans who served on these vessels want to preserve the U.S.S. *Bowman County* and display her as a museum and memorial, so that their families and today's and future generations of children might recall the heroic deeds carried out by average American men and women and be honored and remembered.

I won't go into the details of how complicated it turned out to be to fulfill this simple request made by these World War II veterans. It has taken enormous perseverance on the part of LST Association members around the country to bring us to this moment. It has taken the determination of my colleague from Texas [Congressman RALPH HALL] to provide the Congressional authorization for the transfer of this vessel to a third party. And I hope in these final days of Congress, the Senate will approve this bill and also authorize the transfer of the U.S.S. *Bowman County* to these veterans.

It's popular these days to go see the movie, "Saving Private Ryan," a beautiful film about the sacrifices and horrors faced by the men and women who served during World War II. This is a simple act to reward and remember those veterans who served on LST vessels.

I urge my colleagues to support this legislation.

Mr. SISISKY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 4519.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1130

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 559) to amend title 38, United States Code, to add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans.

The Clerk read as follows:

H.R. 559

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

SECTION 1. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(P) Bronchiolo-alveolar carcinoma.".

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 559.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 559 would add bronchiolo-alveolar carcinoma to the list of diseases presumed to be service-connected for certain radiation-exposed veterans. This disease is a very particular type of rare lung cancer occurring among veterans who are exposed to ionizing radiation.

I would like to thank the cosponsor of this bill the gentleman from New Jersey (Mr. SMITH) who is also vice chairman of the Committee on Veterans' Affairs for his persistence in bringing this bill to the floor. The House has passed this bill in previous Congresses; however, it has never been agreed to by the Senate.

I would strongly urge my colleagues to vote for the bill at this time.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 559 which will provide a presumption of service-connection for atomic veterans who suffer from an extremely rare form of nonsmokers' lung cancer. For those veterans who died of this disease, benefits will be made available to their surviving dependents.

I commend the author of this legislation the gentleman from New Jersey (Mr. SMITH) for his tireless efforts on behalf of these veterans and all veterans and their dependents. I also want to thank the gentleman from Arizona (Mr. STUMP) for bringing this bill to the floor today.

The time to redress these injustices has long since passed. H.R. 559 will provide justice to a small group of veterans. Congress can and should do more to compensate those veterans who sacrificed their health and in some cases their lives on behalf of our Nation. I urge all of my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Madam Speaker, let me thank the gentleman from Arizona (Mr. STUMP) for yielding me this time. There is no one who has done more for veterans in this country. I appreciate his working to get this legislation to the floor today. I do want to thank the gentleman from Illinois (Mr. EVANS) for his strong support for this legislation.

Madam Speaker, H.R. 559 would do a very simple thing. It would add a rare form of cancer, bronchiolo-alveolar pulmonary carcinoma, to the list of cancers that are presumed to be service connected for veterans who were exposed to radiation, in accordance with the provisions of Public Law 100-321.

In 1986, Madam Speaker, I became acquainted with Joan McCarthy, a constituent from New Jersey. Mrs. McCarthy has worked for many years to locate other atomic veterans and their widows and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom McCarthy, was a participant in Operation Wigwam, a nuclear test in May of 1955 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean about 500 miles southwest of San Diego. Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe Operation Wigwam. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire

test area was awash with airborne particulates of the detonation. The spray from the explosion was described in the official government reports as, and I quote, an insidious hazard which turned into an invisible radioactive aerosol, close quote. Tom spent 4 days in this environment while serving aboard the U.S.S. *McKinley*.

In April of 1981 at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a nonsmoking-related cancer. It is estimated that about 97 percent of all lung cancers are caused by smoking. On his deathbed Tom told his wife Joan about his involvement in Operation Wigwam and wondered about the fate of the other men who were stationed on the U.S.S. *McKinley* and other ships in the area.

Madam Speaker, it has been well documented that exposure to ionizing radiation can cause this particular type of lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V reports, stating that, and I quote, bronchiolo-alveolar carcinoma is the most common cause of delayed death from inhaled plutonium 239. The BEIR V report notes that this cancer is caused by inhalation and deposition of alpha-emitting plutonium particles.

Madam Speaker, the Department of Veterans Affairs has also acknowledged the clear linkage between this ailment and radiation exposure. I include that information for the RECORD at this point.

The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association with exposure to ionizing radiation and lung cancer has been strengthened by such evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee on the Biological Effects of Ionizing Radiations (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

Back in 1985, Madam Speaker, I met with former Secretary Brown of the VA and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, the VA continues to deny Joan McCarthy's claim for survivor's benefits, a clear outrage and I think a miscarriage of justice.

Finally, just let me say that CBO estimates that this will cost the government on average about $10,000 a year for each affected widow. CBO estimates that the cost will be approximately $13.5 million over a 5-year period. I do hope that this legislation will get the full support of the body. While nothing can replace their loved ones, these widows deserve this very small compensation—it is the least we can do.

Mr. STUMP. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I would like to commend the distinguished chairman of our Committee on Veterans' Affairs the gentleman from Arizona (Mr. STUMP) and the ranking Democratic member the gentleman from Illinois (Mr. EVANS) for their cooperation in bringing this bill to the floor at this time. I want to commend the gentleman from New Jersey (Mr. SMITH) for taking on this issue. We cannot do enough for our veterans. Where we have specific diseases that have been related to their service on behalf of our Nation, we must do whatever we can to make certain that they are going to be taken care of.

□ 1145

H.R. 559 in adding bronchiolo-alveolar carcinoma to the list of diseases presumed to be service connected for certain radiation exposed veterans is an issue that deserves our consideration today, and I welcome this opportunity of participating in this legislation that will help a veteran who has been exposed to radiation of this kind in connection with his service, and we must examine all cases of this nature to make certain that our veterans are going to be properly taken care of, and I know that our Committee on Veterans' Affairs under the Chair of the gentleman from Arizona (Mr. STUMP) goes out of its way to make certain that we do not neglect our veterans, and for that I commend him.

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of H.R. 559, a bill which is long overdue. This bill represents one step for Congress to correct an injustice against some of our nation's veterans. By designating this rare lung disease as a service-connected illness, we can open the door to just compensation for those veterans with unexplained illnesses brought about from their service to our nation.

Radiation exposure is common among our troops. As we have seen in the aftermath of the Gulf War, thousands of our veterans continue to languish with unexplained illnesses which the DOD and VA are unable to designate as compensable diseases. Even with evidence that these illnesses could come from nowhere else but military service, our government has dropped the ball.

Mr. Speaker, passage of H.R. 559 will bring relief to the hundreds of veterans who suffer from this disease. On top of that, H.R. 559 should help usher in broader legislation to compensate the thousands of veterans who suffer from illnesses caused by exposure to radiation while in the service.

Mr. STUMP. Madam Speaker, I have no further speakers.

Mr. EVANS. Madam Speaker, I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 559.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GOVERNMENT WASTE, FRAUD, AND ERROR REDUCTION ACT OF 1998

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4243) to reduce waste, fraud, and error in government programs by making improvements with respect to Federal management and debt collection practices, Federal payment systems, Federal benefit programs, and for other purposes as amended.

The Clerk read as follows:

H.R. 4243

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Government Waste, Fraud, and Error Reduction Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definition.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

Sec. 101. Improving financial management.
Sec. 102. Improving travel management.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

Sec. 201. Miscellaneous technical corrections to subchapter II of chapter 37 of title 31, United States Code.
Sec. 202. Barring delinquent Federal debtors from obtaining Federal benefits.
Sec. 203. Collection and compromise of nontax debts and claims.

TITLE III—SALE OF DEBTS OWED TO UNITED STATES

Sec. 301. Authority to sell debts.
Sec. 302. Requirement to sell certain debts.

TITLE IV—TREATMENT OF HIGH VALUE DEBTS

Sec. 401. Annual report on high value debts.
Sec. 402. Review by Inspectors General.
Sec. 403. Requirement to seek seizure and forfeiture of assets securing high value debt.

TITLE V—FEDERAL PAYMENTS

Sec. 501. Transfer of responsibility to Secretary of the Treasury with respect to prompt payment.

Sec. 502. Promoting electronic payments.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce waste, fraud, and error in Federal benefit programs.

(2) To focus Federal agency management attention on high-risk programs.

(3) To better collect debts owed to the United States.

(4) To improve Federal payment systems.

(5) To improve reporting on Government operations.

SEC. 3. DEFINITION.

As used in this Act—

(1) the term "nontax debt" means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

(2) the term "nontax claim" means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.

TITLE I—GENERAL MANAGEMENT IMPROVEMENTS

SEC. 101. IMPROVING FINANCIAL MANAGEMENT.

(a) REPEAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "1997" and inserting "1999"; and

(B) by inserting "Congress and" after "submit to";

(2) by striking subsection (e); and

(3) by striking subsections (f), (g), and (h).

(b) PRODUCTION OF DOCUMENTS.—

(1) AUTHORITY.—Section 5114(a) of title 31, United States Code, is amended—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States—

"(A) produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States; and

"(B) produce security documents for States and their political subdivisions.".

(2) REIMBURSEMENT.—Section 5143 of title 31, United States Code, is amended—

(A) in the first sentence, by inserting ", foreign government, or individual State or any political subdivision thereof" after "agency"; and

(B) in the last sentence, by inserting ", foreign government, or individual State or any political subdivision thereof" after "agency".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on the date of the enactment of this Act.

(2) SECRETARY'S WAIVER AUTHORITY.—Subsection (a)(1) of this section shall take effect March 1, 1998.

SEC. 102. IMPROVING TRAVEL MANAGEMENT.

(a) LIMITED EXCLUSION FROM REQUIREMENT REGARDING OCCUPATION OF QUARTERS.—Section 5911(e) of title 5, United States Code, is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging provided under chapter 57 of this title.".

(b) USE OF TRAVEL MANAGEMENT CENTERS, AGENTS, AND ELECTRONIC PAYMENT SYSTEMS.—

(1) REQUIREMENT TO ENCOURAGE USE.—The head of each executive agency shall, with respect to travel by employees of the agency in the performance of the employment duties by the employee, require, to the extent practicable, the use by such employees of travel management centers, travel agents authorized for use by such employees, and electronic reservation and payment systems for the purpose of improving efficiency and economy regarding travel by employees of the agency.

(2) PLAN FOR IMPLEMENTATION.—(A) The Administrator of General Services shall develop a plan regarding the implementation of this subsection and shall, after consultation with the heads of executive agencies, submit to Congress a report describing such plan and the means by which such agency heads plan to ensure that employees use travel management centers, travel agents, and electronic reservation and payment systems as required by this subsection.

(B) The Administrator shall submit the plan required under subparagraph (A) not later than March 31, 1999.

TITLE II—IMPROVING FEDERAL DEBT COLLECTION PRACTICES

SEC. 201. MISCELLANEOUS TECHNICAL CORRECTIONS TO SUBCHAPTER II OF CHAPTER 37 OF TITLE 31, UNITED STATES CODE.

(a) CHILD SUPPORT ENFORCEMENT.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply.".

(b) CHARGES BY DEBT COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is amended by adding at the end the following:

"(11) The amount received by a person for performance of collection services under this section shall not be limited by State law, and reasonable collection costs may be charged to the debtor notwithstanding any provision of State law. The preceding sentence shall not apply to the collection of child support debt by any person.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is amended by adding at the end the following:

"(h) The amount received by a person for performance of collection services under this section or section 3711(g) of this title shall not be limited by State law.".

(c) DEBT SALES.—Section 3711 of title 31, United States Code, is amended by striking subsection (i).

(d) GAINSHARING.—Section 3720C(b)(2)(D) of title 31, United States Code, is amended by striking "delinquent loans" and inserting "debts".

(e) PROVISIONS RELATING TO PRIVATE COLLECTION CONTRACTORS.—

(1) COLLECTION BY SECRETARY OF THE TREASURY.—Section 3711(g) of title 31, United States Code, is further amended by adding at the end the following:

"(12) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the debtor's current employer, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(13)(A) The Secretary of the Treasury shall provide that any contract with a private collection contractor under this subsection shall include a provision that the contractor shall be subject to penalties under the contract—

"(i) if the contractor fails to comply with any restrictions under applicable law regarding the collection activities of debt collectors; or

"(ii) if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(B) Notwithstanding any other provision of law, a private collection contractor under this subsection—

"(i) shall not be subject to any liability or contract penalties in connection with efforts to collect a debt pursuant to a contract under this subsection by reason of actions that are required by the contract or by applicable law or regulations; and

"(ii) shall not be subject to payment of statutory damages or attorney's fees by reason of any action in connection with efforts to collect such debt, except in a case of bad faith or intentional misconduct by the contractor.

"(14) Performance of a contractor under any contract entered into under this subsection, including without limitation any contract in effect on the date of enactment of the Government Waste, Fraud, and Error Reduction Act of 1998, shall be measured, and allocation of account placements and bonus compensation shall be determined, solely through an evaluation methodology that bases not less than 50 percent of the contractor's score under such evaluation on the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid borrower complaints shall be considered in the evaluation criteria.

"(15) In selecting contractors for performance of collection services, the Secretary of the Treasury shall evaluate bids received through a methodology that bases not less than 50 percent of the bidder's score in such evaluation on the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size. The frequency of valid borrower complaints shall be considered in the evaluation criteria.".

(2) COLLECTION BY PROGRAM AGENCY.—Section 3718 of title 31, United States Code, is further amended by adding at the end the following:

"(i) In attempting to collect under this subsection through the use of garnishment any debt owed to the United States, a private collection contractor shall not be precluded from verifying the current place of employment of the debtor, the location of the payroll office of the debtor's current employer, the period the debtor has been employed by the current employer of the debtor, and the compensation received by the debtor from the current employer of the debtor.

"(j)(1) The head of an executive, judicial, or legislative agency that contracts with a private collection contractor to collect a debt owed to the agency, or a guaranty agency or institution of higher education that contracts with a private collection contractor to collect a debt owed under any loan program authorized under title IV of the Higher Education Act of 1965, shall include a provision in the contract that the contractor—

"(A) shall be subject to penalties under the contract if the contractor fails to comply with any restrictions imposed under applicable law on the collection activities of debt collectors; and

"(B) shall be subject to penalties under the contract if the contractor engages in unreasonable or abusive debt collection practices in connection with the collection of debt under the contract.

"(2) Notwithstanding any other provision of law—

"(A) a private collection contractor under this section shall not be subject to any liability or contract penalties in connection with efforts to collect a debt owed to an executive, judicial, or legislative agency, or owed under any loan program authorized under title IV of the Higher Education Act of 1965, by reason of actions required by the contract, or by applicable law or regulations; and

"(B) such a contractor shall not be subject to payment of statutory damages or attorney's fees by reason of any action in connection with efforts to collect such a debt, except in a case of bad faith or intentional misconduct by the contractor.

"(k) Performance of a contractor under any contract for the performance of debt collection services entered into by a Federal agency, including without limitation any contract in effect on the date of enactment of the Government Waste, Fraud, and Error Reduction Act of 1998, shall be measured, and allocation of account placements and bonus compensation shall be determined, solely through an evaluation methodology that bases not less than 50 percent of the contractor's score under such evaluation on the contractor's gross collections net of commissions (as a percentage of account amounts placed with the contractor) under the contract. The frequency of valid borrower complaints shall be considered in the evaluation criteria.

"(3) In selecting contractors for performance of collection services, the head of an executive, judicial, or legislative agency shall evaluate bids received through a methodology that bases not less than 50 percent of the bidder's score in such evaluation on the bidder's prior performance in terms of net amounts collected under government collection contracts of similar size. The frequency of valid borrower complaints shall be considered in the evaluation criteria.".

(3) CONSTRUCTION.—None of the amendments made by this subsection shall be construed as altering or superseding the provisions in section 362 of title 11, United States Code.

(f) CLERICAL AMENDMENT.—Section 3720A(h) of title 31, United States Code, is amended—

(1) beginning in paragraph (3), by striking the close quotation marks and all that follows through the matter preceding subsection (i); and

(2) by adding at the end the following:

"For purposes of this subsection, the disbursing official for the Department of the Treasury is the Secretary of the Treasury or his or her designee.".

(g) CORRECTION OF REFERENCES TO FEDERAL AGENCY.—(1) Sections 3716(c)(6) and 3720A(a), (b), (c), and (e) of title 31, United States Code, are each amended by striking "Federal agency" each place it appears and inserting "executive, judicial, or legislative agency".

(2) Section 3716(h)(2)(C), of title 31, United States Code, is amended by striking "a Federal agency" and inserting "an executive, judicial, or legislative agency".

(h) CLARIFICATION OF INAPPLICABILITY OF ACT TO CERTAIN AGENCIES.—Notwithstanding any other provision of law, no provision in this Act, the Debt Collection Improvement Act of 1996 (chapter 10 of title III of Public Law 104–134; 31 U.S.C. 3701 note), chapter 37 or subchapter II of chapter 33 of title 31, United States Code, or any amendments made by such Acts or any regulations issued thereunder, shall apply to activities carried out pursuant to a law enacted to protect, operate, and administer any deposit insurance funds, including the resolution and liquidation of failed or failing insured depository institutions.

(i) CONTRACTS FOR COLLECTION SERVICES.—Section 3718 of title 31, United States Code, is amended—

(1) in the first sentence of subsection (b)(1)(A), by inserting ", or any monetary claim, including any claims for civil fines or penalties, asserted by the Attorney General" before the period;

(2) in the third sentence of subsection (b)(1)(A)—

(A) by inserting "or in connection with other monetary claims" after "collection of claims of indebtedness";

(B) by inserting "or claim" after "the indebtedness"; and

(C) by inserting "or other person" after "the debtor"; and

(3) in subsection (d), by inserting "or any other monetary claim of" after "indebtedness owed".

SEC. 202. BARRING DELINQUENT FEDERAL DEBTORS FROM OBTAINING FEDERAL BENEFITS.

(a) IN GENERAL.—Section 3720B of title 31, United States Code, is amended to read as follows:

"§ 3720B. Barring delinquent Federal debtors from obtaining Federal benefits

"(a)(1) A person shall not be eligible for the award or renewal of any Federal benefit described in paragraph (2) if the person has an outstanding nontax debt that is in a delinquent status with any executive, judicial, or legislative agency, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional Federal benefits described in paragraph (2) only after such delinquency is resolved in accordance with those standards.

"(2) The Federal benefits referred to in paragraph (1) are the following:

"(A) Financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee.

"(B) Any Federal permit or license otherwise required by law.

"(b)(1) The Secretary of the Treasury may exempt any class of claims from the application of subsection (a) at the request of an executive, judicial, or legislative agency.

"(2) The Secretary of the Treasury may waive the application of subsection (a) with respect to any Federal permit or license otherwise required by law.

"(c)(1) The head of any executive, judicial, or legislative agency may waive the application of subsection (a) to any Federal benefit that is administered by the agency based on standards promulgated by the Secretary of the Treasury.

"(2) The head of an executive, judicial, or legislative agency may delegate the waiver authority under paragraph (1) to the chief financial officer of the agency.

"(3) The chief financial officer of an agency to whom waiver authority is delegated under paragraph (2) may redelegate that authority only to the deputy chief financial officer of the agency. The deputy chief financial officer may not redelegate such authority.

"(d) As used in this section—

"(1) the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

"(2) the term 'nontax claim' means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of title 31, United States Code, is amended by striking the item relating to section 3720B and inserting the following:

"3720B. Barring delinquent Federal debtors from obtaining Federal benefits.".

(c) CONSTRUCTION.—The amendment made by this section shall not be construed as altering or superseding the provisions in section 525 of title 11, United States Code.

SEC. 203. COLLECTION AND COMPROMISE OF NONTAX DEBTS AND CLAIMS.

(a) USE OF PRIVATE COLLECTION CONTRACTORS AND FEDERAL DEBT COLLECTION CENTERS.—Paragraph (5) of section 3711(g) of title 31, United States Code, is amended to read as follows:

"(5)(A) Nontax debts referred or transferred under this subsection shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities.

"(B) The head of each executive agency that operates a debt collection center may enter into an agreement with the Secretary of the Treasury to carry out the purposes of this subsection.

"(C) The Secretary of the Treasury shall—

"(i) maintain a schedule of private collection contractors and debt collection centers operated by agencies that are eligible for referral of claims under this subsection;

"(ii) maximize collections of delinquent debts by referring delinquent debts promptly;

"(iii) maintain competition between private collection contractors;

"(iv) ensure, to the maximum extent practicable, that a private collection contractor to which a debt is referred is responsible for any administrative costs associated with the contract under which the referral is made.

"(D) As used in this paragraph—

"(i) the term 'nontax debt' means any debt other than a debt under the Internal Revenue Code of 1986 or the Tariff Act of 1930; and

"(ii) the term 'nontax claim' means any claim other than a claim under the Internal Revenue Code of 1986 or the Tariff Act of 1930.".

(b) LIMITATION ON DISCHARGE BEFORE USE OF PRIVATE COLLECTION CONTRACTOR OR DEBT COLLECTION CENTER.—Paragraph (9) of section 3711(g) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (A) through (H) as clauses (i) through (viii);

(2) by inserting "(A)" after "(9)";

(3) in subparagraph (A) (as designated by paragraph (2) of this subsection) in the matter preceding clause (i) (as designated by paragraph (1) of this subsection), by inserting "and subject to subparagraph (B)" after "as applicable"; and

(4) by adding at the end the following:

"(B)(i) The head of an executive, judicial, or legislative agency may not discharge a debt or terminate collection action on a debt unless the debt has been referred to a private collection contractor or a debt collection center, referred to the Attorney General for litigation, sold without recourse, administrative wage garnishment has been undertaken, or in the event of bankruptcy, death, or disability.

"(ii) The Secretary of the Treasury may, at the request of an agency, waive the application of clause (i) to any debt, or class of debts, if the Secretary of the Treasury determines that the waiver is in the best interest of the United States.".

TITLE III—SALE OF DEBTS OWED TO UNITED STATES

SEC. 301. AUTHORITY TO SELL DEBTS.

(a) PURPOSE.—The purpose of this section is to provide that the head of each executive, judicial, or legislative agency shall establish a program of debt sales in order to—

(1) minimize the loan and debt portfolios of the agency;

(2) improve credit management while serving public needs;

(3) reduce delinquent debts held by the agency;

(4) obtain the maximum value for loan and debt assets; and

(5) obtain valid data on the amount of the Federal subsidy inherent in loan programs conducted pursuant to the Federal Credit Reform Act of 1990 (Public Law 93-344).

(b) SALES AUTHORIZED.—(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) and using competitive procedures, any nontax debt owed to the United States that is administered by the agency.

(2) Costs the agency incurs in selling debt pursuant to this section may be deducted from the proceeds received from the sale. Such costs may include, but are not limited to—

(A) the costs of computer hardware and software, processing and telecommunications equipment, other equipment, supplies, and furniture;

(B) personnel training and travel costs;

(C) other personnel and administrative costs;

(D) the costs of any contract for identification, billing, or collection services;

(E) the costs of contractors assisting in the sale of debt;

(F) the fees of appraisers, auctioneers, and realty brokers;

(G) the costs of advertising and surveying; and

(H) other reasonable costs incurred by the agency.

(3) Sales of debt under this section—

(A) shall be for—

(i) cash; or

(ii) cash and a residuary equity, joint venture, or profit participation, if the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the proceeds will be greater than the proceeds from a sale solely for cash;

(B) shall be without recourse against the United States, but may include the use of guarantees if otherwise authorized by law; and

(C) shall transfer to the purchaser all rights of the United States to demand payment of the debt, other than with respect to a residuary equity, joint venture, or profit participation under subparagraph (A)(ii).

(c) EXISTING AUTHORITY NOT AFFECTED.—This section is not intended to limit existing statutory authority of the head of an executive, judicial, or legislative agency to sell loans, debts, or other assets.

SEC. 302. REQUIREMENT TO SELL CERTAIN DEBTS.

(a) SALE OF DELINQUENT LOANS.—The head of each executive, judicial, or legislative agency shall sell any nontax loan owed to the United States by the later of—

(1) the date on which the debt becomes 24 months delinquent; or

(2) 24 months after referral of the debt to the Secretary of the Treasury pursuant to section 3711(g)(1) of title 31, United States Code. Sales under this subsection shall be conducted under the authority in section 301.

(b) SALE OF NEW LOANS.—The head of each executive, judicial, or legislative agency shall sell each loan obligation arising from a program administered by the agency, not later than 6 months after the loan is disbursed, unless the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the loan was disbursed, or the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that a longer period is necessary to protect the financial interests of the United States. Such loan obligations shall be audited annually in accordance with generally accepted audit standards. Sales under this subsection shall be conducted under the authority in section 301.

(c) SALE OF DEBTS AFTER TERMINATION OF COLLECTION ACTION.—After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of debts owed to the United States unless the head of the agency, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, determines that the sale is not in the best financial interests of the United States. Such debts shall be audited annually in accordance with generally accepted audit standards.

(d) LIMITATIONS.—(1) The head of an executive, judicial, or legislative agency shall not, without the approval of the Attorney General, sell any debt that is the subject of an allegation of or investigation for fraud, or that has been referred to the Department of Justice for litigation.

(2) The head of an executive, judicial, or legislative agency may exempt from sale any class of debts if the head of the agency determines that the sale would interfere with the mission of the agency administering the program under which the indebtedness was incurred.

TITLE IV—TREATMENT OF HIGH VALUE NONTAX DEBTS

SEC. 401. ANNUAL REPORT ON HIGH VALUE NONTAX DEBTS.

(a) IN GENERAL.—Not later than 90 days after the end of each fiscal year, the head of each agency that administers a program that gives rise to a delinquent high value nontax debt shall submit a report to Congress that lists each such debt.

(b) CONTENT.—A report under this section shall, for each debt listed in the report, include the following:

(1) The name of each person liable for the debt, including, for a person that is a company, cooperative, or partnership, the names of the owners and principal officers.

(2) The amounts of principal, interest, and penalty comprising the debt.

(3) The actions the agency has taken to collect the debt, and prevent future losses.

(4) Specification of any portion of the debt that has been written-down administratively or due to a bankruptcy proceeding.

(5) An assessment of why the borrower defaulted.

(c) DEFINITIONS.—In this subsection:

(1) AGENCY; DEBT.—Each of the terms "agency" and "debt" has the meaning that term has in chapter 37 of title 31, United States Code, as amended by this Act.

(2) HIGH VALUE NONTAX DEBT.—The term "high value nontax debt" means a nontax debt having an outstanding value (including principal, interest, and penalties) that exceeds $1,000,000.

SEC. 402. REVIEW BY INSPECTORS GENERAL.

(a) INSPECTOR GENERAL REPORTS.—The Inspector General of each agency shall review the annual report to Congress required in section 401 and make such recommendations as necessary to improve performance of the agency. Each Inspector General shall periodically review and report to Congress on the agency's debt collection management practices. As part of such reviews, the Inspector General shall examine agency efforts to reduce the aggregate amount of high value nontax debts that are resolved in whole or in part by compromise, default, or bankruptcy.

(b) REPORT BY THE PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY.—Not later than 270 days after the end of each fiscal year, the President's Council on Integrity and Efficiency shall submit a report to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate which summarizes the reviews conducted by the inspector general under this section. Notwithstanding the preceding sentence, the Chairman of the President's Council on Integrity and Efficiency may submit such report in conjunction with an annual report on the collection of debts owed to the United States.

SEC. 403. REQUIREMENT TO SEEK SEIZURE AND FORFEITURE OF ASSETS SECURING HIGH VALUE NONTAX DEBT.

The head of an agency authorized to collect a high value nontax debt that is delinquent shall, when appropriate, promptly seek seizure and forfeiture of assets pledged to the United States in any transaction giving rise to the nontax debt. When an agency determines that seizure or forfeiture is not appropriate, the agency shall include a justification for such determination in the report under section 401.

TITLE V—FEDERAL PAYMENTS

SEC. 501. TRANSFER OF RESPONSIBILITY TO SECRETARY OF THE TREASURY WITH RESPECT TO PROMPT PAYMENT.

(a) DEFINITION.—Section 3901(a)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(b) INTEREST.—Section 3902(c)(3) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(c) REGULATIONS.—Section 3903(a) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" and inserting "Secretary of the Treasury".

(d) REPORTS.—Section 3906(a)(1) of title 31, United States Code, is amended by striking "Director of the Office of Management and Budget" each place it appears and inserting "Secretary of the Treasury".

SEC. 502. PROMOTING ELECTRONIC PAYMENTS.

(a) EARLY RELEASE OF ELECTRONIC PAYMENTS.—Section 3903(a) of title 31, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) provide that the required payment date is—

"(A) the date payment is due under the contract for the item of property or service provided; or

"(B) no later than 30 days after a proper invoice for the amount due is received if a specific payment date is not established by contract;"; and

(2) by striking "and" after the semicolon at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting "; and", and by adding at the end the following:

"(10) provide that the Secretary of the Treasury may waive the application of requirements under paragraph (1) to provide for early payment of vendors in cases where an agency will implement an electronic payment technology which improves agency cash management and business practice.".

(b) AUTHORITY TO ACCEPT ELECTRONIC PAYMENT.—

(1) IN GENERAL.—Subject to an agreement between the head of an executive agency and the applicable financial institution or institutions based on terms acceptable to the Secretary of the Treasury, the head of such agency may accept an electronic payment, including debit and credit cards, to satisfy a debt owed to the agency.

(2) GUIDELINES FOR AGREEMENTS REGARDING PAYMENT.—The Secretary of the Treasury shall develop guidelines regarding agreements between agencies and financial institutions under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, according to the Department of the Treasury delinquent nontax debts owed to the Federal Government totaled $51 billion at the end of fiscal year 1997. Of this amount $47.2 billion was delinquent for more than 180 days. In addition, the Federal Government also writes off about $10 billion per year. In short, Madam Speaker, collection of Federal debt is a major problem.

The bill before this House, H.R. 4243, the Government Waste, Fraud and Error Reduction Act of 1998 would improve the efficiency and economy of Federal debt collection practices. It builds on other debt collection initiatives such as the Debt Collection Improvement Act of 1996 which the gentlewoman from New York (Mrs. MALONEY) and myself brought to this Chamber and is now law, and it provides the Federal Government with additional tools to improve debt collection.

H.R. 4243 allows States to collect past due child support by offsetting the amount owed by a debtor from Federal benefits paid to that person. In other words, if an individual receives a payment from the Federal Government and yet has not met his or her child support obligation, the amount owed can be deducted from the payment received from the Federal Government.

The bill also authorizes private collection agencies to verify the employment information of a Federal debtor for the purpose of collecting debts owed to the Federal Government.

The bill authorizes agencies to bar delinquent debtors from obtaining a Federal permit or license, Federal contractor or other award or renewal of a Federal benefit. H.R. 4243 also requires agencies to refer debts to a private collection agency or an agency-operated debt collection center prior to the termination of a collection action.

The bill focuses its attention on large debts. It authorizes each agency to prepare a report on high value delinquent debts; that is, debts greater than $1 million within 90 days after the end of the fiscal year. Agencies are authorized by this legislation to seize any pledged asset if the high value debt is not repaid. H.R. 4243 contains these important provisions and many others designed to improve the efficiency and effectiveness of Federal debt collection.

This measure, along with the Debt Collection Improvement Act of 1996, is a bipartisan piece of legislation. My thanks to the ranking member, the gentleman from Ohio (Mr. KUCINICH), and the former ranking member the gentlewoman from New York (Mrs. MALONEY) for all their help. I also wish to give thanks to a former member of the staff, Mark Brasher, for the great effort that he made on behalf of this legislation in the 1996 law as well as this bill which is before us.

Madam Speaker, H.R. 4243 is a significant step forward. I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to commend my colleagues the gentleman from California (Mr. HORN), chairman of the Subcommittee on Government Management, and the gentlewoman from New York (Mrs. MALONEY) for their recent efforts to craft a bipartisan bill, and I also want to acknowledge the work done by the gentleman from Ohio (Mr. KUCINICH). I applaud their devotion to assuring that Federal debts are fully paid. Chairman Horn has been receptive to the administration's concerns with this bill. The administration is not opposed. I am hopeful that this bill will provide the government with helpful new options to recover substantial amounts of Federal taxpayer money.

I support H.R. 4243. This bill is intended to increase collections on delinquent debt owed to the Federal Government, improve federal payment systems and travel management and decrease high value debt totaling over $1 million. This legislation will provide the Federal Government with new tools to collect debt over a million dollars. The bill would strengthen the Federal government's ability to recover substantial amounts of taxpayer money. It also enhances the ability of the Department of Justice to pursue civil actions seeking monetary damages, fines or penalties.

We urge all Members to support this bill. It is a noncontroversial piece of legislation.

More specifically, this legislation will provide additional tools for the government to improve government operations:

First, the bill contains general management improvements. It will ensure that Congress continues to receive agency audited financial statements and repeals obsolete provisions of the law. The bill will improve travel management by requiring agencies to use, to the maximum extent possible, travel management centers and electronic reservation and payment systems in order to improve efficiency and economy.

Second, the bill makes improvement to the Federal Debt Collection Improvement Act of 1996. It corrects an error which has prevented Social Security payments from being offset for the collection of child support. These debts, since they are being enforced by a State, were ineligible for offset, as State debts were specifically excluded from Social Security offset. With this correction, States will be able to move forward with implementation of this provision.

Third, I am pleased that Representative HORN has agreed to add a provision that the minority requested that authorizes the Department of Justice to obtain the assistance of outside counsel in the Department's pursuit of monetary claims, including civil fines or penalties. Due to the growing complexity of litigation, many lawsuits now require highly specialized expertise. These cases range from intricate antitrust cases involving software companies to labyrinthine fraud cases involving home health care or other types of complex consumer fraud. Outside firms have acquired substantial expertise that the Department of Justice may lack. To address this concern, section 201 of this bill amends section 3718 of title 31 to allow the Department of Justice to retain outside counsel to assist the Department in litigation seeking monetary damages, fines, or penalties.

Fourth, this bill will authorize agencies to sell nontax debts owed to the United States in order to reduce delinquent debts held by agencies. This will allow Federal agencies to obtain the maximum value for loans and debt assets. In addition, this legislation will provide agencies with increased leverage to collect debt from certain self-employed professionals. Under the bill, agencies will have the authority to deny Federal permits or licenses to delinquent Federal debtors.

Fifth, this legislation will dictate greater disclosure of high value nontax debts by requiring annual reports to Congress. It will also authorize agencies to seize the asserts of delinquent debtors who owe the United States more than $1 million.

And finally, this legislation improves financial management by authorizing agencies to accept electronic payments to satisfy a debt owed to the agency.

It is our goal in passing this legislation to improve the efficiency of our Government and to protect the financial interest of the taxpayers by collecting what is rightfully owed.

This bill makes constructive changes to improve the performance of the Federal Government. It makes good sense and is good government. I urge your support for this measure.

Madam Speaker, I yield back the balance of my time.

Mr. HORN. Madam Speaker I yield, such time as he may consume to the gentleman from New York (Mr. GILMAN), my good friend and one of the ranking members of the Committee on Government Reform and Oversight.

Mr. GILMAN. Madam Speaker, I want to commend the gentleman from California (Mr. HORN), a senior member of our Committee on Government Oversight and Reform, for bringing this measure to the floor and for sponsoring this measure along with the gentlewoman from New York (Mrs. MALONEY), the gentleman from Texas (Mr. SESSIONS) the gentleman from New Hampshire (Mr. SUNUNU) and the gentleman from Pennsylvania (Mr. KANJORSKI), a bipartisan measure out of our Committee on Government Reform. It is amazing to hear the statistics that the gentleman from California (Mr. HORN) related of over $100 million in bad debts, and $10 million being wiped out each year, and many of those debts over 180 days due and delinquent. This is the kind of attention we should be giving in Federal management.

I remember the Grace Commission during my earlier days in the Congress, and I was pleased to follow some of his recommendations. I was the first one to insist that checks received by our government be deposited within 30 days, a very simple business like method, and I am pleased to see that the gentleman from California (Mr. HORN) is carrying on that tradition of trying to get rid of some of the waste and mismanagement in our vast bureaucracy, the Federal Government. I commend him and the sponsors, and I thank the gentleman from California (Mr. WAXMAN) for pursuing this matter as well, and I want to urge our colleagues to fully support this measure.

Mr. HORN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from New York (Mr. GILMAN) for his kind remarks on a number of us.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4243, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 759) to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

The Clerk read as follows:

S. 759

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

SECTION 1. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

Title I, of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following new section:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

"(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

"(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

"(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(B) Each case involving an alien described in subparagraph (A) in which an appropriate authority of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States, and any additional information provided to the Secretary relating to other serious criminal offenses that any such authority had reasonable cause to believe the alien committed before the period covered by the report. The Secretary may omit from such report any matter the provision of which the Secretary reasonably believes would compromise a criminal investigation or prosecution or which would directly compromise law enforcement or intelligence sources or methods.

"(C) Each case described in subparagraph (B) in which the Secretary of State has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

"(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

"(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

"(F) Whether the Secretary has made the notifications referred to in subsection (c) during the period covered by the report.

"(3) SERIOUS CRIMINAL OFFENSE DEFINED.—For the purposes of this section, the term 'serious criminal offense' means—

"(A) any felony under Federal, State, or local law;

"(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year;

"(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

"(D)(i) driving under the influence of alcohol or drugs;

"(ii) reckless driving; or

"(iii) driving while intoxicated.

"(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

"(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

"(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

"(c) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary should periodically notify each foreign mission of United States policies relating to criminal offenses committed by individuals with immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Madam Speaker, I ask unanimous consent that all Members may have 5 days within which to revise and extend their remarks on S. 759.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased to bring this bill before the House sponsored by the gentleman from San Dimas, California (Mr. DREIER), the distinguished senior member of the Committee on Rules. This is a measure that is substantially identical to a provision that has passed the House, is a portion of another bill, the enactment of which into law is still uncertain in the other body. It is noncontroversial, and it is backed by organizations such as the Fraternal Order of Police, and the calls upon the President to seek to reform the practice of diplomatic immunity so as to assure that diplomats who commit crime are punished either in the country where they are posted or in their home country. It also provides for enhancing reporting of crimes by

diplomats in this Nation and encourages the Secretary of State to communicate clearly to foreign missions in our Nation our Nation's policy of zero tolerance for diplomatic crimes.

This bill is a counterpart of a bill, H.R. 1672 introduced by the gentleman from California (Mr. DREIER) who has been a leader in the effort to accomplish sensible reform of diplomatic immunity, and the passage of this bill at this time is a tribute to Mr. DREIER's dedication. The gentleman from California is an internationalist who recognizes the importance of American diplomatic missions abroad and of the presence of their counterparts in our Nation. But he also understands that diplomats should not be able to have free rein to commit crimes.

I should note that the legislation also draws on elements of an amendment propounded by H.R. 1757 by the gentleman from Colorado (Mr. HEFLEY). I salute his contributions and, of course, the leadership of the senator from Georgia, Mr. COVERDELL who is a sponsor of the Senate bill which we are considering today.

This bill is worthy legislation, and it deserves the support of our colleagues.

Madam Speaker, I reserve the balance of my time.

Mr. HAMILTON. Madam Speaker, I yield myself such time as I may consume, and I rise in support of the bill.

Let me begin by commending the distinguished chairman of the committee, the gentleman from New York (Mr. GILMAN), and Senator COVERDELL and the gentleman from California (Mr. DREIER) for their work in bringing this bill to the floor today. The bill would require the State Department to provide an annual report to Congress on foreign diplomats in the United States who commit serious crimes. I think it is a very worthy bill. Such a report would enable us to determine the gravity of offenses committed by foreign diplomats and the number of times diplomatic immunity has been requested by foreign government in U.S. prosecutions. At the same time the report would also track cases where foreign countries have asked the United States to waive immunity for U.S. diplomats who have committed serious crimes. So I think the report does serve a useful purpose.

My only concern about the bill is, of course, the number of times we place upon the administration the burden and the cost of reports, and we have to be cognizant of that, but I do recognize hear the information that is required by this report can be very helpful to us in assessing this possible abuse of diplomatic immunity.

I urge my colleagues to join me in support of this bill.

Madam Speaker I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER), the author of this measure.

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Mr. DREIER. Madam Speaker, I thank my friend from Middletown, the distinguished chairman of the Committee on International Relations, and I appreciate his strong support and leadership on this issue in helping us shepherd it through.

I would also like to say to my friend the gentleman from Indiana (Mr. HAMILTON) that I have appreciated his understanding of the need to deal with what obviously is a very important issue and his support, as he just stated, of the legislation.

Let me just take one moment, and I know that I had the privilege during the special order that we had the other evening to enter some very strong words in support of LEE HAMILTON and making it clear he is going to be sorely missed when he retires at the end of this Congress, and we do not know exactly when that will be, so his service may be extending further than he anticipated. We already know, having gone for several days, that it has done that.

But it has been a privilege for me to have worked closely with LEE HAMILTON on a number of issues. This obviously is one of them, issues dealing with the committee which he used to Chair and now, I am happy to say, serves as ranking minority member of the Committee on International Relations, formerly the Committee on Foreign Affairs, and I should say that actually is one of the issues we spent a great deal of time working on, trying our darnedest to bring about a modicum of reform of this institution.

We had the privilege in 1993, I guess that was the 103d Congress, to work together on an overall reform of the institution. I was privileged to serve as his co-vice chairman of what was called the Joint Committee on the Organization of Congress. Unfortunately, we were not able to get many, really none of those recommendations, that we had through in the 103d Congress. But when we did come to majority in 1995, we were able to take large parts of the work product which LEE HAMILTON had overseen and were able to implement that.

I also would like to say on the issue of global trade, there has been no one who has been more passionate and committed to what I think is the correct position than LEE HAMILTON. He is a strong free-trader, and we worked long and hard on our goal of expanding western values through trade internationally, and he will be sorely missed in that effort as we continue to pursue fast track, normal trade relations with the People's Republic of China and a number of other issues in the years to come.

I would like to say, what a great friend, and I wish LEE and Nancy well in their retirement. LEE showed his great brilliance by selecting a Californian as his wife, and I know that they will be here in Washington in this great spot at the Wilson Center and also at the Indiana University.

Mr. HAMILTON. Madam Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Indiana.

Mr. HAMILTON. Madam Speaker, I just want to thank the gentleman for his very kind and generous and even magnanimous remarks, and to say it has been for me too a magnificent privilege to work with you. I do not want to try to make a prediction about the elections coming up, but I know that if they turn out favorably for the majority party here, the gentleman in the well now will have very, very major responsibilities in the next Congress. I have no doubt that he will discharge those well, and we wish him well. Thank you very much.

Mr. DREIER. Madam Speaker, reclaiming my time, I thank my friend.

Madam Speaker, let me just take a moment to again express my appreciation of the gentleman from New York (Mr. GILMAN) for moving this legislation forward. This is a very important measure. The gentleman from Indiana (Mr. HAMILTON) and the gentleman from New York (Mr. GILMAN) had it incorporated in the Foreign Assistance Authorization Act, and we all know exactly what happened to that. Unfortunately, we have not been able to see that bill become public law.

But last year, just into this Congress, we all heard, the world heard, about the horrible tragedy of the killing of Jovian Waldrich, a 16 year old girl who was run over by a drunken diplomat from the State of Georgia. It seems to me that when this problem came to the forefront, it focused attention on the issue of diplomatic immunity.

We recognized that repeal of diplomatic immunity, obviously, could be devastating for our national interests. We cannot have in other countries people have their lives jeopardized and threatened by governments if we were to repeal diplomatic immunity. That conceivably could happen. So diplomatic immunity is a very important thing.

But with the dramatic increase in the number of diplomats that we have seen in this country and throughout the world, there has been abuse, and when you have the tragic loss of life and some of the other horrendous instances that have been reported to me, of raping and other crimes that have been inflicted against our citizenry, and diplomatic immunity has been claimed, it seems to me we need to take some kind of action to bring about reform.

This bill, which we have been working, as I said, for nearly two years on

with our friends, is one which is designed to really make sure that, first, we have a reporting from the State Department on the instances of diplomatic immunity being used, and then it is our hope that we can see accountability come about, where we will have the nations involved actually take responsibility for the actions of their representatives who are here in this country.

It is my hope that if crimes are perpetrated here in the United States or anywhere in the world, that these diplomats or their family members who use diplomatic immunity will be sent back to their home countries and face full responsibility for the actions that they have perpetrated here.

So I am a supporter of diplomatic immunity. I believe it is a very important tool for us. But I believe also when you look at the tragic loss of Jovian Waldrich and the countless other victims of those who have been victims of those who have used diplomatic immunity to free themselves of responsibility, that this is a step towards addressing that.

So I again thank my colleagues, and I believe this is a very important measure, and urge my colleagues to support it.

Mr. GILMAN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman from California for his very persuasive arguments on behalf of the bill. It is worthy legislation, and I hope our colleagues will join with him in support of this measure.

Madam Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation, who is a cosponsor, along with the gentleman from California, of the House counterpart of this bill.

Mr. DUNCAN. Madam Speaker, I would like first to thank the gentleman from New York (Chairman GILMAN) and other members of the committee for bringing this important legislation to the floor today, which is almost identical to a bill that the gentleman from California (Mr. DREIER) and myself introduced in the House early last year.

I would also like to thank Senator COVERDELL, a senior member of the Senate Foreign Relations Committee, for introducing the same legislation in the Senate.

This language, the language in this bill, will encourage the State Department to hold diplomats accountable for crimes committed in the United States, and it is the first time that we have had legislation that will attempt to accomplish this.

Specifically, the bill urges the State Department to pursue waivers of diplomatic immunity when foreign diplomats commit serious crimes in the United States. In addition, if a foreign government of a diplomat who commits a crime will not agree to waive immunity, that government will be encouraged to prosecute the criminal for the same offense in their own courts.

Madam Speaker, this problem was brought to the forefront last year in Washington when a 16 year old girl was killed by a diplomat who was driving while drunk. This diplomat could have avoided prosecution under diplomatic immunity.

I believe this case and others have shown us that we need to take a serious look at how the current system operates. In fact, it has been reported that there has been on average one death a year over the last 10 years in which a diplomat has been involved when the perpetrator was not charged. We need to make foreign representatives in this country know that they will be held accountable when they commit terrible crimes. I welcome all people, all of us welcome all people of all nationalities into this country, but, at the same time, I do not think diplomats should have the right to come here and kill or commit other serious crimes against U.S. citizens without expecting punishment.

Again, Madam Speaker, I would like to thank the chairman and the other members of the Committee on International Relations for recognizing this problem and for moving on this legislation to attempt to correct this problem.

Mr. HAMILTON. Madam Speaker, I am pleased to yield three minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I want to take this time to say something that has absolutely nothing to do with this bill. I do simply want to say that when the gentleman from Indiana (Mr. HAMILTON) retires, this institution will have lost one of the most thoughtful human beings who has ever walked the floor of this House.

Of all of the relationships that I have had through the years in this House, it is hard for me to think of one that has made me feel more rewarded than the relationship I have had with the gentleman from Indiana (Mr. HAMILTON) in dealing with our mutual responsibilities in the area of international affairs.

When Congresses deal with foreign affairs, usually we are dealing with issues that are not very well understood by our constituents and, frankly, often not very well understood by a number of our colleagues as well.

Often in dealing with international affairs, the right thing for our country is to do something which may not be, for the moment, very popular. That has never stopped the gentleman from Indiana from doing exactly what he has thought was right for this country on each and every occasion that I have ever dealt with him, whether the issue is seeing to it that we have a constructive policy in the Middle East, or whether it is searching for ways to open up lines of assistance to the newly emerging democracies that were behind the Iron Curtain, or whether it is dealing with the economic problems that we face in Asia on each and every issue, the gentleman from Indiana has simply asked what is in the best long-term interests of the United States. He has stood on principle, and yet he has not been afraid to look for reasonable compromises that did not compromise those principles.

I, for one, will very much miss him, and I am certain that every thoughtful Member of this House would share my views and say that the country is experiencing a major loss with his departure from this institution. But I know that in his next work, he will also be contributing to the long-term interests of this country.

Mr. HAMILTON. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. HAMILTON. Madam Speaker, let me just say I appreciate very deeply the comments the gentleman from Wisconsin has made. He and I have had an opportunity to work on a great many foreign policy issues over a period of years, and everything you have said about me I return in spades for you. It has been a great pleasure to work with you. I thank you for your kind and generous remarks.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 759.

The question was taken.

Mr. HAMILTON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CENTENNIAL OF FLIGHT COMMEMORATION ACT

Mr. PAPPAS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1397) to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright Brothers.

The Clerk read as follows:

S. 1397

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 "Centennial of Flight Commemoration Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) December 17, 2003, is the 100th anniversary of the first successful manned, free, controlled, and sustained flight by a power-driven, heavier-than-air machine;

(2) the first flight by Orville and Wilbur Wright represents the fulfillment of the age-old dream of flying;

(3) the airplane has dramatically changed the course of transportation, commerce, communication, and warfare throughout the world;

(4) the achievement by the Wright brothers stands as a triumph of American ingenuity, inventiveness, and diligence in developing new technologies, and remains an inspiration for all Americans;

(5) it is appropriate to remember and renew the legacy of the Wright brothers at a time when the values of creativity and daring represented by the Wright brothers are critical to the future of the Nation; and

(6) as the Nation approaches the 100th anniversary of powered flight, it is appropriate to celebrate and commemorate the centennial year through local, national, and international observances and activities.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the Centennial of Flight Commission.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 6 members, as follows:

(1) The Director of the National Air and Space Museum of the Smithsonian Institution or his designee.

(2) The Administrator of the National Aeronautics and Space Administration or his designee.

(3) The chairman of the First Flight Centennial Foundation of North Carolina, or his designee.

(4) The chairman of the 2003 Committee of Ohio, or his designee.

(5) As chosen by the Commission, the president or head of a United States aeronautical society, foundation, or organization of national stature or prominence who will be a person from a State other than Ohio or North Carolina.

(6) The Administrator of the Federal Aviation Administration, or his designee.

(b) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original designation was made.

(c) COMPENSATION.—

(1) PROHIBITION OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay or compensation.

(2) TRAVEL EXPENSES.—The Commission may adopt a policy, only by unanimous vote, for members of the Commission and related advisory panels to receive travel expenses, including per diem in lieu of subsistence. The policy may not exceed the levels established under sections 5702 and 5703 of title 5, United States Code. Members who are Federal employees shall not receive travel expenses if otherwise reimbursed by the Federal Government.

(d) QUORUM.—Three members of the Commission shall constitute a quorum.

(e) CHAIRPERSON.—The Commission shall select a Chairperson of the Commission from the members designated under subsection (a) (1), (2), or (5). The Chairperson may not vote on matters before the Commission except in the case of a tie vote. The Chairperson may be removed by a vote of a majority of the Commission's members.

(f) ORGANIZATION.—No later than 90 days after the date of enactment of this Act, the Commission shall meet and select a Chairperson, Vice Chairperson, and Executive Director.

SEC. 5. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) represent the United States and take a leadership role with other nations in recognizing the importance of aviation history in general and the centennial of powered flight in particular, and promote participation by the United States in such activities;

(2) encourage and promote national and international participation and sponsorships in commemoration of the centennial of powered flight by persons and entities such as—

(A) aerospace manufacturing companies;

(B) aerospace-related military organizations;

(C) workers employed in aerospace-related industries;

(D) commercial aviation companies;

(E) general aviation owners and pilots;

(F) aerospace researchers, instructors, and enthusiasts;

(G) elementary, secondary, and higher educational institutions;

(H) civil, patriotic, educational, sporting, arts, cultural, and historical organizations and technical societies;

(I) aerospace-related museums; and

(J) State and local governments;

(3) plan and develop, in coordination with the First Flight Centennial Commission, the First Flight Centennial Foundation of North Carolina, and the 2003 Committee of Ohio, programs and activities that are appropriate to commemorate the 100th anniversary of powered flight;

(4) maintain, publish, and distribute a calendar or register of national and international programs and projects concerning, and provide a central clearinghouse for, information and coordination regarding, dates, events, and places of historical and commemorative significance regarding aviation history in general and the centennial of powered flight in particular;

(5) provide national coordination for celebration dates to take place throughout the United States during the centennial year;

(6) assist in conducting educational, civic, and commemorative activities relating to the centennial of powered flight throughout the United States, especially activities that occur in the States of North Carolina and Ohio and that highlight the activities of the Wright brothers in such States; and

(7) encourage the publication of popular and scholarly works related to the history of aviation or the anniversary of the centennial of powered flight.

(b) NONDUPLICATION OF ACTIVITIES.—The Commission shall attempt to plan and conduct its activities in such a manner that activities conducted pursuant to this Act enhance, but do not duplicate, traditional and established activities of Ohio's 2003 Committee, North Carolina's First Flight Centennial Commission, the First Flight Centennial Foundation, or any other organization of national stature or prominence.

SEC. 6. POWERS.

(a) ADVISORY COMMITTEES AND TASK FORCES.—

(1) IN GENERAL.—The Commission may appoint any advisory committee or task force from among the membership of the Advisory Board in section 12.

(2) FEDERAL COOPERATION.—To ensure the overall success of the Commission's efforts, the Commission may call upon various Federal departments and agencies to assist in and give support to the programs of the Commission. The head of the Federal department or agency, where appropriate, shall furnish the information or assistance requested by the Commission, unless prohibited by law.

(3) PROHIBITION OF PAY OTHER THAN TRAVEL EXPENSES.—Members of an advisory committee or task force authorized under paragraph (1) shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(c)(2).

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(c) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision in this Act, only the Commission may procure supplies, services, and property, and make or enter into leases and other legal agreements in order to carry out this Act.

(2) RESTRICTION.—

(A) IN GENERAL.—A contract, lease, or other legal agreement made or entered into by the Commission may not extend beyond the date of the termination of the Commission.

(B) FEDERAL SUPPORT.—The Commission shall obtain property, equipment, and office space from the General Services Administration or the Smithsonian Institution, unless other office space, property, or equipment is less costly.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supplies and property, except historically significant items, that are acquired by the Commission under this Act and remain in the possession of the Commission on the date of the termination of the Commission shall become the property of the General Services Administration upon the date of termination.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as any other Federal agency.

SEC. 7. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission and chosen from among detailees from the agencies and organizations represented on the Commission. The Executive Director may be paid at a rate not to exceed the maximum rate of basic pay payable for the Senior Executive Service.

(b) STAFF.—The Commission may appoint and fix the pay of any additional personnel that it considers appropriate, except that an individual appointed under this subsection may not receive pay in excess of the maximum rate of basic pay payable for GS–14 of the General Schedule.

(c) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, except as provided under subsections (a) and (b) of this section.

(d) MERIT SYSTEM PRINCIPLES.—The appointment of the Executive Director or any personnel of the Commission under subsection (a) or (b) shall be made consistent with the merit system principles under section 2301 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request by the Chairperson of the Commission, the head of any Federal department or agency may detail, on either a nonreimbursable or reimbursable basis, any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this Act.

(f) ADMINISTRATIVE SUPPORT SERVICES.—

(1) REIMBURSABLE SERVICES.—The Secretary of the Smithsonian Institution may provide to the Commission on a reimbursable basis any administrative support services that are necessary to enable the Commission to carry out this Act.

(2) NONREIMBURSABLE SERVICES.—The Secretary may provide administrative support services to the Commission on a nonreimbursable basis when, in the opinion of the Secretary, the value of such services is insignificant or not practical to determine.

(g) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with other Federal agencies, State and local governments, and private interests and organizations that will contribute to public awareness of and interest in the centennial of powered flight and toward furthering the goals and purposes of this Act.

(h) PROGRAM SUPPORT.—The Commission may receive program support from the nonprofit sector.

SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may accept donations of personal services and historic materials relating to the implementation of its responsibilities under the provisions of this Act.

(b) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(c) REMAINING FUNDS.—Any funds (including funds received from licensing royalties) remaining with the Commission on the date of the termination of the Commission may be used to ensure proper disposition, as specified in the final report required under section 10(b), of historically significant property which was donated to or acquired by the Commission. Any funds remaining after such disposition shall be transferred to the Secretary of the Treasury for deposit into the general fund of the Treasury of the United States.

SEC. 9. EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.

(a) IN GENERAL.—The Commission may devise any logo, emblem, seal, or descriptive or designating mark that is required to carry out its duties or that it determines is appropriate for use in connection with the commemoration of the centennial of powered flight.

(b) LICENSING.—The Commission shall have the sole and exclusive right to use, or to allow or refuse the use of, the name "Centennial of Flight Commission" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts.

(c) EFFECT ON OTHER RIGHTS.—No provision of this section may be construed to conflict or interfere with established or vested rights.

(d) USE OF FUNDS.—Funds from licensing royalties received pursuant to this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

(e) LICENSING RIGHTS.—All exclusive licensing rights, unless otherwise specified, shall revert to the Air and Space Museum of the Smithsonian Institution upon termination of the Commission.

SEC. 10. REPORTS.

(a) ANNUAL REPORT.—In each fiscal year in which the Commission is in existence, the Commission shall prepare and submit to Congress a report describing the activities of the Commission during the fiscal year. Each annual report shall also include—

(1) recommendations regarding appropriate activities to commemorate the centennial of powered flight, including—

(A) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(B) bibliographical and documentary projects and publications;

(C) conferences, convocations, lectures, seminars, and other similar programs;

(D) the development of exhibits for libraries, museums, and other appropriate institutions;

(E) ceremonies and celebrations commemorating specific events that relate to the history of aviation;

(F) programs focusing on the history of aviation and its benefits to the United States and humankind; and

(G) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to the centennial of powered flight;

(2) recommendations to appropriate agencies or advisory bodies regarding the issuance of commemorative coins, medals, and stamps by the United States relating to aviation or the centennial of powered flight;

(3) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of the centennial of powered flight;

(4) an accounting of funds received and expended by the Commission in the fiscal year that the report concerns, including a detailed description of the source and amount of any funds donated to the Commission in the fiscal year; and

(5) an accounting of any cooperative agreements and contract agreements entered into by the Commission.

(b) FINAL REPORT.—Not later than June 30, 2004, the Commission shall submit to the President and Congress a final report. The final report shall contain—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) any findings and conclusions of the Commission; and

(4) specific recommendations concerning the final disposition of any historically significant items acquired by the Commission, including items donated to the Commission under section 8(a)(1).

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—

(1) AUDIT.—The Comptroller General of the United States shall audit on an annual basis the financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards.

(2) ACCESS.—In conducting an audit under this section, the Comptroller General—

(A) shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(B) shall be afforded full facilities for verifying the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

(b) FINAL REPORT.—Not later than September 30, 2004, the Comptroller General of the United States shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted by the Comptroller General.

SEC. 12. ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a First Flight Centennial Federal Advisory Board.

(b) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Board shall be composed of 19 members as follows:

(A) The Secretary of the Interior, or the designee of the Secretary.

(B) The Librarian of Congress, or the designee of the Librarian.

(C) The Secretary of the Air Force, or the designee of the Secretary.

(D) The Secretary of the Navy, or the designee of the Secretary.

(E) The Secretary of Transportation, or the designee of the Secretary.

(F) Six citizens of the United States, appointed by the President, who—

(i) are not officers or employees of any government (except membership on the Board shall not be construed to apply to the limitation under this clause); and

(ii) shall be selected based on their experience in the fields of aerospace history, science, or education, or their ability to represent the entities enumerated under section 5(a)(2).

(G) Four citizens of the United States, appointed by the majority leader of the Senate in consultation with the minority leader of the Senate.

(H) Four citizens of the United States, appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives. Of the individuals appointed under this subparagraph—

(i) one shall be selected from among individuals recommended by the representative whose district encompasses the Wright Brothers National Memorial; and

(ii) one shall be selected from among individuals recommended by the representatives whose districts encompass any part of the Dayton Aviation Heritage National Historical Park.

(c) VACANCIES.—Any vacancy in the Advisory Board shall be filled in the same manner in which the original designation was made.

(d) MEETINGS.—Seven members of the Advisory Board shall constitute a quorum for a meeting. All meetings shall be open to the public.

(e) CHAIRPERSON.—The President shall designate 1 member appointed under subsection (b)(1)(F) as chairperson of the Advisory Board.

(f) MAILS.—The Advisory Board may use the United States mails in the same manner and under the same conditions as a Federal agency.

(g) DUTIES.—The Advisory Board shall advise the Commission on matters related to this Act.

(h) PROHIBITION OF COMPENSATION OTHER THAN TRAVEL EXPENSES.—Members of the

Advisory Board shall not receive pay, but may receive travel expenses pursuant to the policy adopted by the Commission under section 4(e).

(1) TERMINATION.—The Advisory Board shall terminate upon the termination of the Commission.

SEC. 13. DEFINITIONS.

For purposes of this Act:

(1) The term "Advisory Board" means the Centennial of Flight Federal Advisory Board.

(2) The term "centennial of powered flight" means the anniversary year, from December 2002 to December 2003, commemorating the 100-year history of aviation beginning with the First Flight and highlighting the achievements of the Wright brothers in developing the technologies which have led to the development of aviation as it is known today.

(3) The term "Commission" means the Centennial of Flight Commission.

(4) The term "designee" means a person from the respective entity of each entity represented on the Commission or Advisory Board.

(5) The term "First Flight" means the first four successful manned, free, controlled, and sustained flights by a power-driven, heavier-than-air machine, which were accomplished by Orville and Wilbur Wright of Dayton, Ohio on December 17, 1903 at Kitty Hawk, North Carolina.

SEC. 14. TERMINATION.

The Commission shall terminate not later than 60 days after the submission of the final report required by section 10(b) and shall transfer all documents and material to the National Archives or other appropriate Federal entity.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $250,000 for fiscal year 1999, $600,000 for fiscal year 2000, $750,000 for fiscal year 2001, $900,000 for fiscal year 2002, $900,000 for fiscal year 2003, and $600,000 for fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PAPPAS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PAPPAS).

GENERAL LEAVE

Mr. PAPPAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1397.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAPPAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill creates a commission to recognize the centennial of the first flight. The achievement of the Wright Brothers, Wilbur and Orville, began an era of unprecedented change. Since those few historic seconds on the dunes at Kitty Hawk, North Carolina, American industry has developed the powered aircraft into a major commercial industry, a vital instrument of our national defense, and a precursor to our efforts to ascend to the outer reaches of space.

□ 1215

Because these sons of an Ohio preacher had the initiative and ambition to build beyond the bicycle repair shop that they ran in Dayton, Ohio, we benefit from faster transportation around the world, a more mobile society, and an export industry that extends our economic leadership around the globe.

The first flight marked the opening of the 20th century, and the Federal Government has played a major role in all aviation development during this century. The Wright Brothers developed many of their heavier airplanes as a result of research contracts from the Department of the Army.

The Postal Service supported the development of commercial aviation by supporting pilots who flew the mail. Federal agencies developed within the Department of Commerce to provide certification for the airworthiness of airplanes, and to chart the airways and navigational aids that now comprise our national system of airports and airways.

The aviation industry is one of the finest demonstrations of effective partnership of industry and government, so it is entirely fitting that we end this century and enter the 21st century by recognizing the achievement at its beginnings. I urge all Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this bill will establish a commission to commemorate the centennial of powered flight, and the achievements of the Wright Brothers. Wilbur and Orville Wright manned the first successful controlled and sustained powered flight. The Wright Brothers, originally bicycle store owners from Dayton, Ohio, moved to Kitty Hawk, North Carolina for the hills, the strong and steady winds, and soft sandy ground, essential ingredients for successful flight.

They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces, the principles that we use today and that we see on every airplane.

In 1903 the Wright Brothers completed the construction of a larger plane powered by their own lightweight gas-powered engine, and returned to Kitty Hawk. On December 17th, 1903, four men and a boy witnessed the first flight, a flight which dramatically changed the course of transportation, commerce, communication, and warfare throughout the world.

Madam Speaker, I wholeheartedly support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. PAPPAS. Madam Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I thank the gentleman for New Jersey for yielding me this time.

Madam Speaker, I rise today in support of the Centennial of Flight Commemorative Act, Senate bill 1397, introduced by Senator JESSE HELMS. This bipartisan bill calls for the establishment of a Federal Commission to help coordinate the national celebration of the 100th anniversary of the Wright Brothers historic 1903 flight at Kitty Hawk, North Carolina.

The national celebration will focus on Kitty Hawk in Dayton, Ohio, where the Wright Brothers did much of their early work in the field of aviation. As the Member who represents Kitty Hawk, I have been honored to be part of this bipartisan group, including Senator HELMS, Senator JOHN GLENN, and my friend, the gentleman from Ohio (Mr. TONY HALL), as we proceed with the national and international celebration of flight.

As the year 2003 anniversary quickly moves closer, the Centennial of Flight Commission will help coordinate the planning at the national and international level. Operations in North Carolina and Ohio have begun planning this celebration.

The Commission will work with local organizations, such as the First Flight Centennial Commission and the First Flight Centennial Foundation in planning and developing programs and activities to commemorate the 100th anniversary of flight. Even the National Air and Space Museum, the Library of Congress, and NASA have joined in the planning to help celebrate one of the greatest innovations the world has ever witnessed.

Additional participation in national and international commemorative activities by aviation-related organizations, industries, and educational institutions is expected.

I believe passage of this bill to be a fitting tribute to Senator JOHN GLENN as he prepares to make history in the next few weeks. I hope my colleagues will join the gentleman from Ohio (Mr. HALL) and myself in supporting this legislation.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I congratulate the gentleman from North Carolina (Mr. JONES) and the gentleman from Ohio (Mr. HALL) for this bipartisan piece of legislation. They were the sponsors of the House version, and we just heard the gentleman from North Carolina (Mr. JONES) eloquently talk about the significance of this legislation and the significance of the Wright Brothers,

and what part they played in our Nation's history.

We now would like to hear from the distinguished gentleman from Ohio (Mr. HALL) and the gentleman from North Carolina (Mr. JONES). The Ohio link, of course, is the fact that the Wright Brothers are from Ohio.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. TONY HALL).

Mr. HALL of Ohio. Madam Speaker, I want to thank the gentleman from Maryland for yielding me the time, and for his excellent remarks. I want to join my colleague, the gentleman from North Carolina (Mr. JONES) certainly in support of Senate bill 1397.

Madam Speaker, this bill will establish a Commission to coordinate and assist the Nation's celebration in the year 2003 of the 100th anniversary of the Wright Brothers first flight.

I am excited, because I represent the home of the Wright Brothers, Dayton, Ohio, so this is an especially exciting bill for us to have, and I am so glad to join with our colleagues in the Senate.

This is similar to other commissions created in honor of the anniversaries of the American Revolution, adoption of the U.S. Constitution, and other pivotal events in our history. The conquest of flight by Orville and Wilbur Wright is one of mankind's greatest triumphs of invention. To understand their place in American history, one has only to look up at the frieze in the rotunda of this building and see the image of the two brothers in Dayton, Ohio, and the plane they flew at Kitty Hawk, North Carolina. The invention of the airplane has changed our lives and captured our imagination. The 100th anniversary of that achievement will be a time for a national celebration, not only in Ohio and North Carolina, but all across America.

The Commission created by this legislation will assist that celebration by serving as a national clearinghouse of information about events. This legislation will coordinate private groups, the National Air and Space Museum, Federal agencies, which could have a role in the celebration, including the National Park Service, the Library of Congress, the Federal Aviation Administration, NASA, the Air Force, and the Navy.

Madam Speaker, the Commission will work with international organizations and foreign governments celebrating the centennial of flight. Finally, the legislation will provide the highest stature possible for the celebration through the symbolic backing of the President, the Congress, and the Federal Government.

Senate bill 1397 is the Senate version of H.R. 2305, a bill that I introduced with my colleague, the gentleman from North Carolina (Mr. JONES) and the gentleman from Ohio (Mr. HOBSON). It is sponsored or cosponsored by 33 Members, including most of the Ohio and North Carolina delegations.

Earlier this year, the House passed the Centennial of Flight Act as part of H.R. 4057. However, because final passage of that bill is uncertain, I ask my colleagues again to approve this measure.

Madam Speaker, I certainly want to thank my principal cosponsor, the chief sponsor of the bill, the gentleman from North Carolina (Mr. JONES), and certainly my other Ohio colleague, the gentleman from Ohio (Mr. DAVE HOBSON), for their great support and pushing and great work behind the scenes in making this happen.

The measure, which was cosponsored by Senator JOHN GLENN, will probably be his last bill enacted into law. JOHN GLENN could have retired into history after becoming the first American to orbit the Earth in 1962. However, he chose to continue to serve his country as a United States Senator for 24 years. Now he has chosen to make one last flight as the oldest man in space.

Passage of this bill to celebrate the first 100 years of aviation is a fitting tribute to a man who has been so much a part of that history. JOHN GLENN continues in the tradition of the Wright Brothers as one of the great pioneers of air and space. God speed, JOHN GLENN.

Mr. CUMMINGS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is interesting that the Wright Brothers are two brothers that I talk about often in speeches to young people when I talk about the misfits of life. Misfits. I tell a little story that there was once a gentleman who had come home from war, and he was marching down Pennsylvania Avenue with the troops, and his mother came out with a friend. The mother said, look at my son. Look how great he is. And so the friend says, he does not look too great to me. He is out of step. And the mother said, that is why he is so great.

The Wright Brothers are misfits. They are wonderful misfits. I can imagine that when they went around and said one day that man would be able to fly around in a piece of metal, folk looked at them as if they were crazy. But the fact is that they were misfits. They believed in what could be done. They could not see it, but they knew it. So today this legislation is very significant to commemorate two great misfits, folks who believed what others could not see.

Madam Speaker, I would urge all of my colleagues to vote in favor of this very important legislation, and I yield back the balance of my time.

Mr. PAPPAS. Madam Speaker, I urge all Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from New Jersey (Mr. PAPPAS) that the House suspend the rules and pass the Senate bill, S. 1397.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 135) making further continuing appropriations for the fiscal year 1999, and for other purposes; and that it be in order at any time to consider the joint resolution in the House; and that the joint resolution be considered as having been read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled between myself and the gentleman from Wisconsin (Mr. OBEY); that all points of order against the joint resolution and against its consideration be waived; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Madam Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 135) making further continued appropriations for the fiscal year 1999, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 135

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 105–240 is further amended by striking "October 14, 1998" and inserting in lieu thereof "October 16, 1998".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

GENERAL LEAVE

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 135, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. LIVINGSTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the current continuing resolution for fiscal year 1999 expires tonight. We have been here before saying this same thing, but the White House negotiators and congressional negotiators have been working day and night on some very important decisions. We are doing the people's work.

Not only are these issues important, but they are very complicated. We are dealing with wrapping up the eight regular bills plus emergency supplemental appropriations, and various authorizing pieces of legislation which we believe must pass before we adjourn Congress for the 105th Congress.

□ 1230

All parties are working in good faith, but we have just not yet completed our negotiations. We will need another day or two to complete our work and get it to the floor. An extension of a further continuing resolution is, therefore, needed. Adoption of H.J. Res. 135, which runs through Friday, October 16, will give us time to complete our remaining work, I hope.

Again, I wish I did not have to bring this joint resolution to the floor, but more time is needed. Unfortunately, we have not completed our work, and we need that time to do it. I do not think we need to debate this issue extensively or take a lot of time today. We all know that we need to take this action to keep the government open. It is our intention to keep the government open, and it is our intention to stay as long as it takes to get our business done so that the government remains open and that the final bill be passed.

Adoption of this continuing resolution will give us the time needed to complete our work and keep the government running, and so I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 12 minutes.

Madam Speaker, well, I guess I would say that this debate, as did the debate 2 days ago, also reminds me of Yogi Berra's statement, "This is deja vu all over again," and again and again and again.

We are in a situation in which we are now 14 days past the beginning of the fiscal year. This is certainly not the first time this has ever happened in the Congress. We have often seen the Congress not complete its budget work on time. But I think we are in a unique position in terms of why and a unique position in terms of what it is that still divides us.

Madam Speaker, in my discussions this morning with the White House and with leadership, as I understand the situation, we are essentially down to a number of issues. The gentleman from Louisiana (Mr. LIVINGSTON) and I have been able, along with our Senate counterparts, to wade through many, many dollar issues. But at this point, we are still divided because the President and the Democratic membership of this House still wants to see movement on the President's proposal for school construction so that we can help some of the poorest districts in the country who simply do not have the bonding resources to modernize their school buildings with Federal help. There are literally some schools, as the President said the other day, that are in such falling-down shape that if they were a prison, they would be condemned by a Federal judge. We cannot allow that disgrace to continue in our view.

We also have the division between us on the issue whether or not we are going to provide Federal assistance to lower class size in the first three grades, when early intervention is crucial in getting kids off to the right start in life. And we are at this point still divided on that issue and whether or not funding that would be provided would, indeed, be targeted to reducing class size or would, in fact, be dissipated on other items.

In addition to that, we still have some environmental issues which divide us. In my view, especially important are the administration's efforts to begin to deal with the problem of global warming, which could be the most catastrophic problem that any of us have faced in our lifetimes. It could be as catastrophic as war itself if the natural environment which protects us all begins to change significantly. And the scientific evidence certainly seems to suggest that it is.

We need more resources in that area. Not to enforce the Kyoto Treaty, about which I have strong objections, but simply to support research and education efforts which are going to be necessary in order for us to deal with that problem of global warming. We also have some other environment issues there.

Then we have the issue of what I call Viagra versus the pill. The budget so far has provided millions and millions of dollars to provide for coverage of Viagra at the Pentagon, and yet women who work for the Federal Government are being told that their insurance policies may not be required to cover basic contraceptive services for women. To me, that is a ludicrous position. And the President and those of us on this side of the aisle are working very hard to see to it that that changes before we go home.

Next, we have a huge problem on the census where we have really a three-cornered debate going on about how that issue is going to be resolved. And I respect the views of people of both sides. On this one I am in a peculiar position. I do not happen to agree fully with the position of my party or the Republican party. But this institution must find a way to deal with that problem.

Then we have the problem of the United Nations. We owe the United Nations some $900 million or so in back funding. If we are going to entertain going to war in places like Kosovo and other places, we need to arm ourselves so that we have all of the possible tools available in order to shape the United Nations response to that and other problems, and we do not have those tools so long as that money is being withheld because of the Mexico City impasse. The Mexico City impasse, in plain language, involves questions of policy with respect to family planning issues abroad.

Then lastly, we have the very legitimate issue of what we are going to do to respond to the fact that the market has collapsed for many farmers in this country, and also with respect to the kind of farmers that I represent, the fact that dairy farmers have an income which in real terms is about 50 percent of what it was in 1980, over a year's time.

So those are the real issues that still divide us and we are going to have to come to a resolution on them, but we are not there yet and that is why we need this additional time.

Now, I would like to also explain why it is that I believe why we are here. And as I said 2 days ago, this is not the responsibility of the gentleman from Louisiana (Mr. LIVINGSTON). He is a first-rate chairman of the Committee on Appropriations, and the committee itself has not created this problem. But the committee has not been allowed to do its work because of external realities. Let me cite the main reality. There are two, as far as I see.

First of all, if we take a look at the schedule which the leadership of this House put together, in January, we were in session 2 days. In February, the month that we got the budget from the President, Congress was in session 8 days. In March, when we normally have a very heavy hearing schedule, Congress was in session 15 days and there was very little floor action at the same time.

In April, Congress was in session for 8 days. And then in April, we had a 19-day Easter district work period, one of the longest in history.

On the day that the budget resolution was due, supposed to be finished in this House, this Congress was in recess. Then in May, this Congress was in session a total of 13 days, and then we recessed. We recessed for an 11-day Memorial Day district work period.

In June, Congress was in session 15 days. We did, on June 16 pass the committee allocation to each of the subcommittees so the committee could begin its work. But that was 2 months late, because of the delay on the part of the Committee on the Budget and the House leadership in not bringing that budget debate to a full completion. And when the committee did make its allocation, it did so at the direction of the leadership, absent a budget for the government.

We then went on recess for 18 days over the July 4th district work period. That was one of the longest July 4th recesses in history. Congress was in session a total of 14 days in July and 5 days in August. We had a 31-day August district work period. In September, Congress was in session 15 days.

So the timetable created by the leadership's schedule made it impossible for the Committee on Appropriations to get its work done on time. And that is why, as of this date, the Congress has still not completed action on 9 of the 13 appropriation bills which we are supposed to finish.

That has been complicated by the fact that the majority party leadership has apparently come to the conclusion that not only do we have to reach agreements which can get majority support in the House, but that in many cases those agreements also have to satisfy the most conservative and the most confrontational elements in their own caucus.

The example of that that I would use is the issue of contraception, where this House on a bipartisan basis passed the Lowey amendment. I think we had some 50 Republican votes for that, along with most Democrats. We then had an even larger margin in favor of that in the Senate, so that women would have the full availability of contraceptive services.

But because a good many Members in the caucus of the Republican Majority have very strong feelings against the pill and the IUD, we are now told that we have to overturn the judgment of both houses in order to reach a compromise on this budget.

Madam Speaker, I think that the way that contraceptive issue has blown up the budget is an example of what has happened across the budget on many of these other items. And then we also have the problem compounded by the fact that on the Labor-HHS bill, the majority party brought a bill to the floor which was so extreme, it cut $2 billion out of the President's education budget. It was so extreme that the Senate Republicans would not even accept it. And our friends, our Republican friends in the House could not even pass it on this floor because of opposition in their own caucus by moderate Members.

So, if my colleagues want to know why we are here, I do not want to hear any more of this baloney about the fact that the President has been out of town, because as I pointed out the last time, the last time I looked, William Clinton is not a Member of the House. He is not a Member of the Senate. He does not get to vote, and he only gets to sign or veto bills after we send them to him, and so far we have not sent him 9 out of 13 bills.

So, if the Congress wants to know why we are at this impasse, all we have to do as an institution is look in the mirror. So that is why we are here. I did not want to take that much time, but I think it is important for us to understand why we are at this impasse as we try to get out of it.

Madam Speaker, I reserve the balance of my time.

□ 1245

Mr. LIVINGSTON. Madam Speaker, I yield myself 12 minutes.

I had not really intended to get into a prolonged debate, but I see the cast of thousands over there on the other side ready to pounce on me so I thought I might make some preemptive remarks and responsive remarks to the gentleman that just preceded me.

My friend from Wisconsin has criticized the schedule. Let me take a second to note that in all but 5 of the last 15 years, we are actually ahead of schedule. We actually have done better in some 10 years out of the last 15 years in terms of getting our work done and closing out the legislative year.

Just taking, for example, the year 1990 and comparing it with this year on the matter on which the gentleman criticized the number of working days. The fact is in 1990, there were only 134 legislative days for the entire legislative session which is actually less than what we have done this year. And in that same year, I am counting, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve appropriations bills, all passed on November 5 of 1990. That is three or four weeks after we will be through here in this session of the 105th Congress.

The point is, one can criticize the number of days we have been in session or not. The fact is, we are doing much better than we have done in other years, doing better than we have done in all but 5 of the last 15 years.

What about the record of achievement for this legislative term? I think that a balanced budget, the first balanced budget in 30 years is worth crowing about. I think the first tax cut in 16 years is worth crowing about. We have gotten both of those. My friends in the minority, when they were in the majority, projected that we would have $200 to $300 billion in deficits every year as far as the eye could see. Under our leadership, that has ceased to become the case. In fact we have reversed it. We have restored some fiscal integrity to this massive Federal Government of ours so that we do not mortgage the future of our children and our grandchildren.

In the process, we have passed a Higher Education Act, a Reading Excellence Act, a Dollars to the Classroom Block Grant Act. We passed scholarships for youngsters so that they are not forced and compelled to go to drug-ridden schools or crime-ridden schools or inferior schools for the District of Columbia, but unfortunately that was vetoed by the President.

We did pass prepaid college tuition plans and job training reform and emergency student loans and quality Head Start funding. We provided bills to provide for school nutrition and charter schools and drug education initiatives. We also passed an opportunity for people to save for their children's education called the A-plus savings accounts, but again President Clinton did not think that was worth allowing people to save for the future of their children and save for their children's education so he vetoed that one.

But we also passed and enacted into law $500 million more for special education, loan forgiveness for new teachers, teachers testing provisions, Individuals with Disabilities Education Act, the high tech job skills vocational education. We have implemented bilingual education reform. Prohibition on new Federal school tests, equitable child care resolution and juvenile justice programs all have been done this year just in the field of education.

You hear the President standing up for education these last few days. I am glad to see that he has awaken to a critical need for this country. But one thing we should note when we start talking about the application of Federal dollars, remember, Federal dollars are nothing more than taxpayers' dollars.

We should understand that we are spending taxpayers' dollars every time we talk about creating a new program, with Federal strings attached. In effect, we are employing Federal bureaucrats to tell people back home how they should better their lives.

The President says he wants more money for school construction, but he wants Federal bureaucrats to dictate how that money should be spent. The President says he wants more money for teachers, but he wants Federal bureaucrats to dictate which teachers get funded. That is not our approach. It is a source of controversy. It is not a matter of money. We have provided, throughout the discussions that are going on between our leadership and the representatives of the White House. We have fundamentally agreed on the amount of money. We are just trying to get the money back to the localities without interference from the Federal bureaucracies.

Remember, States and localities already pay for 95 percent of all dollars

on education. The other 5 percent is spent by the Federal Government with taxpayers' dollars. It has only been in the last 30 to 35 years that the Federal Government has been involved in education at all.

The gentleman says that we have differences on global warming. The fact is that there is some very real credible science to say that actually the climate in the last 40 years has cooled rather than warmed. Did we have a hot summer this last summer? Yes. We had some severely cold winters a couple years ago though. The idea advanced primarily by the Vice President and a lot of people who believe as he does that we should run out and spend billions upon billions upon billions of taxpayers' dollars crying that the sky is falling and call Chicken Little just in anticipation of the possibility that the world is warming up by an iota of a degree is insanity. Let us get the facts. Let us find out what the facts are. Scientific information says that probably in the last 2- or 300 years maybe the world has warmed a little bit in some stages, but that it has cooled in others. In the last 40 years it may actually have cooled.

Why should we spend billions upon billions of dollars from the taxpayers' pockets in anticipation of a theory that may be totally flawed and totally inaccurate? Why should we tell our American citizens who are working so hard for their children to keep their families and their communities together that we should take their money and at the same time promote programs which put them out of work to the advantage of the emerging countries, which is exactly what the Kyoto Treaty is all about? It says to America, you have consumed too much energy so close your businesses down, send all the jobs overseas. I do not think that that is what we should be doing, Madam Speaker. So we have some legitimate debate on issues of that sort.

The gentleman also raises funding for the census. My goodness, the Constitution of the United States says that every citizen should be counted. That means counted. But, no, they want to use their thumb and estimate whole communities. They want to sample. They want to sample how many people are out there in this neighborhood and that neighborhood and develop the representation of the United States Congress on these estimates.

My goodness, there must be some sort of hidden social agenda, Madam Speaker. What are they trying to do when they do not want to count everybody? When we say that we will spend every dollar that is necessary to count everybody, they say, no, we want to be scientific in this age of science. We want to estimate how many people are in America rather than count them.

Madam Speaker, we have heard them. They estimated the number of immigrants into the United States just before the last election and let about 100,000 illegal aliens in, and a bunch of them were criminals and murderers. So they want us to take them at their word that they are going to estimate them correctly.

I am concerned about this estimation. The Constitution calls for no sampling, for counting every individual. I think that we ought to take the Constitution at face value. We ought to enumerate. But they disagree with us. Two courts of appeal have ruled with us in our favor saying that you have to count every citizen and still they want to ignore the wishes of the courts that have ruled in our favor and still estimate the number of people in America.

Well, the gentleman from Wisconsin has indicated that there are other issues about how much to bail out the farmer because of the recent disasters. If the money is well spent, if it is going to people that truly need it because of real disasters, we agree, the money should be spent. But let us just not throw money at a problem simply because it is the right political season. I am afraid that issue is becoming very much involved in whether or not we properly spend taxpayers funds, and we are the stewards of the taxpayer. We should understand that the money should be well spent.

The gentleman has questioned why we are here at this late date. I would simply agree with him when he says that we should have gotten our business done earlier. We should have. But we are not inconsistent with the vast majority of Congress in the last 15 years when they were mostly in control, and we were in the minority. This happens. Sometimes we push our business off until we have to handle it in one lump sum at the very end.

That is not an efficient way to do business. We have spent too much time on the budget. We have spent too much time on things when we should have been spending more time on the appropriations bills. But we are where we are. We are not going to close the government. We are going to stay here as long as we absolutely have to to get our business done. It is my hope, my genuine and sincere hope that we will conclude our business in the next few hours and that we will be able to submit a very large bill comprising the untended business to the Members of Congress, to our colleagues so that they can vote finally and completely and go home to election time.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

It is simply false to say that the difference between the President and the Republican majority on the issue of class size is that the administration wants to run this program through Federal bureaucracy and the Republicans want to make sure that it is run through State and local bureaucracy. That is not what is at stake.

What we want to do is assure that if we are going to spend over $1 billion that that money is used for the purpose for which it is appropriated, which is to reduce class size. It has nothing to do with which bureaucracy it runs through.

We do not want that money to be used for noninstructional purposes. If you run that money through title VI, as the Republicans want, that means there will be at least 1 percent available for Federal administration. It means there will be up to 15 percent available for State administration. And there is no limit whatsoever on administrative cost at the local level. That is why we are insisting on this principle. It is not a question of which bureaucracy it goes through. It is a question of whether this is going to be used for a national priority to reduce class size or whether it is going to be frittered away on a dozen other things. We want to follow the same process that we followed on Cops on the Beat, where the Republicans also opposed having 100,000 cops on the beat.

□ 1300

The fact is that, today, that is one of the most popular programs at the local level; and certainly in my hometown it has been a very effective program.

We do not want to do in education what was done in the 1970s when money was simply thrown out in a block grant, and it was used to make Motorola rich and used to make a lot of other contractors rich in selling a lot of equipment to local communities without having any appreciable improvement on law enforcement, under the Law Enforcement Assistance Act.

What we are trying to do is very simply to make certain that money appropriated for reducing class size is used for that purpose, and that is the issue that divides us.

Madam Speaker, I reserve the balance of my time.

Mr. LIVINGSTON. Madam Speaker, how much time do both sides have remaining?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY) each have 16 minutes remaining.

Mr. LIVINGSTON. Madam Speaker, I am pleased to yield 2 minutes to the very distinguished gentleman from Alabama (Mr. CALLAHAN), chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Madam Speaker, I rise in support of this very responsible resolution, which is simply a resolution to keep the government moving and not shut down, in order that we

can resolve the several remaining issues.

But in listening to the gentleman from Wisconsin's explanation of why we are where we are, I just thought I might come and explain to my colleagues and to the Speaker what really happened with respect to that area of jurisdiction that I have; and that is passing a bill that has to do with the foreign operations, monies for foreign countries.

To put it simply, last spring, the President requested that this Congress give him $13.5 billion, plus $18 billion for the International Monetary Fund. As responsible appropriators, we did exactly what we were supposed to do. We passed a bill, but we did not give the President everything he wanted. We cut his request by $1 billion, because we thought we ought to use the money in other areas of government.

Even back in the spring, Mrs. Albright told me that if I did not give her the entire $13.5 billion, she was going to recommend a veto.

It was not left to SONNY CALLAHAN to make that determination, but, rather, it was left to this body. We brought a bill through subcommittee. We brought a bill through full committee. We brought a bill to the floor of the House, and the House rejected the President's request.

Now in the waning moments of this session, the President is coming back and saying, "Look, I have you now in a position that I want you in, and I am going to insist that, regardless of what a majority of the Members of the House, Republicans and Democrats alike, regardless of what you think, you are going to give me my extra billion dollars."

So that is where we are. It is not a question, as the gentleman from Wisconsin fully understands, of whether we acted responsibly, because we did. We passed the bill through the House. We passed the bill through the Senate. It was not what the President wanted.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, today, we are considering our fourth continuing resolution to keep the government open, because the Republican majority failed to get a budget done in time, as is exhibited by this chart, failed to give us a strong HMO Patient Protection Act for our families, failed to ensure that the budget surplus would be used to protect Social Security before all else, and failed to protect our kids from tobacco.

We Democrats simply do not want my colleagues to go back home and fail our children. That is why we are still here fighting to reduce class size and modernize our aging schools.

With our 100,000 teachers initiatives, Democrats are trying to ensure that local taxpayers supporting public school systems across the country get a break by guaranteeing that the new Federal dollars are used to help local school districts reach a specific goal that everyone supports, reducing class size in early grades.

Under the Republican proposal, the dollars could be used for all sorts of other purposes that have nothing to do with helping our children. In essence, we Democrats want to accomplish what we did with 100,000 Cops on the Beat, local control with Federal support to hire 100,000 new teachers.

This is a battle about whether we want more money for educators or more investigators, whether we want to spend more time investigating the past or more time investing in our future. Our schools, our teachers, and our children, that is what we Democrats are fighting about.

Mr. LIVINGSTON. Madam Speaker, I am pleased to yield 4 minutes to my good friend, the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Commerce, Justice, State and Judiciary of the Committee on Appropriations.

Mr. ROGERS. Madam Speaker, I thank the chairman for yielding to me.

Madam Speaker, we passed the Commerce, Justice appropriations for the State Department, the Commerce Department, the Judiciary, and Related Agencies through this body, through the Senate, for the full year.

We fenced in the last half of the year's funding for the decennial census until the Federal courts could decide whether or not it is legal to do sampling.

I will tell my colleagues what is going on in that room right back there where they are negotiating this budget deal. The President is insisting that we not fund all of these agencies in the bill for the last half of the year. In March, all of these agencies would shutdown if the President prevails.

What does that mean? It means that the Bureau of Prisons will shut down. Do we turn the prisoners loose? It means the National Weather Service will go out of business. Do we want to know what our weather will be tomorrow? Do not watch television. National Weather Service is shut down.

It means the Justice Department would be shut down. The FBI would be closed. The laboratories that test bullets from all over the country for local police departments shut down, closed by the President's decree. It means the State Department and all of the embassies worldwide keeping the peace in the world would be shut down by the President's decree on March 15 if he prevails back there in that room. That is what is going on.

Why are they insisting upon this? So they can have their way on the frivolous idea of sampling the census for the decennial census.

Yesterday, I received a letter from the Federal Judicial Conference, over which the Chief Justice presides. In the letter, it says that this has a dangerous incursion into perhaps intimidation of the Judicial Branch of government, of the very Court that will eventually decide sampling and its constitutionality.

The Supreme Court itself would be shut down in March if the President has his way. All of the Federal courts would be shut down. The U.S. Marshals would be shut down. The drug war would be shut down if the President had his way back there in that room this very minute.

I say that is outrageous. It is unconscionable. It is unconstitutional, in my judgment, and it is an attempt to intimidate the United States Supreme Court on the very makeup of this body. I say that is outrageous. It is unacceptable and should be whisked away like the dirt on the floor.

Mr. LIVINGSTON. Madam Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Madam Speaker, the gentleman had an alternative to this terrible policy. Would the gentleman please explain that alternative?

Mr. ROGERS. What we should do is fund the entire year of this bill for all of these agencies, keep them going, not hold them hostage to this fight over the census; fund the decennial census only for the half year, until the courts have time to decide the constitutionality of sampling, until the test projects that are going on around the country right now on sampling can take place and we will see the results by March; until the advisory committee this Congress set up to supervise the census has time to report to us in February.

By March, the courts will have decided, the advisory committee will have reported and the pilot projects will be completed and we will know whether or not sampling is a good idea, constitutional and so forth.

Mr. LIVINGSTON. Madam Speaker, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. I take it that that plan was in the House bill when it left here?

Mr. ROGERS. That was the plan, the gentleman is correct, that this House passed, and now we hit this brick wall of the White House saying, no, siree, we are going to shut the government down until we get our way on the census.

Mr. OBEY. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, what I have just heard is absolute total nonsense. The administration does not want to shut down the government. The administration is asking for one thing, full funding of the census. You are holding

those programs hostage. They are not. Let us keep the facts straight.

Secondly, what is outrageous is not the administration conduct but the expression of opinion of the Republican representative on this issue last night, who told Democratic representatives that regardless of whether we won or lost the Supreme Court case they did not have any intention of following the court case if we won. That is what is outrageous.

Madam Speaker, I yield 5 minutes to the distinguished Democratic whip, the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Madam Speaker, if I could amplify upon the remarks of the gentleman from Wisconsin (Mr. OBEY) on this census issue, I think my colleague, the gentleman from Texas, said it very well in our caucus this morning. He said, for 100 years in this country, we did not treat them as human beings and now we do not even want to recognize that they exist.

That is what is going on here. They do not want to recognize literally millions of people who are out there and who have a right to be counted so that they and their communities can reap the benefits therein from the governments that represent them.

As we approach the end of this session, I think it is important to once again review, as my colleague, the gentleman from Wisconsin (Mr. OBEY) just did, about really what is going on here. The scorecard for the Republican Congress is pretty meager. Bills to improve public education, zero; managed care reform, killed in the Senate, zero; campaign finance reform, after they tried to talk it to death week after week, month after month in this body, killed again, zero; bills to reduce teenage smoking, zero; bills to protect the environment, zero; minimum wage increase so people can have some sense of dignity, so they can earn a wage that will get them above the poverty level, and that is where they are now with the minimum wage, below the poverty level, zero.

On the things that count for people who are talking amongst themselves around the kitchen table, we have not done the work of the people in this country.

If we look at the budget, I would think we would at least get our budget done. For first time in 24 years since the Budget Act was established in 1974, we do not have a Federal budget; two bills signed into law, one bill vetoed, a couple of bills on the President's desk. So we have got 4 out of the 13 essential bills, that are necessary to do the budget, completed; 9 of the 13 are hung up and cannot get done.

Why is that? The reason is, we spent the whole 2 years investigating. We investigated anybody we could find around here and we did not do the work on health and we did not do our education stuff and we did not do a decent minimum wage for people and we did not do campaign finance reform and we did not do teen smoking but, boy, did we investigate.

Now we are at the end of the session and there is nothing to show for it. My colleagues are going to go home and they are going to tout their accomplishments. That makes about as much sense as an American league pitcher bragging about his batting average. There is nothing there to brag about.

Let us look at education for just a second. Nearly a year ago, the President stood right there, during his State of the Union address, and he called on us to hire 100,000 new teachers, to reduce class size so we can improve discipline and help our children get the most out of their education. They would not do a thing on that until we got to the end of the session where we actually had some leverage with the President and now we are in this battle.

What do they want to do with the $1.1 billion so we can hire the teachers? They want to move it under Title VI, and as the gentleman from Wisconsin (Mr. OBEY) correctly states, it will go to bureaucracy. One percent of that money under Title VI can go to the Federal bureaucracy; 15 percent can go to the State bureaucracy, and the rest, if they want, can be spent at the local level.

We want to take the money and hire teachers so they get into the school, kids get more discipline, kids get more attention and we get a better product on education.

The other issue on education that is out there, of course, is the modernization effort so that American children can go to school in a safe, well-equipped environment, so they can prepare themselves for the next century. We are talking about leveraging roughly $3.6 billion for 5,000 school districts to help them subsidize their bonds so that they can raise the money locally to get their things done on education.

In conclusion, I urge my colleagues to vote for this resolution because we need it to pass, but to understand that we really have not done the work of the people in this Congress.

Mr. LIVINGSTON. Madam Speaker, I have but one speaker, and I reserve the right to close.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

□ 1315

Ms. DELAURO. Madam Speaker, I thank the gentleman for yielding me this time. Here we go again. We are here for the fourth time to pass a continuing resolution. Why are we here? Because this Republican-controlled House has still not completed the work that the American people sent us here to do. The fact of the matter is that they are in the majority. They are in charge.

Let us take this opportunity to look at the many accomplishments Republicans take such pleasure in touting. Have we put more teachers in the classroom to make sure children get the attention that they need to learn? No. Have we modernized schools and hooked classrooms up to the Internet so that children will have access to the technology they need for a successful future? No. Have we invested in teacher training to make sure that students have talented, enthusiastic and creative teachers to learn from? No. Have we reformed the managed care system? No. Have we reformed the campaign finance system? No. Have we reformed the Social Security system? No. Let us work together. Let us work together to try to improve our schools.

I am distressed to hear my colleagues on the other side of the aisle raise the bureaucratic bogeyman. Teachers are not bureaucrats. Teachers are our best hope for the future. The Democratic plan would add 100,000 teachers to our classrooms. It is modeled after the successful COPS program. Democrats passed a bill to add 100,000 new police officers to our streets. That program has helped to make our streets safer. One hundred thousand new teachers in our classrooms will help to make our schools better. The COPS program works. Do not listen to me, it is what chiefs of police are saying around this country, because it is about Federal dollars and the local, local control. Just ask your local police. The police chief of Miami has said that he has seen a 30 percent drop in crime since the bill was passed. He said that the drop was made possible because of the crime bill. Police chiefs all over the country thank us for adding 100,000 new cops to our streets. Our parents and our youngsters will thank us for 100,000 new teachers.

Mr. OBEY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Madam Speaker, it is unfortunate that once again we yet have to again extend the time for the budget to be completed for this country. It is unfortunate because we come down to an item that is so terribly important to America's families and to America's children, and, that is, the issue of school construction, whether or not we are going to try to end the process by which children are being educated in storage rooms, in split-up gymnasiums, on the stage of the school auditorium, in the janitor's change rooms as they try to reduce class sizes and as they try to avoid those parts of schools in many cases that are unsafe for children to go. We think that the Federal Government ought to help these school districts. They can do it by providing no-interest

loans or low-interest loans to help those school districts that are struggling to provide for safe and healthy schools for our children. The other one is class size reduction. Here we have an opportunity to take a program modeled after Cops on the Beat, a program that has been incredibly successful. If you go around your congressional district and you talk to the police officers, if you talk to the chiefs of police, they will tell you this has made a remarkable difference in their police department's ability to talk to the business community, to talk to young kids on the street, to interact with the schools and has made the police department much more accessible, much more effective on the streets of our communities, and we have watched as the crime rate has continued to come down in most American communities. So now we want to take and have the Federal Government provide help to school districts that want to add additional teachers to reduce class size, recognizing that teachers are far more effective with 18 students than they are with 30 students. Again, do not trust us; trust the parents, trust the teachers, trust the students who if you go to your schools and you talk where this has been done, parents are excited about the chance that teachers are spending more time with their students, helping them with reading, helping them with mathematics. The teachers feel better that they are able to spend better time with these students in helping those students who may be having a little bit of extra problem. But we are right back to where we were before Cops on the Beat. Just before we voted for Cops on the Beat, the Republicans came up with a plan to spread that money all over the community, to spread it all over the community. They said they were going to call it Cops on the Beat but it could be spent anywhere. But the chiefs of police, the law enforcement agencies came here and said, "Don't do that. Put it into police officers that can be out in the community."

Now the education establishment is saying the same thing: "Don't spread this all over. Don't spread this across the bureaucratic cost of State Departments of Education. Put it in the classroom where it can make a difference, where it can make a difference to the ability of our children to read, to compute, to critically think. These teachers can make a difference in our children's lives."

But we are back here. The State Department of Education in California funds almost 70 percent of its bureaucracy off of Federal dollars. Why are those Federal dollars not going into the classroom? This legislation that the President is proposing for classroom reduction, school construction is about sending the money to where it belongs, not spreading it across the community like the Republicans want us to do.

Mr. OBEY. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time and for his extraordinary leadership in explaining the differences between the Democrats and the Republicans in the priorities that we set for our great country.

Madam Speaker, this is a Congress of missed opportunities, missed opportunities to modernize education for our children, missed opportunities to reform HMOs for the health care for all Americans, missed opportunities to save Social Security as a top priority, and a missed opportunity to protect the environment after we look at some of the proposals that have been put before us.

We send this very mixed message from this Congress to the children of America. We tell them that education is important, it is for their self-enrichment, for their economic security and for the competitiveness of our country. Yet we send them to schools that are below par, that are leaking, that are asbestos-laden, are lead-filled, that are not wired for the future. How can we tell children that education is important and yet not value it by having small classes, adequate facilities and have them be in places where children can learn and teachers can teach and parents can participate?

We tell children that their health is important, they should not smoke because it is harmful to their health. Yet we do not provide them with access to quality education. Children are smart. They get the mixed message. Reforming HMOs would have been one clear message to the people of America that health is important to us. Then as far as work, the work ethic, how important that is, we tell that to young people and yet we do not value work adequately. That is one of the missed opportunities of this Congress, to have us have a living wage in this country. Also, we threaten the pension security of America's children. Their health, their education, the economic security of their families are very, very important to our children and to the future of our country. How sad for us that this Congress has missed the opportunity to send a clear message and take the action necessary to make their future brighter.

Mr. OBEY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Madam Speaker, one of the key differences between the United States is that we have made education universally available. As we compete in this modern economy, it is clear that we cannot compete at the bottom of the economic ladder. Countries will always hopefully have lower hourly wages for their employees than we do in this country. In China right now it is 2 cents on the dollar. In Mexico it is about 15 cents on the dollar. The only way we are able to stay competitive internationally is by investing in education to make sure the next generation is ready for an even more economic battlefront that is internationally based. If we underfund education as a country, we will end up being a second-rate power economically and we will be a second-rate power militarily as well. The future of this country is dependent on the investment in education, so that we have the brightest workers, the most patents as we have today, the Nobel prize winners in arts and sciences. That is what moves this country forward.

There is a debate. The Republicans generally do not feel there is a Federal role for education. I think whether you live in Bozrah, Connecticut or Baltimore or Selma, Alabama you ought to expect the very best education that we can provide because every American benefits from this investment in education.

Mr. OBEY. Madam Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here as the gentleman from Wisconsin indicated living up to the words of Yogi Berra when he said he felt like deja vu all over again. This is the third or fourth time that we have had this confrontation involving an extension of funding authorization for another couple of days to complete our business. Unfortunately the negotiators on all sides, between the House and the Senate, Republicans and Democrats, and the Congress versus the administration have not put a final ribbon on their package of these eight bills plus a supplemental package, and so as a result we are forced to take a little bit more time.

But let us be very sure why we are here engaged in this debate. This is not a momentous, historical debate on issues of great moment other than to espouse our respective political philosophies with 3 weeks left in the election cycle. The fact is this is nothing more than a C–SPAN moment. It should be interpreted as nothing more than that. We are having an opportunity to make great speeches on our respective positions. Should they be dismissed as being too casual or too light and nonconsequential? No, of course not. The fact is that the Republican majority of Congress believes that we should be frugal with the tax dollar, that we should be proud that we have finally brought about conditions that reap us a surplus this year, the first balanced budget or first surplus in 30 years; and we should be proud of that accomplishment. We should likewise be proud that we have in the last

year provided the first tax cut in 16 years. We believe that we are stewards for the American taxpayer and that we should not waste their money. We should not spend it unwisely. We should not create unneeded bureaucracies to tell people what is good for them.

The other side says, no. They have got good programs, well-intentioned, that are going to do great things for the American people. All the American people have to do is keep sending money, and they will keep coming up with programs. That is understandable. We had that for some 40 years, from the New Deal, through the Great Society, through the War on Poverty, through Vietnam and up through the point where finally the American people had had enough and put Republicans in charge of the Congress. The other side of the aisle does not like that. They do not like being disenfranchised and not being able to jam through all their new programs.

They have a President in the White House who even though about a year and a half ago said the era of big government is now over is attempting to spend billions upon billions of dollars more than he agreed to in the balanced budget agreement of last year.

□ 1330

But, we are not really here today debating how much money to spend on education. We pretty well agreed to that. The amount of money is in agreement. They say it is never enough. We say $32 billion; that is what we will spend on education from the Federal Government; we say that is a pretty good number. It is still only 5 percent of what America spends on education because States and localities spend 95 percent of the cost of education. But the Federal taxpayer puts in $32 billion, and it will never be enough according to my friends on the other side of the aisle.

But, we are not really debating whether or not what we are spending in this last fiscal year is sufficient. What we are really debating is how it should be spent. They believe creating new narrow programs, narrowly-focused programs run by bureaucrats in Washington, not teachers. The Department of Education is not comprised of teachers, it is comprised of bureaucrats. They think that by giving those bureaucrats more money to dole out, the money for their little favorite programs, that they are going to do great things for America, and certainly some good will be done; we have to admit that. We think that by giving the greatest amount of flexibility to the teachers, and to the school faculties and the school boards around America, the school districts, that they can decide for themselves where they want to best apply those Federal dollars. We think that the flexibility inherent in block grants is a much better idea.

So that is what is going on here. We are not debating amounts of dollars, we are debating philosophies, we are debating ideas on how best to get the job done. Either we give the money to the States and localities, like we want to, or we give it to the bureaucracies like the President wants to. That is essentially the debate.

On foreign aid, they want to throw more money, another billion dollars here and there. We happen to believe that a few extra dollars in foreign aid is not going to make any difference. We think that basically what the President needs to put forth for the American people and the world is a coherent, cogent, understandable foreign policy, which unfortunately has been sorely lacking.

The fact is a few more extra dollars will not give us a better Russian policy. A few more extra dollars will not stop the slaughter in Kosovo. A few more extra dollars will not restart, regenerate the moribund peace talks in the Mideast or manage the problems presented by Saddam Hussein, who is pointing weapons of mass destruction at the civilized world. A few more dollars will not invigorate our policy with respect to North Korea or stop India or Pakistan from proliferating weapons of mass destruction. No, a few more dollars or even a few billion dollars will not give us a coherent foreign policy if this President and this administration do not work together towards trying to bring some common sense to their foreign policy, more than they have done in recent months.

Madam Speaker, we could send everyone home today if only we in the majority, we Republicans, would bow down and accept every plan, every program every hair brain scheme to spend tax dollars that the Democrats have thrown at us. That is easy. We could finish our business if we would just simply mindlessly say, "Okay, you have got lots of new ideas on how to spend taxpayers' dollars, we'll accept those, all in their entirety, and then we'll go home." But we are not going home without some debate.

The President proposes, the Congress disposes. Right now the Democrats are in the minority in the House and in the minority in the Senate. But, as long as we are in the majority, we have to use our best judgment to deal with the President as we see fit, as we firmly believe our constituents and the American people that sent us here really want us to do. They did not send us here to cave in to the President. They did send us here to ignore the problems that he has encouraged in the last several months. They did not send us here simply to worry that we will be accused of being mean and heartless and thereby fold our cards and go home. They sent us here to use our good judgment and to be those stewards of the Federal Treasury to make sure that the person who is working so hard to feed his family, go to work, be good citizens throughout the community all around America, does not send his or her money to Washington just simply to see it wasted on another well-intentioned program or another run-wild bureaucracy. That is not exactly why the people put us in the position of the majority.

We are against his profligate ways, we are against the wasteful ways of the former majority and now the minority who have said, "We've got another great new program for you, another great new bureaucracy, another great way to spend your money; just give us all your cash and we'll tell you what to do with it." We think that is not the way to approach government. We are standing up for what we believe.

It is taking longer than we wanted it to take, but sooner or later we will end this soap opera. Sooner or later we will tell the American people we are tired of debating philosophy and programs, and we will put a ribbon on this package. It may not be the prettiest or the neatest package, but it will in fact still, after all the dust is settled, result in the first surplus in 30 years, and we will go home with a proud record of accomplishment.

I urge all Members to vote for this continuing resolution.

Mrs. CLAYTON. Madam Speaker, this is the fourth Continuing Resolution that has come before us—four times we have delayed the important business of keeping the government running.

Perhaps when we conclude this business, we can get on with the business of the American people.

This Congress has done nothing to help working families, but, while it is too late for some issues, it is not too late for others.

It is too late to pass health reform.

It is too late to reduce teen smoking and reform our campaign finance system.

And, it is too late to enact laws to protect the environment and to truly safeguard the surplus for social security.

But, it is not too late to make responsible budget decisions.

It is not too late to enact laws to hire new teachers, reduce class sizes and modernize schools.

It is not too late to help our small farmers by giving them reasonable access to credit.

And, it is not too late, Mr. Speaker, for voters to note what Congress has done and what it has not done.

Mr. LIVINGSTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). All time for debate has expired.

The joint resolution is considered read for amendment.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on H.J. Res. 135 will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4566. An act to make technical corrections to the National Capital Revitalization and Self-Government Improvement Act of 1997 with respect to the courts and court system of the District of Columbia.

The message also announced that the Senate had passed a bill of the following title in which concurrence of the House is requested:

S. 1733. An act to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 391) "An Act to provide for the disposition of certain funds appropriated to pay judgment in favor of the Mississippi Sioux Indians, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 459) "An Act to amend the Native American Programs Act of 1974 to extend certain authorizations, and for other purposes."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 2 p.m.

Accordingly (at 1 o'clock and 39 minutes p.m.), the House stood in recess until approximately 2 p.m.

□ 1414

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 o'clock and 14 minutes p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

□ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5, rule I, the Chair will now put the question on H.J. Res. 135, and then on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.J. Res. 135, de novo;
H.R. 3963, de novo;
H.R. 4501, de novo;
H.R. 559, by the yeas and nays; and
S. 759, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

The SPEAKER pro tempore. The pending business is the question of the passage of the joint resolution, H.J. Res. 135.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

CANYON FERRY RESERVOIR LEASEHOLD CONVEYANCE

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 3963, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3963, as amended.

The question was taken.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 181, not voting 36, as follows:

[Roll No. 530]

YEAS—217

Aderholt
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—181

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans

Farr
Fattah
Fazio
Filner
Ford
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Waters
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—36

Archer
Barr
Berman
Carson
Conyers
Davis (IL)
Frank (MA)
Graham
Greenwood
Hefner
Inglis
Kennelly
Kilpatrick
Kolbe
Largent
Lipinski
McGovern
McHugh
Neal
Pickett
Poshard
Pryce (OH)
Regula
Reyes
Rothman
Scarborough
Schaefer, Dan
Shuster
Smith (OR)
Tauzin
Torres
Visclosky
Watt (NC)
Weldon (FL)
Wilson
Wise

□ 1435

Ms. ESHOO and Mr. HALL of Ohio changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings today.

REQUIRING STUDY REGARDING IMPROVED OUTDOOR RECREATIONAL ACCESS FOR PERSONS WITH DISABILITIES

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and passing the bill, H.R. 4501.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ADDING BRONCHIOLO-ALVEOLAR CARCINOMA TO LIST OF SERVICE-CONNECTED DISEASES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 559.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 559, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 34, as follows:

[Roll No. 531]

YEAS—400

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—34

Archer
Barr
Berman
Carson
Clayton
Conyers
Davis (IL)
Edwards
Frank (MA)
Graham
Hefner
Inglis
Kennelly
Kilpatrick
Kolbe
Largent
Lipinski
McGovern
McHugh
Neal
Pickett
Poshard
Pryce (OH)
Reyes
Rothman
Scarborough
Schaefer, Dan

Shuster Visclosky Wilson
Smith (OR) Watt (NC)
Torres Weldon (FL)

□ 1447

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUIRING THE SECRETARY OF STATE TO SUBMIT AN ANNUAL REPORT TO CONGRESS CONCERNING DIPLOMATIC IMMUNITY

The SPEAKER pro tempore (Mr. GIBBONS). The pending business is the question of suspending the rules and passing the Senate bill, S. 759.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 759.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to take a moment to advise all Members of the body that we have had the last vote for today. We will continue with many items that we have under consideration, many items that are already cleared, some that we are still working on clearance for the Suspension Calendar. The negotiations continue as my colleagues know. We are optimistic that we will be able to conclude them this week.

But for now, Mr. Speaker, we will have no more recorded votes today, and Members should be advised that there will be recorded votes tomorrow after 3 o'clock. I know many Members would like to make short trips back to their district; and insofar as that is possible, we certainly do not want to discourage that. But the body should be advised there will be votes tomorrow after 3 o'clock.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I am happy to yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, we have an important issue dealing with the surge of steel imports, and I had scheduled today, which is the second calendar day under House rules, to bring forth the Question of Privilege on that resolution.

I am willing to let that go if I have an understanding that the resolution that I have submitted at the desk with a number of cosponsors and coauthors from both sides, if that will be scheduled for a vote in the House tomorrow or at least before we leave here.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for his inquiry. The gentleman, of course, has shown great interest in this matter, and I want to assure the gentleman, without doubt, that it will be scheduled for floor action and for a vote tomorrow before we leave.

AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF ESTONIA CONCERNING FISHERIES - MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–323)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Tallinn on March 10 and June 11, 1998, extends the 1992 Agreement to June 30, 2000.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

AGREEMENT BETWEEN UNITED STATES AND REPUBLIC OF LITHUANIA CONCERNING FISHERIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–324)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended ("the 1992 Agreement"). The present Agreement, which was effected by an exchange of notes in Washington on April 20, September 16 and September 17, 1998, extends the 1992 Agreement to December 31, 2001.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

RHINO AND TIGER PRODUCT LABELING ACT

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2807) to amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger, with a Senate amendment thereto, and concur in the Senate amendment, with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendments to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6(a) of the Migratory Bird Treaty Act (16 U.S.C. 707(a)) is amended—

(1) by striking "thereof shall be fined not more than $500" and inserting the following: "thereof—

"(1) shall be fined not more than $15,000";

(2) in paragraph (1) (as designated by paragraph (1)), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(2) in the case of a violation of section 3(b)(2), shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior

shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be

fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVES

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiatives Act of 1998".

SEC. 502. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"SEC. 117. CHESAPEAKE BAY.

"(a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements, amendments, directives, and adoption statements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) assisting the signatories to the Chesapeake Bay Agreement, in cooperation with appropriate Federal, State, and local authorities, in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions

taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than December 31, 2000, and every 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 503. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

SEC. 504. PFIESTERIA AND OTHER AQUATIC TOXINS RESEARCH AND GRANT PROGRAM.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, the Secretary of Commerce (acting through the Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration), the Secretary of Health and Human Services (acting through the Director of the National Institute of Environmental Health Sciences and the Director of the Centers for Disease Control and Prevention), and the Secretary of Agriculture shall—

(1) establish a research program for the eradication or control of Pfiesteria piscicida and other aquatic toxins; and

(2) make grants to colleges, universities, and other entities in affected States for the eradication or control of Pfiesteria piscicida and other aquatic toxins.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 1999 and 2000.

House amendments to Senate amendment:

(1) Amend the title so as to read: "An Act to clarify restrictions under the Migratory Bird Treaty Act on baiting and to facilitate acquisition of migratory bird habitat, and for other purposes.".

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—MIGRATORY BIRD TREATY REFORM

SEC. 101. SHORT TITLE.

This title may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 102. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

SEC. 103. CRIMINAL PENALTIES.

Section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707) is amended—

(1) in subsection (a), by striking "$500" and inserting "$15,000";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Whoever violates section 3(b)(2) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.".

SEC. 104. REPORT.

Not later than 5 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources of the House of Representatives a report analyzing the effect of the amendments made by section 2, and the general practice of baiting, on migratory bird conservation and law enforcement efforts under the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).

TITLE II—NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "National Wildlife Refuge System Improvement Act of 1998".

SEC. 202. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE AND FISH REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), there are transferred to the Corps of Engineers, without reimbursement, approximately 37.36 acres of land of the Upper Mississippi River Wildlife and Fish Refuge in the State of Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers",

dated January 1998, and available, with accompanying legal descriptions of the land, for inspection in appropriate offices of the United States Fish and Wildlife Service.

(b) CONFORMING AMENDMENTS.—The first section and section 2 of the Upper Mississippi River Wild Life and Fish Refuge Act (16 U.S.C. 721, 722) are amended by striking "Upper Mississippi River Wild Life and Fish Refuge" each place it appears and inserting "Upper Mississippi River National Wildlife and Fish Refuge".

SEC. 203. KILLCOHOOK COORDINATION AREA.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 1,439.26 acres of land in the States of New Jersey and Delaware, known as the "Killcohook Coordination Area", as established by Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

SEC. 204. LAKE ELSIE NATIONAL WILDLIFE REFUGE.

(a) IN GENERAL.—In accordance with section 4(a)(5) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(5)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the "Lake Elsie National Wildlife Refuge", as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

SEC. 205. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking "Klamath Forest National Wildlife Refuge" each place it appears and inserting "Klamath Marsh National Wildlife Refuge".

SEC. 206. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

(1) in the first sentence of subsection (c), by striking "knowingly"; and

(2) in subsection (f)—

(A) by striking "(f) Any" and inserting the following:

"(f) PENALTIES.—

"(1) KNOWING VIOLATIONS.—Any";

(B) by inserting "knowingly" after "who"; and

(C) by adding at the end the following:

"(2) OTHER VIOLATIONS.—Any person who otherwise violates or fails to comply with any of the provisions of this Act (including a regulation issued under this Act) shall be fined under title 18, United States Code, or imprisoned not more than 180 days, or both.".

TITLE III—WETLANDS AND WILDLIFE ENHANCEMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Wetlands and Wildlife Enhancement Act of 1998".

SEC. 302. REAUTHORIZATION OF NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended by striking "not to exceed" and all that follows and inserting "not to exceed $30,000,000 for each of fiscal years 1999 through 2003.".

SEC. 303. REAUTHORIZATION OF PARTNERSHIPS FOR WILDLIFE ACT.

Section 7105(h) of the Partnerships for Wildlife Act (16 U.S.C. 3744(h)) is amended by striking "for each of fiscal years" and all that follows and inserting "not to exceed $6,250,000 for each of fiscal years 1999 through 2003.".

SEC. 304. MEMBERSHIP OF THE NORTH AMERICAN WETLANDS CONSERVATION COUNCIL.

(a) IN GENERAL.—Notwithstanding section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)), during the period of 1999 through 2002, the membership of the North American Wetlands Conservation Council under section 4(a)(1)(D) of that Act shall consist of—

(1) 1 individual who shall be the Group Manager for Conservation Programs of Ducks Unlimited, Inc. and who shall serve for 1 term of 3 years beginning in 1999; and

(2) 2 individuals who shall be appointed by the Secretary of the Interior in accordance with section 4 of that Act and who shall each represent a different organization described in section 4(a)(1)(D) of that Act.

(b) PUBLICATION OF POLICY.—Not later than June 30, 1999, the Secretary of the Interior shall publish in the Federal Register, after notice and opportunity for public comment, a policy for making appointments under section 4(a)(1)(D) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(D)).

TITLE IV—RHINOCEROS AND TIGER CONSERVATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Rhinoceros and Tiger Conservation Act of 1998".

SEC. 402. FINDINGS.

Congress finds that—

(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as "CITES");

(3) the Parties to CITES have adopted several resolutions—

(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

(6) legislation is required to ensure that—

(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

(B) efforts are made to educate persons regarding alternatives for traditional medicine products, the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally.

SEC. 403. PURPOSES OF THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 3 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5302) is amended by adding at the end the following:

"(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.".

SEC. 404. DEFINITION OF PERSON.

Section 4 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5303) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(6) 'person' means—

"(A) an individual, corporation, partnership, trust, association, or other private entity;

"(B) an officer, employee, agent, department, or instrumentality of—

"(i) the Federal Government;

"(ii) any State, municipality, or political subdivision of a State; or

"(iii) any foreign government;

"(C) a State, municipality, or political subdivision of a State; or

"(D) any other entity subject to the jurisdiction of the United States.".

SEC. 405. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) is amended—

(1) by redesignating section 7 as section 9; and

(2) by inserting after section 6 the following:

"SEC. 7. PROHIBITION ON SALE, IMPORTATION, OR EXPORTATION OF PRODUCTS LABELED OR ADVERTISED AS RHINOCEROS OR TIGER PRODUCTS.

"(a) PROHIBITION.—A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

"(b) PENALTIES.—

"(1) CRIMINAL PENALTY.—A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 6 months, or both.

"(2) CIVIL PENALTIES.—

"(A) IN GENERAL.—A person that knowingly violates subsection (a), and a person engaged in business as an importer, exporter, or distributor that violates subsection (a), may be assessed a civil penalty by the Secretary of not more than $12,000 for each violation.

"(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

"(c) PRODUCTS, ITEMS, AND SUBSTANCES.—Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

"(d) REGULATIONS.—After consultation with the Secretary of the Treasury, the Secretary of Health and Human Services, and the United States Trade Representative, the Secretary shall issue such regulations as are appropriate to carry out this section.

"(e) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this section in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

"(f) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this section shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).".

SEC. 406. EDUCATIONAL OUTREACH PROGRAM.

The Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.) (as amended by section 405) is amended by inserting after section 7 the following:

"SEC. 8. EDUCATIONAL OUTREACH PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall develop and implement an educational outreach program in the United States for the conservation of rhinoceros and tiger species.

"(b) GUIDELINES.—The Secretary shall publish in the Federal Register guidelines for the program.

"(c) CONTENTS.—Under the program, the Secretary shall publish and disseminate information regarding—

"(1) laws protecting rhinoceros and tiger species, in particular laws prohibiting trade in products containing, or labeled or advertised as containing, their parts;

"(2) use of traditional medicines that contain parts or products of rhinoceros and tiger species, health risks associated with their use, and available alternatives to the medicines; and

"(3) the status of rhinoceros and tiger species and the reasons for protecting the species.".

SEC. 407. AUTHORIZATION OF APPROPRIATIONS.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) (as redesignated by section 405(1)) is amended by striking "1996, 1997, 1998, 1999, and 2000" and inserting "1996 through 2002".

TITLE V—CHESAPEAKE BAY INITIATIVE

SEC. 501. SHORT TITLE.

This title may be cited as the "Chesapeake Bay Initiative Act of 1998".

SEC. 502. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in cooperation with the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator"), shall provide technical and financial assistance, in cooperation with other Federal agencies, State and local governments, nonprofit organizations, and the private sector—

(A) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(B) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(C) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(D) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(E) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(2) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(A) State or Federal parks or refuges;

(B) historic seaports;

(C) archaeological, cultural, historical, or recreational sites; or

(D) other public access and interpretive sites as selected by the Secretary.

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Administrator, shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(2) CRITERIA.—The Secretary, in cooperation with the Administrator, shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(3) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(A) shall not exceed 50 percent of eligible project costs;

(B) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(C) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 1999 through 2003.

Mr. YOUNG of Alaska (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendments to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from Alaska?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Alaska?

There was no objection.

A motion to reconsider was laid on the table.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2129) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2129

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 "Hawaii Volcanoes National Park Adjustment Act of 1998".

SEC. 2. HAWAII VOLCANOES NATIONAL PARK.

The first section of the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b), is amended by inserting before the period at the end the following: ", except for the land depicted on the map entitled 'NPS-PAC 1997HW', which may be purchased with donated or appropriated funds.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

□ 1500

APPOINTMENT AS MEMBERS TO PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

The SPEAKER pro tempore (Mr. GIBBONS). Without objection and pursuant to the provisions of section 2(b)(2) of Public Law 105-186, the Chair announces the Speaker's appointment of the following Members of the House to the Presidential Advisory Commission on Holocaust Assets in the United States:

Mr. GILMAN of New York.

Mr. FOX of Pennsylvania.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSIONAL ACCOMPLISHMENTS IN EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I want to take a little time this afternoon to

talk about some of the 25 accomplishments that this Congress has made in the area of education. We have heard a lot about education over the last week or so. The President has been a little distracted. He has not had a chance to focus on education until the last couple of weeks. He has had over 100 fund-raisers and two Cabinet meetings, so I guess in the time that he has spent between fund-raisers, being overseas and the 22 days he spent on vacation that he has not had time to sit down and talk about education until this last week. In the meantime, Congress has been working very hard on the issues of education and we do have 25 accomplishments. Some of the things that I think are most important for the accomplishments that we have had in education is getting dollars into the classroom. One of the problems that we have in our local school districts is that it is difficult to get the dollars directed into the classroom. For example, in Kansas, about 7 percent of all dollars are dollars that come from the Federal Government. Out of that 7 percent, it could be expanded to over 14 percent, but much of that money is wasted right here in Washington, D.C., where we have a large education bureaucracy that does not educate any children. The Department of Education is only a few blocks from the Capitol, itself. They have quite a few people that work there that do nothing more than demand additional paperwork from the local school districts. The average salary at the Department of Education is $52,000 per year. Now, I would invite any of the Members to go back and talk to their teachers and see if any of the teachers are making an average of $52,000 in the school districts in their congressional district. My wife worked in public schools for 4 years. At that time she made significantly less than $52,000 a year. But that is what the average amount of salary is at the Department of Education. What we have been trying to do this year is limit that amount of money that is wasted here in Washington, D.C. on education and ship those dollars out to the local school districts so that it can be spent, and our Dollars to the Classroom program would have required that 95 percent of the money gets into the classroom. The significance of that is that we could increase the amount of Federal money that is actually spent in the classroom where the rubber meets the road. That is the important thing, is that we see that our children get educated. Instead, we see a lot of it being spent right here within the District of Columbia not escaping to the local school districts. We have been working on sending dollars to the classroom to make sure that it is spent where the teachers can use that money to get the materials they need, get the books they need, make sure that the right amount of money is spent in the classroom.

Another area that we have been trying to focus on is special education. Title I money, special education money has been a requirement from the Federal Government, yet it has never yet been fully funded. That has had to have been made up by the local school districts. They have raised local taxes in order to pay for these programs. Rather than having the mandate come from the Federal Government, it ought to be paid for by the Federal Government, and the Republican Congress has spent time this Congress focusing on getting more money for special education, which is a big problem in almost every school district in south central Kansas where my district is. That is another area where we have been focusing on education.

We have also been trying to make college more affordable. We have had the lowest student loan rates in 17 years. We have had the highest ever Pell grant awards. Because we have the Balanced Budget Act, this was very clear that has come straight from Alan Greenspan, the chairman of the Federal Reserve Board, he said that if we would balance the Federal budget, interest rates would be lower. In fact we have balanced the Federal budget, we have a surplus this year, interest rates are lower. That directly affects student loans. My wife and I could not have gotten through college without student loans. We both had student loans. For 10 years we faithfully paid back those student loans. But it would have been nice to have a lower interest rate. It would have saved us hundreds, potentially thousands of dollars when you add that together. It is not just a fact or an accounting principle when we talk about balancing the budget. When we talk about balancing the budget, it affects students and student loans, just as it affects people who have credit cards, car loans, home mortgages.

Another thing that we have been doing is developing a program to help get teachers into education. It is a loan forgiveness program for new teachers. Many people want to serve their local communities, serve their States, serve their country by dedicating themselves to teaching. I have to tell you, outside of the Department of Education, their salary is not very good. This program will help teachers get into education.

I just wanted the fellow Members to know that we have been working very hard on education for the last 2 years and we are glad that the President is finally focused on it.

ON SCHOOL CONSTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I firmly believe that it is our responsibility as a society to ensure that our schools are not failing our children. We can frame this in a positive way. In the United States of America, we have no greater calling as a democracy than to ensure that our children, the next generation, our greatest investment, receive the very best start in life in education that we can make available to them. Through our public school system in this country, we ensure that democracy is passed from one generation to the next. This is no small task that we entrust to our public schools. Through our public school system throughout the country in every hamlet, community, rural school, inner city school, each student who enrolls is given an opportunity to succeed, to make something of themselves. It is our way of the American dream. I also believe just as strongly that as this session of Congress comes to an end, we must agree on bipartisan legislation that will truly improve the quality of education for our children. This is a job that we have here in Congress that will be enacted by another quality of our public school life that I think is central to its success, and that is local control. In each school district around this country, citizens elect members of a school board to set the policy for that school district. That is the way it should continue and that is how our support for education must filter through. As a school nurse in the Santa Barbara School District in my community for over 20 years, I have seen firsthand the damage that deteriorating schools can do to our children. Students cannot thrive academically if they are learning in overcrowded and crumbling buildings. I can imagine how hard it would be for us in Congress to work if we had to dodge falling plaster, to work in our hallways, to contend with leaky roofs. Yet this is just what is happening now, even today, in many of our schools throughout this country.

When I was elected to Congress earlier this year, I conducted a survey of the schools in my district on the central coast of California. The results were distressing. The average high school class now holds 30 students per class. Over half of the schools conduct classes in rooms not meant to be classrooms. And over 80 percent of the schools use temporary or portable classrooms. I have personally visited and spent much time in classes being held in hallways, in teachers lounges, in utility rooms and even in janitors closets.

Mr. Speaker, let me highlight the Santa Maria Bonita School District, which is in desperate need of funds for school construction. This district was built to House 6,700 students but the current enrollment is 10,500 students. To accommodate growth, 12 of the district's 14 schools have converted to a four-track, year-round schedule and 175 portable buildings have been added. To add more would mean taking away all

the playgrounds that now exist. The children, teachers and parents of this community are stretched to the limit. They are calling out for some help from Congress so that they can build better facilities. I believe that we must answer that call.

If our students are to have any chance of competing in tomorrow's economy, we must not shortchange them today. Even a small investment in school construction, bonds, in the ability of school districts to borrow money without having to pay interest, a small investment like this in our body this week will pay enormous dividends for our Nation in years to come.

Mr. Speaker, I implore us to put politics aside and think of our children. Let us stop these partisan fights and put our resources into the most important challenge of all, the education of our children.

HONORING JOAN ZIMMERMAN FOR A QUARTER CENTURY OF PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I rise today to recognize the career of a valued employee, Joan Zimmerman.

I feel fortunate to have had Joan on my staff since I was first elected to Congress back in 1987. But her time on the Hill did not start with me. She worked for my predecessor, the Honorable Stewart B. McKinney, as well as Stan Parris from Virginia and Robin Beard from Tennessee.

Joan has worked for the United States Congress for a quarter century. She is a witness to many major changes in this institution and has seen many things: from Watergate to the Iran hostage crisis, to the end of the Cold War and seemingly never-ending budget deficits to an eventual surplus this year.

Joan is not just a friend and colleague in our office but throughout the buildings of the Capitol. She talks to her loading dock buddies about possible dates of adjournment and counts many of the Capitol Police force as dear friends.

When the tragic shooting of officers John Gibson and J.J. Chestnut at the Capitol occurred earlier this year, Joan offered her advice, guidance and sympathies to the many friends she has on the force who were deeply shaken by the death of these two American heroes. I know they appreciated her support as we appreciate her years of dedication.

Joan, our office sage, after years of dedicated service is retiring this December and so many in our Capitol community will miss her.

She always approached her job with a calm and consistent demeanor, steadfastly getting the work done in an often hectic environment. Her perspective and wisdom about this House has soothed the jagged nerves of a generation of young staffers.

We will remember her for her sweetness of manner and her quiet determination, and a wonderful love and devotion to her two cats. We know our office will never be able to properly replace her.

□ 1515

MAJOR WORK REMAINS UNDONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, what a difference a week makes. Last week the Republican leadership was cruising toward an early adjournment after the Congress had worked only 107 days despite the fact the Congress' work was not yet done. They had hoped to roll it all into one giant bill that none of us would have been allowed to read or understand under a special rule, and vote on it, and leave town, and go home and spend their special interest money to get reelected.

Well, things have changed. Here we are, Day 111. Pretty heavy lifting for this Republican led Congress. We have now worked 111 days in Congress with our $137,000 salary. Of course the average American working for $40,000 or so has worked 202 days so far this year, and they have had to finish their job day in, day out, every day of the year before they go home to their families. But this Congress has not.

But there is a change of heart in the Republican leadership. Maybe? No, not really. They have not decided to address the major work left undone, not at all. They are held here against their will.

They still refuse to address health maintenance organization insurance industry reform, patient provider rights so people can have a right of appeal when they are denied tests they need to restore their health, and when their doctors order tests to restore their health and is denied by the insurance industry. They will not touch that with a 10-foot pole because of the tens of millions of dollars flowing in from that industry to help their reelections.

Teen tobacco prevention? That has dropped off the charts, too, because the tobacco industry is providing one heck of a lot of money for their reelections. Social Security? The only time they addressed Social Security was to attack the trust fund to attempt to give it away by calling it a surplus and spend it as tax cuts.

Now, held in D.C. against their will, they have discovered something. The people of America would like to see an investment in the public education, in the investment of their kids, in the education of their kids.

Let me say the Speaker earlier, the President has just come recently to this; he just discovered education. The President proposed back in January smaller class size, 100,000 new teachers and a major reconstruction program for the one-third of our schools that are falling apart and the other one-third that are obsolescent. They are the ones who did not discover it until this week, until they had to discover it. There has not been a single hearing held by the Republican led Congress on the issue of 100,000 new teachers, smaller class size or the crumbling state of our schools and federal assistance for them. They had ample time. We took three votes, three votes in this Chamber on school vouchers, taking our tax dollars and transferring them to private religious institutions. That is their agenda: do not help the public schools, help the private schools, help the religious schools despite what the Constitution might say.

They have spent a lot of time trying to eliminate the Department of Education that administers the Head Start program and the student loan programs. They have attempted to cut, and we blocked, school lunches for small children. They have enacted or tried to enact tax cuts for wealthy taxpayers to send their kids to private schools, again abandoning the public system, eliminating the summer jobs program for kids, eliminating the school to work opportunities for high school students, eliminating the in-school interest subsidy for student loans, and I heard someone over here wax eloquent about what they have done to lower the interest rate on loans. Yes, a tiny, tiny, tiny bit, but you were really drug kicking and screaming to that, too, because the banks did not want to give up anything on these loans where they never lose a penny that are guaranteed by the Federal Government. They cannot even be discharged in bankruptcy. They still want outrageous rates of interest. So finally the Republicans paid them off. The banks are still going to get the high rate of interest, the taxpayers are going to pay it, and the students will get a tiny, tiny cut, less than 1 percent.

Oh, that is a great deal, that is a great way to do this. Get rid of the banks, give the loans directly to the kids through the schools. You could give another 600,000 students loans next year at a much lower rate of interest. They have tried to eliminate the Safe and Drug-free School Program and after school programs. That is quite a record. But they have become born again on the issue of public education. Now they say what they really want to do is fight over how the money they did not want to spend on public education is spent because we have held them here against their will. Because

they want to bolt out of town without finishing their work, we have managed to get another $1.1 billion commitment for education. They are saying, well, they are really concerned about how that money might be spent. They want it to be spent under something called title VI. Title VI, the first 16 percent goes to administration. Republicans like that. And the other 84 percent can go to anything, does not go to teachers, smaller class size. It is not even necessary to be invested in rebuilding our schools.

They can spin and spin and spin as much as they want as they wax eloquent about the importance of public schools. They are a billion point one late and 4 days late.

CLINTON FOREIGN POLICY—A CAUSE FOR ALARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I yield to my distinguished colleague from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding. I just want to say to my colleagues in response to the last speaker in the well that, as the chairman of the Early Childhood Youth and Family Subcommittee, which has jurisdiction over all Federal education programs and policies from preschool through high school, we did in fact have hearings specifically on the different, the competing Republican and Democratic classroom size and teacher training proposals in this Congress, and I do not recall receiving any letter or indication of interest from the gentleman from Oregon (Mr. DEFAZIO).

Mr. GOSS. Mr. Speaker, I want to speak about foreign policy, a very difficult and delicate task these days. If it were an easy subject, I do not think the Nation's first President would have encouraged us to avoid foreign entanglements altogether, but it is precisely because it is difficult and because risks to Americans and our interests are so great that we have got to exercise all due care and diligence of an exercise of American foreign policy, and that particularly means using our troops and putting them in harm's way.

A successful foreign policy is built on clearly articulating American interests and having the willingness to fight for those interests when and how best appropriate. In other words, knowing what we are doing, looking before we leap. A successful foreign policy is not built on photo opportunities, it is not built on eroding American capability by saying one thing and then doing another. And most certainly it is not built on appeasement.

Most Americans follow international events through the media. The press tends to provide us snapshots of what is going on in the world other than of course the sensational topic du jour that we read about inside the Beltway. The snapshots that have made their way through the haze lately, from Russia to Haiti to Bosnia to Sudan to Iraq, North Korea, to the Middle East are indeed a cause for a great deal of concern. When you take a close look at those events and what the Clinton administration is doing, and in some cases not doing, they are in fact a cause for alarm.

Bosnia:

When President Clinton committed troops to Bosnia in 1995, he promised they would be home by Christmas of 1996. Everybody remember Christmas 1996? Well, that deadline is almost 2 years passed, and our troops remain on the ground with no strategy in place for their withdrawal. Indeed the Clinton administration has no idea has no idea when the troops can be withdrawn. After several years and about 10 billion of taxpayers' funds, it would seem to me that the administration needs to start talking about bringing an end to this mission or accomplishing something more than we are.

Somewhat of an irony, just in the Speaker's Lobby outside of this Chamber we are invited to send Christmas messages and Christmas greetings to our troops in Bosnia. My message is: Hurry home. I wish it were possible to send that message. We cannot send that message in good faith because we do not have policy for that now, and I want to know why not.

And interestingly enough, the administration recently considered bombing Serbia over the Kosovo Province and, in fact, is considering supporting a deployment of some 2,000 observers from the Organization of Cooperation Security in Europe. Of that not many Americans know who is in the Organization of Security and Cooperation, what it is comprised of and what its capabilities are. But I guarantee you they will not be able to do much in Kosovo. I suppose they can watch, as we can watch, but I am not sure they will be able to do much more. I do not even know what the ground rules would be for such observers nor how to protect them. I imagine some would be Russians, some would be appeasers, and some would be other, and I do not know exactly what they would expect to do or how to do it. We need those details as we approach the 72-hour countdown before the ultimatum on using force in Kosovo.

North Korea:

Since 1994 the Clinton administration has pursued a policy of butter for guns with North Korea. The reports out of North Korea suggest that despite its receipt of a hundred million in heavy fuel oil and two hundred million food aid, the dying regime of Kim Jong-Il, there have been repeated violations of the 1994 nuclear agreement that has continued to proliferate ballistic missiles, has continued to divert food aid from the starving population from the needy to the elites of the ruling class, the ruling few. The North Korean regime is engaged in narcotics trafficking and counterfeiting of American dollars.

At some point what this means is the administration is going to have to decide when North Korea has simply gone too far, what does it take? Can we not verify the deal that they are supposed to comply with?

In Iraq a similar situation exists. Since the end of the Gulf War the United States has taken a lead in ensuring Iraqi compliance with the cease-fire agreements. The administration has talked tough on Iraq. We all remember those words the President made, threatening use of force and engaging in a massive show of military might earlier this year. However, the reality is that the effectiveness of the U.N. arms inspections has been badly undermined by the United States. In addition to the mountain of evidence making that clear, the words of Scott Ritter, a former U.S. Marine and leading arms inspector, raises serious questions about the administration's commitment to eliminating Iraq's war making capability.

This is an issue with serious ramification. In addition to the threat of chemical-biological weapons, Iraq has apparently hidden away components to build three nuclear weapons. It simply needs to acquire the necessary fissionable material on the international black market in order to produce a completed nuclear weapon. And we have withdrawn.

This is hardly get tough policy. We need to know more. We need to know now. We need to know it before we go home.

MANY ISSUES FOR THE WANING HOURS OF THE 105TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, if I might just take a moment? I see my good friend, JOE KENNEDY, is on the floor of the House, and I was not able to pay tribute to him along with my colleague, Representative HENRY GONZALEZ, and I just wanted them both to know, and I hope to extend my remarks in the RECORD, how much I appreciate their leadership for the Nation. Mr. KENNEDY has been long known as an advocate for the least of those and particularly as he has helped in dollars to assist those seniors without the resources to give them good heating in the winter and air conditioning in the summer, and that is a tough place to be in. So I thank him

for his leadership, his kindness, his recognition that the voiceless need a voice.

And then there is nothing more to be said about our senior leader in the Texas delegation, HENRY GONZALEZ, who has for years been a fighter on equal opportunity and home buying in America. He, too, has lifted up those who are voiceless. He is a giant of a person with kindness and dignity, and we wish him well, and we wish my good friend, JOE KENNEDY, well as they retire from this body.

Mr. Speaker, I want to talk about what we can do in these last waning hours, and that is why I am here today, because certainly there are many issues in my district. We have just faced flooding about a month or so ago, and many of my constituents are trying to rebuild their homes. There is a great need for modernization of our schools, and so there is a lot that we, as Members of Congress, could be doing in our local communities. But I would like to assure you, Mr. Speaker, that we can actually do some good here.

There is no reason, Mr. Speaker, why we cannot pass the school modernization legislation that allows us to rebuild our crumbling schools so that schools like those in my district whose roofs are falling in, the wiring is not good, we can actually bring tax relief locally by providing tax credits for those constituents who are putting in bonds in order to rebuild their schools. We can do that.

Mr. Speaker, we can have a real actual collaboration on the census. We understand that sampling is documented by the National Academy of Sciences, the National Foundation of Sciences, which indicate that sampling is the best and accurate way to count the 2000 census. We can still do that, Mr. Speaker.

And frankly I think that we can answer our constituents on the question of a good Patient Bill of Rights. We can do that. We can balance the rights of physicians and patients. We can overcome the burden of HMOs who tell you that you cannot get the service at this emergency room or you cannot continue with this doctor. We can do that, Mr. Speaker.

We can help the home health care agencies. We can tell them that the interim payment system that is brutalizing them, keeping them from keeping our seniors in their homes with their children and protecting them a way from the hospital system or the nursing home, we can get a better system for those small agencies, and I am determined to do so.

And finally, Mr. Speaker, something I would like to talk about that I know America can do because America is a land of equality and good conscience and good-faith. We can pass the Hate Crimes Protection Act. Matthew Shepard should not die in vain, and neither should James Baird, and I believe that we who believe, who are believers, as well as those who want to offer the secular reasons for doing so, even if you may disagree with the beliefs that you think Matthew Shepard represented, he is a human being, and he was killed because of his sexual orientation and because of his difference.

□ 1530

James Baird was killed and dismembered, beheaded in Texas, because he was black. There is no reason why we cannot pass a Hate Crimes Protection Act of 1998 that protects the disabled, it protects you if your religion is different, if your race is different, if your gender is different, if your sexual orientation is different.

We have had some 21 members of the gay lesbian community killed in this Nation because of their difference, and 10,000 hate crimes in this Nation. One person who testified in our hearings in the Committee on the Judiciary said very clearly, "I am not gay, but because it was perceived that I was gay, I was brutally beaten."

Do we want to have a Nation that fights China on human rights grounds, that fights countries in Africa on human rights ground, and yet not stand up and be counted here on the basic human decency of not beating somebody so brutally, hitting them over the head that you crush their skull, leaving like a scarecrow on a fence?

This is not about Wyoming. This is not about the good people of Wyoming or the good people in Texas or the good people in Ohio or the good people in Washington, DC. It is about a Federal standard that insists on human decency. It is about the fact that we have only 40 states that have passed their laws, that Wyoming has defeated hate crimes laws three times, that Texas hate crimes laws were so weak that we could not even prosecute those who dismembered Mr. Baird, and we may have a problem prosecuting those in Wyoming.

Let us do the right thing and pass the hate crimes protection act and all the other good initiatives that the American people want.

MAKING EDUCATION DECISIONS AT THE LOCAL LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FOSSELLA) is recognized for 5 minutes.

Mr. FOSSELLA. Mr. Speaker, I think it is appropriate at this point to rewind the tape a little bit to earlier this year in this very chamber where the President came before the Congress and the American people and requested billions of dollars in additional spending and billions of dollars in additional taxes.

Now, I believe fundamentally that trust and credibility are something that we try to contract with the people who send us here, the ability for us to go back home and tell the people back at Staten Island or Brooklyn that we are fighting to do the right thing here in this country and this Congress. And I believe, and I think a lot of the colleagues on this side of the aisle believe, that the American people are taxed too much; that too many people go to work each and every day and do not see enough come back in the form of their paycheck.

Now, indeed too much money goes to the Federal Government and not enough comes back to the people in Staten Island, the ones that I represent. Obviously what has happened is the Republican majority in the last several months has fought for much needed tax relief and fought for the elimination of the ridiculous marriage penalty tax, whereby millions of American couples are penalized through the Tax Code for being married. That means they pay an additional fee over and above what they should pay just because they are married.

In addition, there are a lot of small business owners around this country who want good health insurance, but they can only deduct approximately 45 percent of that health insurance. What that means essentially is the Federal Government takes that money in place of good health insurance, affecting many of the small business owners' decisions when it comes to the uninsured and providing health insurance for their families. This Congress offered 100 percent deductible to be imposed next year. Not to mention the fact we are trying to stimulate our economy by allowing our economy to grow, and that means getting the money out of Washington and allow people, whether it is in Staten Island, San Francisco, anywhere across the country, to reinvest the money, to save money.

Basically, folks, it is the freedom to spend your money as you see fit and not here in Washington. And we fought month after month, and what happened? The President threatened to veto it and killed the tax relief that was so desperately needed from so many people across this country.

Now we see an attempt to divert attention away from the issue at hand, and, yes, it becomes under the guise of education. Who could not stand in this well and say we do not want to improve education? We have been fighting for years to try to improve education, at least I know back on Staten Island. But there is a philosophical and fundamental difference as to who is best able to make those decisions.

Now, I stand firm and I stand strong to say the people on Staten Island, the parents and the teachers and the principals and the administrators back home are in a better position to make those decisions than bureaucrats here in Washington. All they want to do is

send billions more to fund those bureaucrats, to fund the big government, instead of sending the money back home.

We have tried to make progress over the years, but the defenders of the status quo who love more government and bigger government and more bureaucrats at the expense of the children and the families, all they can do is say "no" and divert attention.

Education savings accounts, empowering parents with the flexibility to make the decisions best for their children passed this House. Vetoed by the President. Opportunity scholarships for the students of the Washington, DC school system. To the chagrin of the people on the other side who say it is taking money away, no, in fact, it was not. That is not true. It was money over and above what we were sending to the Washington, DC school system to go to the poorest students who were trapped in the horror of the Washington, DC school system. An opportunity for 2,000 students. The President vetoed it.

More money to the classroom. Ninety-five percent of the Federal money that now finds its way too often in Washington, we were sending it back home to Staten Island and Brooklyn, to the classroom where it is needed most. What happened? A threatened veto. Killed by the President in the White House.

Who can argue with empowering parents, sending more money to the classroom, providing flexibility for local teachers and administrators and local school districts? I will tell you who can argue with that; the people who wanted to divert attention away from doing the people's business, divert attention away from the fact that all they want to do is make the government in Washington bigger and bigger, and take the freedom and liberty away from the people back home in Staten Island and across this country.

I believe strongly that the American people are tired of that record and want to see tax relief and better education options.

EDUCATION POLICY THAT MAKES SENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, as we near the final days of the legislative session, I rise to express my real disappointment with the lack of attention that this Republican Congress has given to public education. Democrats have, month after month, put forth education initiatives to improve our public schools and to provide opportunities for all of our students. We offered an amendment to reduce class size in primary schools to 18 children per class. It was opposed by Republicans. On two occasions we put forth legislation to allow local school authorities to build new schools and to modernize classrooms. We were not talking about Federal authorities, but we were talking about local school authorities to be able to build and modernize these classrooms. These initiatives were rejected by the Republicans.

These are only two examples of the long list of important education initiatives that Republicans have defeated this year. Even worse, they continue to propose counterproductive policies, such as school vouchers and tax incentives for private and religious schools. These efforts undermine public education.

Now, we know that a strong educational system provides students with the necessary background, skills and training to survive and to be productive members of this society and the world community.

We have also learned that education is the best form of crime prevention. A California-based think tank recently released a study showing that crime prevention efforts are more cost effective than building prisons. Of all crime prevention methods, education is the most cost effective method of crime prevention. Yet, rather than invest in education, Republicans would have us funnel more money into prisons.

We see money flowing into sources such as constructing new prisons, as if we need to prepare for the inevitable incarceration of our children. There are now plans on the drawing board to construct prisons within the next 10 to 12 years counting on children who are now 10 years old to fill them.

This is wrong. In fact, the lack of investment in education actually contributes to the enormous incarceration rate. Nineteen percent of adult inmates are completely illiterate and 40 percent are functionally illiterate. Nationwide, over 70 percent of all people entering state correctional facilities have not completed high school. In our juvenile justice system, youth at a median age of 15 read on average at the same level as most nine-year-olds.

So it is imperative that we begin to refocus on education and building schools, instead of building prisons. With children attending classes in trailers, being subjected to unheated and sometimes unsafe buildings, or packed together 35 in a classroom, it is no wonder that too many students are not learning and receiving the healthy start they need to succeed in the competitive fast-paced working world.

Education is the key to our investment in the future. We should be constructing new classrooms, building after school facilities and strengthening important programs like preschool and after school programs, not concentrating on more centers for incarceration. By attending to students' academic, physical and emotional needs, we can prevent the experiences of neglect and abandonment that can lead to misbehavior and even criminal activity.

Investing in education makes sense. It makes sense for our national budget, it makes sense for the safety of our communities and it makes sense for the well-being of our children. It is my hope that in the final hours of negotiation and debate, that this Congress can pull together and give the remaining public education initiatives the priority they deserve. We owe at least this much to our students.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MICA. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Virginia (Mr. DAVIS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SCANDAL IN WASHINGTON CONCERNING PUBLIC EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I would like to talk about scandal in Washington. The scandal in Washington really is what the Democrats and the former majority party did to public education in 40 years.

In 40 years, when they controlled the House and the other body, they nearly destroyed public education. If you ask anyone, any teacher, any high school principal or elementary principal in our public schools what is wrong with our schools today, they will tell you, very simply, it is not just a need for more teachers and better teachers, it is a question of some fundamentals.

We have lost control of our classrooms, they will tell you. There is no discipline in the classroom. Why is there no discipline? Because the liberal policies of the other side for 40 years has eroded the principles of discipline, the power to the teacher, the power to the local school board, the power to the parent. That is one of the major problems facing our public schools today. So the scandal is what they have done to public education in the United States.

Let me tell you about the other scandal that they have committed in education. The scandal is they have created a bureaucracy that is unparalleled in any civilization in education. Now, listen to this quote from Investor's Daily, just an observation they made: "School funding in 40 years has quadrupled. Teachers' salaries have only increased during that same period 43 percent."

Teachers only account now for barely half the personnel in public schools. That is because they have built an unparalleled bureaucracy. That bureaucracy starts right here in Washington, DC. There are 5,000, count them, full-time employees in the Department of Education; 3,600 of them are in Washington, DC.

Now, we may need a Department of Education, I do not want to get into that debate, but I do not have in my school district teachers who are making the $50,000 to $100,000 that these 5,000 bureaucrats are making in the Federal Department of Education.

□ 1545

This is about control, this is about bureaucracy. What do 5,000 Federal bureaucrats and 10,000 more contract bureaucrats that they have hired to hide, what do they do with education, public education today? They regulate. It is unbelievable. Talk to a teacher, talk to a principal, I beg the Members. They will tell us the scandal that has been committed by the other side of the aisle. They have passed so many rules, so much red tape, so many regulations that our teachers cannot teach.

We see here that most of our school budgets now are going for bureaucracy, administrators, regulators, and all the myriad obligations that have been mandated from Washington, because they control and they want to maintain power. They have created 788 Federal education programs, dozens and dozens, and bureaucrats. They all have their programs, so a teacher cannot have control of the classroom. Ask any teacher. A teacher is inundated with paperwork, and school boards and even State agencies are mandated to create this huge bureaucracy.

What we need is 100,000 less bureaucrats in education. That is what this battle is about. That is why we are here. That is why I am almost hoarse, because I got up the other night and tried to explain this to my colleagues and the American people.

They want to pass regulations. They want to make certain that teachers do not teach. They want to have the most expensive approach to education. They have ruined public education. We are trying to take that back. It is simple: We want the money to go to the classrooms. We voted 95 percent, that it should go to the classrooms, to the teachers, for basic education, not for the bureaucracy that has been created.

We said that we want the teacher and the parent to have control. That was the foundation of public education. My wife was an elementary teacher. I have a degree in education. I did not want to teach because of the conditions in our classrooms. That is the same reason that we have this. We need to keep control with the parents and we need to stop the control of Washington. That is what this is all about.

INTRODUCING THE REPETITIVE FLOOD LOSS REDUCTION ACT OF 1998

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from Texas (Mr. BENTSEN) is recognized for 5 minutes.

CRUMBLING AND INADEQUATE INFRASTRUCTURE ARE THE TRUE PROBLEMS FACING PUBLIC EDUCATION, NOT FEDERAL CONTROL OR OVERREGULATION

Mr. BENTSEN. Mr. Speaker, I am speaking today on a bill I am introducing, but before I do, let me just say something. A lot of Members come to the floor and say things, and get a little carried away. I just have to make a couple of comments.

For the last 40 years, while the Democrats may have controlled the House, the history I learned showed that the Republicans controlled the other body, off and on on a number of occasions, and there are two bodies in our system. That is how legislation is done.

Second of all, let me say that at least in my State of Texas, and I cannot speak for the other States, I only represent part of Texas, I find that it is the State legislature that sets the regulations, along with the school boards.

I was in a school in my district not long ago. The teachers I talked to did not say one thing about Federal regulations. What they talked about was the fact that they had an air conditioning system that was 35 years old, and that the school was crumbling, that the foundation was cracked. If they had any gripes, it was not even with the State legislature, it was with the local school board. So every State is different and everybody's situation is different.

Mr. Speaker, I rise today to introduce legislation, the Repetitive Flood Loss Reduction Act of 1998, to reform the National Flood Insurance Program by improving pre-disaster mitigation and facilitating voluntary buyouts of repetitively flooded properties.

I am hopeful that an effective pre-disaster mitigation and buy-out program will both reduce costs to taxpayers and better protect residents of flood-prone areas.

I have drafted this legislation in consultation with the Federal Emergency Management Agency and the Harris County, Texas, Flood Control District, one of the Nation's most experienced and innovative flood control districts. However, I want to emphasize that I consider this legislation to be a starting point to begin the debate, and I look forward to input from my colleagues, my constituents, and other interested parties, so an improved version of this legislation can be introduced in the 106th Congress.

Some ideas in this bill will be considered controversial and may need to be changed. By introducing this bill, I am not endorsing each provision, but rather, the idea that some action needs to be taken to reform the National Flood Insurance Program. In fact, it is my hope that the public will review the contents of the bill and make their specific support and objections known, so we can develop consensus legislation.

The need for this legislation was underscored by a recent report by the National Wildlife Federation, that the National Flood Insurance Program has made flood insurance payments exceeding the values of the properties involved to thousands of repetitively flooded properties around the Nation.

This report, entitled Higher Ground, found that from 1978 to 1995, 5,629 repetitively flooded homes had received $416 million in payments, far in excess of their market value of $307 million.

My State of Texas led the Nation in volume of such payments, with more than $144 million, or $44 million more than the market value, paid to 1,305 repetitively flooded homes. The Houston/Harris County area, which I represent, had 132 of the 200 properties that generated the largest flood insurance payments beyond their actual value.

This included one property in South Houston that received a total of $929,680 in flood insurance payments from 17 flooding incidents, and another property near the San Jacinto river that received $806,591 for 16 flooding incidents, about 7 times the actual value of the home.

Other areas around the country have also had the same incidents occur. Altogether, according to the National Wildlife Federation report, although repetitive flood loss properties represent only 2 percent of all properties insured by the National Flood Insurance Program, they claim 40 percent of all NFIP payments during the period studied.

Since its creation in 1968, the NFIP has filled an essential need in offering low-cost flood insurance to homeowners who live inside 100-year flood plains. The program has helped to limit the exposure of taxpayers to disaster costs associated with flooding. However, the recent report clearly points out the need to improve the NFIP to address the problem of repetitive loss property.

Furthermore continued losses to the NFIP has increased the call by some of my colleagues to increase premiums and reduce the Federal subsidy for all Federal homeowners in the flood plain, not just those who suffer from repetitive flooding loss, in order to reduce Federal budget outlays.

Without long-term comprehensive reform of the NFIP, I am concerned that in the future, Congress may follow through with proposals to double or triple flood insurance premiums for all flood-prone homeowners, as was proposed in 1995 and 1996. Many of us, myself included, fought vigorously to oppose these increases, but our victory

will be short-lived if we do not make changes in the program.

These repetitive loss properties represent an enormous cost for taxpayers. They are also a tremendous burden to residents whose lives are disrupted every time there is a flood. In many cases, these residents want to move but cannot afford to do so. By repeatedly compensating them for flood damage, current Federal law makes it easier for them to continue living where they are, rather than moving to higher ground.

I ask my colleagues to look at the bill and please comment on it.

EXCHANGE OF SPECIAL ORDER TIME

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to exchange special order times with the gentleman from Michigan (Mr. EHLERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WHAT THIS CONGRESS HAS DONE FOR PUBLIC EDUCATION AND SPECIAL EDUCATION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 5 minutes.

Mr. GOODLING. Mr. Speaker, a previous speaker asked the question, what has this Congress done for education, and in particular, she said, what has this Congress done for public education? She should be very proud of what this Congress has done as far as education is concerned during the last 2 years.

Just a few of the issues that we have enacted into law, which the President has already signed: The Higher Education Act, a bipartisan effort; special education, signed into law, the second largest program from the Federal Government in relationship to elementary and secondary education; the Workforce Investment Act, signed into law; loan forgiveness for new teachers, signed into law; quality teaching grants, that is the law; emergency student loans, that is law; and yes, in a bipartisan way, prohibition on Federal school tests. That is in law.

This Congress has also, for public education, dealt with school nutrition and reauthorized the school nutrition legislation, very important to schools; charter schools for public schools, $100 million; quality Head Start, again, bipartisan, and again, bicameral; vocational education; Community Services Block Grant; $500 million extra for special education; and the Reading Excellence Act.

That is only 14 programs; I might say, probably more than any Congress in the history of my term in the Congress; by far anything more than I have seen in a long, long time.

The issue is not what we have done or what we may not have done; the issue is, where is the control. We believe that if we are going to reform education and make a positive effort, it starts from the bottom up. We do not try any longer, as we have done for so many years, to say, "Here, this is coming from the Federal Government. It is good because we said it is good. We know that one-size-fits-all. You do not know anything, on the local level. You should not make any decisions. We know it all."

That is not the way it works, and it has not worked. We ought to admit that it has not worked. We are trying something different: passing 14 pieces of legislation dealing with elementary schools, secondary schools, public schools, for $31 plus billion in this year's budget for education.

Special education got a $750 million boost last year. It is going to get another $500 million this year. This is the one unfunded curriculum mandate from the Federal Government, a 100 percent mandate from the Federal Government.

Thirty years ago local government was promised that they will get 40 percent of the excess costs. Whatever it costs them to educate a regular student, and all of that above to educate a special needs student, we will send them 40 percent. We sent them, until 2 years ago, 6 percent. We are about up to 12 percent.

But as I have mentioned so many times, in California, the Los Angeles Unified School District, it means $60 million a year, every year. Now, if we talk about reforming schools, talk about the pupil-to-teacher ratio, talk about school maintenance, what they could do with $60 million, if we would put our money where our mouth is. That is a tragedy. In the St. Louis schools there is a $25 million increase every year, and on and on it goes.

So what we have done is tried to get money back so that they could do on the local level what they want to do to improve schools. But they cannot do it because, for instance, in Los Angeles, they have to raise $325 million from their local taxpayers to pay for our 100 percent mandate. They would have that $325 million, at least they would have $60 million more at the present time.

I tried to get this point across for 20 years in the minority, and now as a member of the majority, because that is the biggest problem facing local school districts: How do we fund the 100 percent mandate? They do not know how to do that. They do not have a tax base in order to do that. The mandate came from here.

So I am pretty proud of the fact that in the last 2 years, $750 million and another $500 million. This will be the first year that local school districts will be able to reduce their spending on special ed so they can put it into maintenance, they can put it into new teachers, they can put it into additional teachers, reduce class size all of those things. But if they got the 40 percent of the excess costs, it is unbelievable what they could do on the local level.

I would hope that no one leaves the Congress this session without being proud of what we have been able to do in the area of public education.

THE STATUS OF LEGISLATION RECOMMENDED BY THE WOMEN'S CONGRESSIONAL CAUCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this afternoon in sincere gratitude and sincere regret, in my capacity as chair of this session of the Women's Congressional Caucus. In that capacity I have worked most productively with the cochair, the gentlewoman from Connecticut (Mrs. NANCY JOHNSON). The work we have produced I think indicates what happens when Members work together.

I want to say a word about my gratitude, and then how what we have achieved has been quite overwhelmed by what women have been denied. I want to acknowledge the innovations that we designed this year, and the must-pass agenda. It had the help of the Speaker, gentleman from Georgia (Mr. GINGRICH) and the minority leader, the gentleman from Missouri (Mr. GEPHARDT).

Three of our seven priorities were passed. Two were vital to women: the reauthorization of the Mammography Quality Standards Act, which assures women that both the equipment and personnel involved in mammograms are up to standards; and sections of the Violence Against Women Act. There was a third important bill on our must-pass agenda, the Commission on Women, Minorities, and People with Disabilities in Science, Engineering, and Technology Jobs.

□ 1600

Two more bills of great importance to women I want to acknowledge. We beat back an attempt to take women out of basic training and separate them from men, and we passed an Innocent Spouse Tax Relief Act. These are very important, and I do not want to denigrate what they are.

But, Mr. Speaker, these are overwhelmed by the regret that I bring to the floor this afternoon and that regret boils down to the three Cs: Choice, Contraception and Child Care.

Mr. Speaker, if we were to ask women how they would rate this Congress, I think the three Cs would give

us an F. Choice, because since the majority took control, we have had a hundred votes on choice, which should be a settled vote in this body, 23 of them in the 105th Congress. We continue to be obsessed with choice, though the American people have laid this issue to rest. In this Congress, the Hyde amendment is no longer an appropriation rider, but became law. Shame on us.

Perhaps the greatest disappointment was in contraception, where we had a case study on how victory can be stolen from women. Because both the House and the Senate voted to include the full range of contraceptive coverage for Federal employees in Federal employees' health plans. This, which had the support of this body, majority support of this body, passed by voice vote in the Senate and was stripped out in conference in a move that deserves remark for its profound anti-democratic tactics.

Then there is the one issue we hoped would be passed this year. This should have been the year of the child. Child care would have made it the year of the child. The Women's Caucus put together what we thought was a bipartisan set of principles that would produce child care in this session. Something for each side of the aisle. For Democrats who tend to be concerned about working families, more low-income certificates. Particularly, because the welfare to work is absorbing all of the child care, leaving little for women who want to go to work, for them, for low-income families. And then for stay-at-home spouses, we said we would accept a bill for tax relief for stay-at-home spouses, and then we would accept quality that was State imposed and the Federal Government would assist the States to bring up the quality of child care.

Mr. Speaker, anybody who cannot get a bipartisan bill for our children out of that is not trying hard enough, and we have not tried hard enough in the 105th Congress as long as mainstream issues like choice, contraception, like child care are not done by this Congress.

Whatever we do, including the must-pass victories of the Women's Caucus, will be overwhelmed when the gavel goes down on this Congress. As delighted as I am by the passage of three of our four priorities, we of the Women's Caucus of the 105th Congress will have to answer the question: "What did you do for women in the 105th?" The answer from American women will be: Not much.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 3687. An act to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas.

H.R. 3910. An act to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

H.R. 4326. An act to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which concurrence of the House is requested:

S. 1222. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 2039. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 2276. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1408) "An Act to establish the Lower East Side Tenement National Historic Site, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1693) "An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.".

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1718) "An Act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1754) "An Act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.".

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2432) "An Act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.".

EXCHANGE OF SPECIAL ORDER TIME

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from South Dakota (Mr. THUNE).

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

2000 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, last evening, a meeting was held in my office with two senior Democrats to discuss the issue of the 2000 Census. It is unfortunate that not only was the confidence of this meeting broken, but my position was misrepresented. Obviously, there are those who would betray a confidence for what they believe to be a short-term political gain.

Let me make clear what transpired at the meeting and what my position is on the 2000 Census. The position of these Democrats was that they wanted to remove Congress from the decision-making process for the 2000 Census. I disagree. At no time did I say that there would not be funding for the 2000 Census. As I have said publicly before, the one thing we can all be sure of is there will be a 2000 Census.

What I did say is the simple fact that if the Supreme Court might rule that sampling is legal, it does not automatically mean there will be sampling in the 2000 Census.

Let me explain, as I did last night. The Supreme Court is going to rule on whether or not sampling is legal or constitutional, not if the Clinton sampling plan will work. That issue is very much debatable. In fact, even the National Academy of Sciences which has endorsed the concept of sampling has not endorsed this plan.

Additionally, as I pointed out last night, the administration has been arguing that the Supreme Court case should not be considered on its merits, but rather dismissed because the House of Representatives lacks standing and the issue is not ripe for review. If this were to happen, why would Congress allow the administration to use sampling when the entire census would be invalidated in the future when standing is no longer an issue and sampling is ripe for review? We already have the writing on the wall. Two Federal courts and six Federal judges have unanimously ruled that sampling is illegal. How many judges does it take to get the message through?

The Republican position on this issue is crystal clear and makes the most sense. Here are six common sense reasons why the appropriations language which prohibits the Census Bureau from spending money after March 1999 should remain as it is:

First, six Federal judges have ruled that sampling is illegal.

Two, there is nothing in our appropriations language which prevents the bureau from preparing for both sampling and a non-sampling census. In fact, we have worked with the bureau to make sure that they have more money in the first 6 months than in the second 6 months. We have told the bureau that they will not have any cash flow problems.

Three, in all likelihood, the Supreme Court will have decided this by March 1999. The case is on an expedited track and oral arguments are set before the Supreme Court for November 30.

Four, by March, the information from the dress rehearsal will have been reviewed and available for study.

Number five, by March, the bipartisan Census Monitoring Board will have issued its report on the 2000 Census.

And six, Congress must have a role in deciding how to conduct the 2000 Census. Without the appropriations language, the administration is free to unilaterally decide how the 2000 Census is conducted.

Our position is clear and reasonable. The Democrats fear a ruling of the Supreme Court against sampling will devastate the chances for its use in 2000. They are desperately trying to figure out a way to diminish the importance of the court case.

The common sense approach is to give the Census Bureau the money to function for the year, restrict spending after March, and wait until we have all the information needed to decide how to conduct the 2000 Census.

Mr. Speaker, I hope in the future that these House Democrats can be trusted to negotiate in good faith. At this point, after the misrepresentations of last evening's private conversations, I have grave doubts.

EXCHANGE OF SPECIAL ORDER TIME

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Connecticut (Ms. DELAURO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

MORE MONEY TO IMF WILL ONLY MAKE WORLD ECONOMIC SITUATIONS WORSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, let me begin by expressing my strong objection to the current legislative process in the House. Some day soon, we do not know, maybe tomorrow, maybe Friday, maybe Saturday, eight appropriations bills, which as I understand it will add up to some $500 billion, will be dumped into one omnibus bill. Members here, with relatively little knowledge as to what is in that legislation, are going to vote for it. I think that is a pretty poor process.

What is of particular concern to me is that within that huge omnibus bill will be, as I understand it, an $18 billion appropriation for the expansion of the IMF, the International Monetary Fund.

Now, it seems to me that in a time when we are cutting back on veterans' benefits, when 43 million Americans have no health care, when millions of middle-class families are unable to afford to send their kids to college, that maybe, just maybe, we might want to have an open debate upon the wisdom of putting $18 billion of taxpayers' money into the IMF. Maybe we would like to hear the pros and the cons of that discussion. Maybe we would like to see an up-or-down vote on that issue. But I guess that is not going to happen.

Mr. Speaker, President Clinton wants the IMF. The gentleman from Georgia (Mr. GINGRICH) wants the IMF. Every large multinational corporation in this country wants the IMF. The corporate media wants the IMF. And, I guess, they are going to get the IMF without any serious debate.

But let me just say a few words about the IMF. I happen to agree with those people who say that the international economy is in a fragile state right now and that the United States has got to act. I disagree with those people who say that the solution is to pour more money into the IMF.

In my opinion, if recent history is any indicator of what might happen in the future, giving more money to the IMF might only make a bad situation, an unstable situation even worse. All we have to do is take a hard look at what has happened throughout the world in those countries which the IMF has "helped" to understand that maybe the IMF path is not the road that we want to go down.

They "helped" the people of Mexico several years ago. Today, as a result or partially as a result of their help, the Mexican economy is in disastrous condition. Wages are down. Unemployment and child labor are up. And their Congress in Mexico is now addressing a massive bailout of their banking system.

But something did happen out of the Mexican bailout of several years ago. That is that the investors that we bailed out, the large banks and speculators, learned a very important lesson. They learned that the taxpayers of the United States would be there no matter how ill-advised or stupid their investments might be, no matter how much money they might lose. No problem, Uncle Sam was there to bail them out.

They took that lesson to Asia, and they continued that process. They pumped huge sums of money into Thailand and Malaysia and Indonesia and South Korea. And then, when that part of the world began to suffer, no problem, the President, Mr. Rubin and Mr. Summers and everyone said well, we have got to bail them out again, and we bailed them out again.

We bailed out major banks and financial investors because we do not want them to lose any money. Small businesspeople, family farmers, hey, they can lose money. But when it's the Chase Manhattan Bank, they are not supposed to lose money. They only make money, I suppose.

Then the meltdown in Russia began. Poor Russia. It is incredible that a great country with such a tragic history has got to suffer all over again. When communism fell in 1991, the Russian Government received the attention and the guidance of the IMF and all of their wonderful policy advisors. Tragically, the Russian Government listened to them and took their advice. It is fair to say that never before in modern history has a major industrialized Nation experienced the kind of decline in a 7-year period as Russia has under IMF guidance and with $20 billion of IMF loans.

Mr. Speaker, those people who are asking our taxpayers for $18 billion in order to expand the functioning of the IMF are telling us that the global economy is in a fragile state, economic contagion is a reality, and that the United States could well suffer if the crisis in the global economy is not addressed.

Well, let me say this, I believe that the global economy is in a fragile state, economic contagion is a reality, and that the United States could well suffer if the crisis in the global economy is not addressed. But I very strongly differ with our friends who believe that another $18 billion will make the situation better. In my opinion, if recent history is any indicator of what might happen in the future, giving more money to the IMF will only make a bad situation worse. Four years ago when Mexico was in dire economic circumstances Mr. Rubin, Mr. Greenspan, President Clinton, Mr. GINGRICH, corporate America, and all of the Corporate media told us that we would have to pony-up and bail out investors who had lost money in that country. We were told that if Mexico went under the contagion would spread, and there would be an international economic disaster would occur. Well, some of us fought very hard against that bail out, but we lost. Today, the Mexican economy is in disastrous condition, wages are way down, unemployment and child labor are way up, and their congress is now addressing a massive bail out of their banking system.

But something did happen out of the Mexican bailout, the investors that we bailed out, the large banks and speculators, learned a very important lesson. They learned that the taxpayers of this country would be there to make sure that no matter how stupid or ill-advised Uncle Sam and the American taxpayers were there to protect their interests. And, with that knowledge in mind, these reckless and irresponsible international investors poured huge sums of money into Asia and Russia—with the full confidence that the U.S. Government and the IMF would be there to bail them out again if they suffered any losses.

Last year, when Thailand, Malaysia, Indonesia, and South Korea suffered their economic meltdown, Mr. Rubin, Mr. Greenspan, NEWT GINGRICH, President Clinton, and corporate America, were chanting their mantra again. And in unison they cried out "Let's bailout the banks and financial investors who lost money doing business in Asia because if we don't the contagion will spread." And, against my vote and my strong opposition, the IMF bailed out Asia.

And then the meltdown in Russia began. Poor Russia. It is incredible that a great country with such a tragic history has got to suffer again. When communism fell in 1991, the Russian government received the attention and the guidance of the IMF and all of their brilliant policy advisors, and tragically the Russian government listened to them and took their advice. It is fair to argue that never before in modern history has a major industrialized nation experienced the kind of decline in a seven-year period as Russia has under IMF guidance, and with $20 billion of IMF loans.

In Russia today millions of workers are unpaid, old people do not receive their pensions, and hunger and malnutrition are very serious concerns. Russia's GDP has fallen by at least 50 percent, capital investment by 90 percent, and meat and dairy livestock herds by 75 percent. A nation that, despite their inefficient and bureaucratic system, used to be one of the great agricultural and manufacturing producers in the world now imports a majority of its food and produces almost nothing. And, as we all know, Russia has recently defaulted on its loans.

Meanwhile, in Russia a handful of people who have accumulated billions of dollars, much of it illegally and through swindles, have enormous power over that country which is rampant with corruption. At a hearing that SPENCER BACHUS and I held last week, two economists from Russia, one from the left and one from the right, both stated that it would be foolish to give the IMF money because that money would simply disappear in corruption and not help the Russian people.

Given the horrendous record of the IMF in making life worse for the people of Mexico, worse for the people of Asia, worse for the people of Russia—not to mention all of the suffering that "austerity programs" have caused in Africa and Latin America, why in God's name would anyone want to continue along the incredible path of failure that has been developed by the IMF?

Now I should add, however, that while the taxpayers of this country are at risk for IMF expenditures, and while people throughout the world are suffering as a result of IMF policy, not everybody gets hurt. In country after country where IMF policy has developed, the richest people in those countries invariably become richer, and we now have the absurd situation in which 358 of the wealthiest people in the world own more wealth than the bottom 45 percent of the worlds population, or 2.3 billion.

The United States cannot turn its back on the world's economy, and we must address the very serious economic situation which is unfolding, but we must do it in a new way. Our goal must be to develop sustainable economies in countries throughout the world, not boom or bust economies designed to make foreign investors rich. Our goal must be to make the United States an ally of the poor and the hungry, not a spokesman for the rich, the powerful, and the corrupt.

Mr. Speaker, this is the opinion of BERNIE SANDERS. Now let me quote from some other sources about the role that the IMF has played. "It's only a bit of an overstatement to say that the free-market, IMF, Bob Rubin, and Larry Summers, model is in shambles," said John S. Wadsworth, Jr. who runs Morgan Stanley's operations in Asia.

According to a Wall Street Journal editorial from July 20, 1998 "The IMF helped create the very crisis that Mr. Camdessus says he now needs more money to solve." According to Congressman Carlos Heredia, representing 126 deputies in the Mexican Congress, "Contrary to the view promulgated by the Clinton administration and the U.S. media, the packaging of 12.5 billion from the ESF and 17.8 billion from the International Monetary Fund to bail out Mexico benefited only foreign investors and a small group of already wealthy Mexican investors while wreaking havoc on our national economy."

A letter from 140 American and international environmental groups, labor unions, and development organizations says and I quote, "the disastrous impact of IMF-imposed policies on workers rights, environmental protection, and economic growth and development; the crushing debt repayment burden of poor countries as a result of IMF policies; and the continuing secrecy of IMF operations provide ample justification for denying increased funding to the IMF."

THE PRESIDENT'S RECORD ON EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise, as I did last night about this time, as the chairman of the House Subcommittee on Early Childhood, Youth, and Families of the Committee on Education to respectfully suggest that if the President of the United States is genuinely concerned about the education and well-being of our children, perhaps he ought to examine the lessons and the example that his own personal behavior is setting for our children.

Mr. Speaker, I can understand, though, why the President would want to perhaps shift the focus of the debate. He has, I guess, a number of very good reasons for shifting the focus of the debate, one of which is his real record on education.

In just this Congress over the last 2 years, the President has vetoed our legislation to send directly down to the local level, down to local school districts and into local school classrooms, $800 million of funding in block grants.

He has vetoed our legislation denying American taxpayers the right to invest their own hard-earned money in tax-free savings accounts and then make tax-free withdrawals to spend for a variety of educational purposes as they deem best suited and most appropriate for their children.

He has vetoed our legislation that puts an emphasis on improving the quality of teaching in American classrooms through improving traditional teacher education and training at colleges and universities, as well as more emphasis on professional development in in-service training for teachers, including our provision to give really outstanding teachers merit pay.

□ 1615

We really do believe in the philosophy that the teaching profession is a missionary calling and a teacher can never tell where their influence might end because they can effect eternity through that profound influence they have on the child and then through that child to future generations.

He vetoed our legislation putting an emphasis on helping to make sure that all of our children can read and write well in English, the official common and commercial language of this country, by the end of the third grade, and he vetoed our legislation giving the poorest of the poor families, who all too often are found neglected in the middle of inner cities, scholarships so that they can send their children to the school of their choice. That is particularly important if their children are trapped in a failing or unsafe or underperforming school, all items, all part of our very impressive Republican record, common sense, conservative Republican record on education which the President has seen fit to veto.

But he has not vetoed all of our legislation, which leads me to my second chart. On Saturday, the House minority leader, the gentleman from Missouri (Mr. GEPHARDT), the leader of House Democrats said, we have not spent one day, one minute, one second on our most important challenge, making sure every child is a productive citizen in a global economy. You know, because of the chart that I just held up, that that comment is pure nonsense. And the very next day the President said, in just the last two days, Republicans and Democrats have worked together to pass strong charter school and vocational education measures.

Are you confused yet? I certainly am. I think congressional Democrats are as

well. I am the author of both of those bills, the charter school and vocational education bills that will soon become law. I take real exception to this kind of blatant political gamesmanship and partisan hypocrisy.

The gentleman from Missouri (Mr. GEPHARDT) made these comments on the very day that he voted for the charter school bill which passed the House of Representatives by a vote of 369 to 50. The President made his comments the very next day, with the gentleman from Missouri (Mr. GEPHARDT) seated directly at his side at the conclusion of a White House meeting on the budget negotiations. So which is it?

This is blatant hypocrisy. What we are really fighting here is a losing philosophical battle, because we Republicans believe that in fighting for our children's future and in trying to improve the quality of American education, we can only get there by emphasizing local control and decision-making, by putting greater emphasis on more parental involvement and choice in education, shifting the education paradigm from the providers of education to the consumers of education, raising teacher competency and strengthening accountability. And we can only do that by infusing competition and choice into the education system. It is called the market system, market principles. That is how we will get the reforms and the results that everybody wants in this country, certainly every parent, better pupil performance and higher student achievement.

So what you have been hearing in the House of Representatives over the last few days is a partisan debate on how we should proceed. And I quote, in conclusion, an editorial from a newspaper in the district of the gentleman from Pennsylvania (Mr. GOODLING) that he gave me just before leaving:

"The argument behind the Democratic approach is that local officials don't have the talent, character or motivation to use the money wisely. Only the Solomons in Washington have the necessary attributes."

Mr. Speaker, our record beats their rhetoric, and that is why we are a growing majority in the Congress and in the country.

A HISTORY LESSON WORTH REMEMBERING

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, my colleagues on the other side of the aisle need to brush up on their history lessons. When they talk about block granting the President's teachers initiative to put 100,000 more teachers in the classroom, they should start by reviewing the history of the cops on the beat program.

In 1995, House Republicans voted to eliminate the cops on the beat program and replace it with a block grant. But we prevailed; the program remains intact. And despite all the predictions of an out-of-control bureaucracy, the cops program has been one of the most successful and popular Federal programs in our history.

This program is making a real difference to people across this country. It is making a real difference to the people in my district in Northern California, the district just north of the Golden Gate bridge. The cops program is helping my district to be a safer place to live, a safer place to raise our children. This same program is making other districts, all of the districts across the country that much safer for families.

Since the cops program began, local police departments in my district, which includes Marin and Sonoma Counties, have received a total of more than $4.4 million in Federal funding, including nearly $2 million in funds for public safety departments, to hire the equivalent of 38 new police officers. Cops funding has been used for a variety of public safety programs, including establishing domestic violence reduction programs.

Guess what? There is no out-of-control bureaucracy. There are no hoops to jump through, no red tape. Police departments have had the flexibility to put officers and other resources where they need them the most. The Clinton initiative for schools to hire 100,000 new teachers would be much the same. Yet despite the overwhelming success of the targeted cops program, House Republicans want to do the same thing that they proposed for that program to the President's teachers initiative, that they tried to do before. They want to use a block grant rather than target funds to hire the new teachers. Will they never learn?

We already know that overcrowded classrooms is one of the biggest obstacles to improving education for our children, and we know that a block grant cannot guarantee our kids smaller classes unless we guarantee more trained teachers.

Democrats want to target funds to schools to hire more teachers using the title I formula.

They want to use the title VI formula. They will not use the title I formula, when title I is the most successful education funding formula and it will guarantee that our Federal dollars are used to hire teachers and, in turn, reduce class size.

Democrats also want to help schools reduce class size by financing school bond initiatives. Too many American students are trying to learn in crumbling, unsafe school buildings or in temporary trailers which have turned into permanent trailers in school parking lots.

Democrats also want many of our students that are already missing out on technology and being part of the technology superhighway to help their schools get wired.

This Congress should be helping communities repair their unsafe schools. They should be helping communities renovate their school buildings and they should be helping their communities make sure that these temporary-turned-into-permanent trailers are not a real ongoing part of their school.

Mr. Speaker, children make up 25 percent of our population, but they are 100 percent of our future. Investing in their education is the best way to invest in their future and, therefore, the best way to invest in the future of the United States of America.

IN SUPPORT OF H.R. 4567

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this afternoon to once again urge passage of legislation that this body passed several days ago, in fact last Saturday we passed H.R. 4567, which provides funding for home health care agencies hardest hit by changes made in last year's Medicare bill. Unfortunately the Senate has yet to address this legislation, and it is an awfully critical issue for the senior citizens as well as home health care providers in the State of Kansas and across the country.

While I recognize the need to curb Medicare costs, we need to direct changes at fraud, waste and abuse. The changes that we made last year in many cases were simply across-the-board cuts in funding, and unfortunately this has had a dramatic impact on some of the most cost-effective providers in our communities across the country.

H.R. 4567 would provide relief for our senior citizens in need of home health care. These issues are critical to many senior citizens.

Many senior citizens have attempted to keep their loved ones in home. Many people have tried to stay in their home, and they are only able to do so because of the benefits of home health care.

In my home State of Kansas, a number of those agencies that provide home health care services have already closed their doors. And for the people that they provide services to in rural areas and small communities, the loss of their home health care agency often means a loss of this service, resulting in increased cost and a lessening of the quality of life.

Home health services provide senior citizens with the opportunity to remain in their own homes with their

own families, and ultimately they save Medicare program costs, which exist because of the alternative being hospital care or long-term care.

While this legislation is not a perfect solution, it does represent a step in the right direction. Congress knew that this payment system was flawed in the home health care area and assured our senior citizens that there would be a short-term fix. We now know that this new "short-term fix" will last a long time, causing continual problems for home health care agencies and the people that they serve.

This new payment system that we are told is waiting in the wings is now not going to be ready until next year and perhaps not even until the following year.

We simply cannot afford to close this session of Congress without the Senate addressing the bill that the House has already passed, without incurring dire consequences to the citizens of this country.

The Medicare home health care patients in this country and in Kansas desperately need reforms. I urge the Senate to join the House in passing this bipartisan legislation.

A WORLD SERIES CHALLENGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the 17th congressional district in New York covers a large part of Bronx County. We affectionately call Bronx "the Bronx," it is one of the only places in the country where we put the "the" in front of it. I am Bronx born and bred. The Bronx is not only famous for the Bronx Zoo and for the Bronx cheer, but it is also famous for the Bronx Bombers, notably the New York Yankees.

And last night at the close of the last vote, I flew back to New York to be at Yankee stadium and watch the New York Yankees win the American League pennant and now the World Series will begin Saturday night at Yankee stadium.

I was raised just a few blocks from Yankee stadium. When I was boy I used to walk to Yankee games. Now I look forward, Saturday night, to seeing the Yankees march on to win the World Series.

This year, Mr. Speaker, the Yankees set an American League record, winning a record 114 games. And, of course, this week's Baseball Weekly has a picture of Bernie Williams on the front page, and it says, Bronx Battlers, and so we are very, very proud of that in the Bronx.

I take to the well today to issue a challenge to my colleagues from both San Diego and Atlanta. We do not quite know who is going to win the National League pennant, but it will be decided in a day or two. I would like to issue a challenge to them. I would like to bet them on the eventual winner of the World Series for 1998. I have no doubt that it will be the New York Yankees.

And let me say that I would be more than willing, when the Yankees win, to take them on a tour of the Bronx. The Bronx has come back after many years and we are very, very proud of the 1.3 million people living in the Bronx and very, very proud of what the Bronx Bombers, the New York Yankees, have accomplished.

So since we probably will be out of session by Thursday or Friday and we might not know who the Yankees will face, I want to issue a challenge again to my colleagues from both Atlanta and San Diego. I would be very happy to take a tour of their district, if their team wins, but of course their team will not. So I want to invite them to take a tour of the Bronx after the New York Yankees win the World Series.

□ 1630

LEAVE THE RUNNING OF SCHOOLS TO THE SCHOOL BOARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am a former teacher from Everett, Washington. Over the 30 years I have taught in Everett, there are now thousands of former students in Washington State and scattered across the Nation. I know how crucial the education improvements in this budget are.

We must now make education one of our top priorities. Yet, we are all well aware that Washington, D.C. cannot run our schools. It would be a disaster for us to try. Our mission is to support education but leave maximum power and authority at the State and local levels.

Our school systems worked so well when the parents and the local school boards had full responsibility for local schools. However, the financing of education has not kept pace, so our best course now is to provide all the money possible and leave the actual running of the schools in the hands of the local school board and of the teachers, remembering, however, that the parents must retain ultimate control of schools or the system will fail the students.

THE TRUTH NEEDS TO BE TOLD ABOUT HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois (Mr. HASTERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. HASTERT. Mr. Speaker, I just want to weigh in with the previous speaker. I did also teach for 16 years in Illinois, and I see the rhetoric and have heard the rhetoric that has been flying across the room these last couple of days, and it amazes me too a great deal. When I think about education, I think about putting good teachers in the classrooms. All the other folderol and bells and whistles, sometimes it helps but it does not make the difference whether kids are learning or not.

I think the effort that we have put into this bill, that we anticipate to have moving forward, to put the responsibility back home with local school boards and with moms and dads and teachers and school board members so that they can do the best job and decide who the teachers are that should be in their classroom, instead of having somebody in Washington, D.C., in the Department of Education, deciding which school district should do which and how many people they should have in every classroom, let us keep that decision back home.

Mr. Speaker, I rise today to discuss another issue, and I think it is an issue of great importance to the people of this country, and that is HMO reform, or managed care reform. Over the last days also I have heard great partisan rhetoric on this floor about this issue, and I rise today, Mr. Speaker, with some of my colleagues who are also concerned about the truth, to set the record straight.

Mr. Speaker, I understand that this is a political time of year. People are running for election. They are looking for political issues, and I know that we will listen to all kinds of exaggerations and partisan debate on this floor but there is no excuse, Mr. Speaker, for the kind of nasty and misleading information I have heard over the last few days. The truth needs to be told.

For six months, 15 of my colleagues and I sat down around a table and considered the problem of HMO reform.

Let me say at the outset, it is a very real problem. We know that from time to time, in a very deliberate situation, that people do not always get the care that they think they should need and their doctors tell them that they should have. So it is a very real problem.

People believe that HMO bureaucrats have too much control over their health care, and people are afraid that their health care will not be there for them when they need it.

My colleagues and I sat down and listened and learned about the problems in the health care industry. We listened to the people who were the advocates of the consumers. We listened to doctors. We listened to the health care practitioners. We listened to the people who bought health care for people who worked for them. We listened to the people who owned and worked through the companies that insure workers and people who buy insurance.

Through this whole thing, we tried to listen and understand what the abnormalities of the market were. Why were people not getting the health care that they needed? We did not attempt to use tragedy for political gain, as I have heard some folks shamefully try to do on this floor. We listened, and after 6 months of listening to scholars and patient advocates and providers, we sat down to begin to solve the problems. We came up with a proposal to give people assurances that their health care would be there when they need it and we did it without the heavy hand of government.

The last thing that most people want is some bureaucrat in Washington, or some bureaucracy in Kansas City or wherever it might be, saying that we have to go to this doctor, we have to have this kind of treatment, we have to have HCFA, which is the health finance organization of the Federal Government, prescribing what kind of health care individuals get. There are some in this Congress that would like health care to be prescribed by the Federal Government, to control our health care, our family's health care, what our children's health care is going to be in the future.

There are many of us who do not think that the Federal Government should be able to do that and to micromanage what kind of health care we should get. We think that people ought to make choices, that doctors ought to make decisions and that health care ought to flow between that relationship between a doctor and a patient.

There are two ways to address the HMO problem. We can throw the problem to the courts to decide or we can establish a common sense process that gets people the care they need up front. We really want, Mr. Speaker, people to get their health care in doctor's offices and hospital rooms. We do not want them to get their health care by suing and ending up having to go to a lawyer's office or a courtroom to get their health care, and that is what the other group of people out there believe; that people ought to be able to go to the courts and if they are sick and cannot get the health care they need they ought to sue.

If they end up suing people, the only folks that probably will get benefits from that are the heirs because by the time the lawyers and the courts get done making the decision on health care, which needs to be done in a timely basis, they are probably, in many, many cases, not going to be there to enjoy that health care treatment. The care needed should be between the patient and the doctor.

I guess that is one of the predicates that we set down in trying to develop a health care program off of, that the relationship between a doctor and a patient is pretty special. That relationship between a doctor and a patient also should be sacrosanct.

In the health care situation, especially with HMOs or managed care, doctors are contractees or, in a sense, some type of an employee of the HMO. When they tell us that we should have this type of treatment or they give us this prognosis, and this type of care should be taken care of in health care, then that is the care that we should get.

We should not really have a green-eyed guy or somebody who is the clerk of the office answer the phone and say, oh, by the way, Doc, we are not going to give that care. That should not happen. Does it happen? Yes, unfortunately it does from time to time.

It is happening less and less, but as cost crunches go on, we will see that some insurance companies, some insurance companies are bad actors, and they are controlling the amount of health care that their customers or the patient can get.

We think that is wrong. We do not think that insurance companies should limit doctors in being able to tell the patients what they think is, first of all, wrong with them and, secondly, what they think the prognosis or the care should be.

That contract between the doctor and the patient is sacred. When a doctor tells the patient what his illness is and what he thinks the care should be, that ought to be carried through. We should not have a green-eyed person or a clerk telling us to do this a different way.

It also sets us up in another situation. We need to be able to not allow insurance companies, then, to gag, what the word is, gag doctors from being able to limit what doctors could tell their patients.

In our health care bill, one of the things we did was to put a stop to it, that insurance companies could not gag the doctors. We also said that, if we needed expedited health care and a specialist, we should be able to get in to see that specialist within 72 hours, and that we should not be denied, if a doctor says that we need to see the heart surgeon or the cancer specialist or the lung specialist, we should be able to get in to see that doctor within a very short frame of time so that we can get the kind of care we need.

It really does not make any sense to expand a failed system that does not work in a vain attempt to solve a real problem. The solutions we came up with are certainly timely. We give people a timely access to review.

Otherwise, if our doctor says that I think you should have this treatment, and the HMO says well, the doctor thinks that, but we are not going to pay for it, we can immediately go to a doctor for an appeal, an independent third doctor for an appeal and have that second doctor say I confirm or I disagree.

Then if that second doctor disagrees, then we have the ability to go to a panel of experts and have them get us in in an urgent care situation into a hospital room or into the doctor's office or into the operating room within 72 hours in an urgent type of situation.

We also believe that, if we wake up in the morning or in the middle of the night, heaven forbid, and we have chest pains and we really think that we are having a heart attack, we need to get to the hospital right away. We should not have to call an insurance company or the "company doctor" before we can get in to the emergency room.

This bill says we have an expedited procedure that we can get us into an emergency room immediately, the emergency room that is closest to us and most convenient to us, that we can get there, and we cannot have us 3 days later saying, well, I thought I had a heart attack, but the company doctors said and insurance company said, well, you really only had heartburn and we are not going to pay the bill. We are not going to let that happen.

There is a piece of legislation where we expedited people in health care, we got them in the emergency room, and they got the urgent care that they needed.

We also thought that the common sense approach here is most women who have to get health care go to the OB/GYN, and they go on a yearly basis, so why should they have to go to an HMO, in to an independent care giver or a gatekeeper or the doctor that is the general practitioner, just to go to the OB/GYN to get their health care?

The OB/GYN ought to be the doctor of first reference, because that is where most people go. We should not have to go to a third party to make that happen. So we make that ability to go directly to the OB/GYN an important piece of this legislation.

The same way with families with children. If we have three kids, the chances are the doctor that we take those kids to is the pediatrician. We should not have to go to a general practitioner before we take our kids to the pediatrician to get service. That is common sense. We make that happen in this bill that the people have that immediate access.

We also go ahead, and we try to do a few other things and try to make sure that the people are aware of what their insurance policy covers and that they have an appeal process. If they think they should have some type of treatment, and they are not getting it, they can have an expert tell them what they are entitled to and what they are not entitled to. We think that is important. They ought to know that up front.

They also need to have their health records kept in confidence, that that information that their doctor accumulates or their pharmacy accumulates should not be handed off to another company so that they can be solicited

for some type of medicine, that people's health care and their records of health care are sacrosanct, and that confidentiality ought to be in place.

No amount of money is sufficient. If we do not get the health care we need, if we do not get the type of service that we need, if we do not get the ability of continuing the access to health care that is there, those, I think, are the very, very important things.

□ 1645

I had about 15 folks who worked with us on a very, very diligent basis and tried to put together a piece of legislation that worked.

At this time I would like to recognize my good friend from St. Louis, MO (Mr. TALENT), to whom I will yield the balance of my time.

REPUBLICAN MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. HANSEN). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri (Mr. TALENT) is recognized for the balance of the hour as the designee of the majority leader.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Illinois for yielding to me and for all his really excellent work on this bill. It is a great pleasure to get up and talk about the Patient Protection Act which passed the House this year. We made enormous progress in the direction of ensuring that people get the care that they need and that their physician has prescribed when they need it and that we could do that without big government. It was a great bill. It passed the House. Unfortunately it got caught up in politics and some partisanship both in the other body and on the other end of Pennsylvania Avenue and that is unfortunate. We have all heard some specimens of that this afternoon. But that should not keep us from talking about this bill and what it would do for people, because, as I said before, we have made an enormous amount of progress. We need to make progress in this area.

When I go around my district and talk with people about health care, they are concerned. It is less about the reach of the coverage that they are promised in their insurance. There is some concern about that. The concern is that if they get sick, they will not get the care they have been promised. They will not get the care that their physician has prescribed. They have some reason for that concern, Mr. Speaker. We have all heard about these horror stories around the country. They are not just horror stories, they are horrible stories. People losing their children because an HMO turned down the care that their physician had recommended, pregnant women not being allowed to go into the hospital when they have high-risk pregnancies, seniors being denied chemotherapy on the grounds that it was supposedly experimental. These are horrible stories. We should not have that. We do not have to have that. We can have a system that refocuses the health care system and the power in the system on the patient and on their physician. That is what the Patient Protection Act does. The gentleman from Illinois has talked about some of the good things in it. I am going to be yielding to people in a few minutes to go into greater depth on that.

Let me just say the bill does two things that are very important and it is the only bill that was before the House this year that did these two things: The first thing, it expanded the coverage that was available, good private sector coverage available to people around the United States. At any given time about 42 million people do not have health insurance coverage, working people. But they work for employers, typically small employers who typically cannot afford to provide the coverage to them. Our bill had a feature in it that no other bill had that we have needed to do for decades here that makes perfect common sense and would make good, solid, private sector health care available to millions of those people who currently do not have it. The gentleman from Illinois (Mr. FAWELL) is going to discuss it later, but briefly, Mr. Speaker, it is the concept of association health plans. All that means is that these small businesses who cannot afford them, they may only have 5, 6 or 10 employees and cannot afford to go through all the administrative costs and the hassle of offering health insurance, can pool together as associations. Then the association is a sponsor of a health plan and the small business can send its employees to that health plan, can put up some money for the employees, they put up some money on their own and they are able to buy health insurance from a plan that can offer them all the choices that currently employees of big companies have. Why should an employee just because he or she happens to work for a restaurant have no health insurance offered to him or her or have fewer choices offered to him or her than somebody would if they worked for IBM or they worked for Emerson Electric or they worked for Boeing or any other of the big employers in the country? This provision in the bill when we pass it out of here, and I think we will get it early next year because it is an idea whose time has come, will make health care available to millions who currently do not have it. It is the only bill that does that.

I will say, Mr. Speaker, we were enlightened on that issue when at a press conference a reporter asked a very important member of the other body what the administration bill does for the uninsured. He thought about it and said, with his typical candor, "Not much." That is true. It did not do anything for the uninsured. This bill would make health care available to millions of people who currently do not have it. It is part of the whole idea behind this bill, to provide health care to people when they need it, when their physician prescribes it, without big government.

But the feature I am up here to talk about and I am going to be yielding to other Members of Congress to talk about other features in the bill, the feature I want to talk about, Mr. Speaker, is the accountability features in the bill. The gentleman from Illinois (Mr. HASTERT) referred to this generally, but what we did, we worked on this for months and months and came up with the tightest, best accountability procedure anywhere in this country to ensure that patients get the care their physician recommends at the time their physician recommends it, notwithstanding some bean-counter at the HMO. It is low-cost to the patient, it is easily accessible, it is quick, and it is certain. I think it is going to be a model that will be used in States, and I certainly hope in Federal legislation when we pass it next year.

Basically what it does is this: The problem now is that if you belong to a plan, an HMO, let us suppose your physician recommends care for you or your family. I will just take an example. Let us suppose, because I have three children, Mr. Speaker, 8, 6 and 2. None of them have a problem with their ears. Some kids have a constant problem with ear infections. With my kids it is sinus infections. With some people it is ear infections. Let us suppose that after two or three times the pediatrician says, for a 4 or 5-year-old, "Look, we got to put in the ear tubes." That is a very common procedure. So you call up the HMO and they say, "No, we don't think that's medically necessary. So we're not going to pay for the ear tubes." What would you do today? What would you do without this bill? You would either pay for the ear tubes yourself or you would file some amorphous appeal with the HMO that would take months and months and months and then they could turn it down and never tell you why and if you wanted to then you can go to court and sue them for the cost of putting in the ear tubes and who is going to do that? It is just not a feasible procedure for the average person who belongs to an HMO. Under this bill what you could do is this: You could immediately file an appeal, what we call it is an internal review. The first stage is an internal review before a physician in the plan. It would have to be a physician. No more would the plan be able to turn down the care your physician has recommended on the authority of an accountant, or even a nurse or some

other allied health care professional. So immediately you would get a review before a physician in the plan. That review would be either within 3 days if your physician said it was an emergency situation, 10 days if your physician said it was urgent care or 30 days if your physician said it was routine care. This would probably be considered, absent some kind of really bad side effect of the infection, a more or less routine situation. But that would be up to your physician, the treating physician, to say whether it was emergency, urgent or routine care. If the plan did not return a result from the appeal within the time limit specified in the statute, the appeal would be taken as granted and the care would be paid for, so they could not spin you out and deny the care just by indecision.

So you go before the plan physician. Let us say the plan physician backs up the plan, says, "No, I don't think it's medically necessary, either." Then you would get an appeal to an external panel of independent specialists. Our bill was the only one that provided for easy, low-cost access to a panel of independent specialists in this field. In this case it would be pediatricians, and so the plan would have had to contract, let us say, with the Mayo Clinic or the local research hospital, they would make their pediatricians available, it would be a double-blind kind of situation. The plan would not know who the pediatricians were who were reviewing that case, the pediatricians would not know the name of the patient, just the information before them. Then these specialists would make a decision about whether it was medically necessary. If they said it was medically necessary and the plan still refused to pay for the care, you could go immediately to court. When you went to court, you could sue not only for attorney's fees, not only for the cost of the treatment, not only for the court costs but for a penalty of up to $1,000 a day up to $250,000 if they refused to pay the cost of providing those ear tubes. What are the plans going to do, Mr. Speaker? Under those situations they are going to say, "We better pay because if we don't pay up front now, we're going to end up paying up front, we're going to end up paying in a few weeks anyway. And in addition we're going to have to pay all these attorney's fees and we're going to get whacked with this huge penalty."

The key to this plan, and we have outlined it here, from the time the initial claim is denied, within a matter of weeks you get an internal appeal before a physician. It is the only bill that provides for that. You get an external review with no threshold. It does not have to be a $1,000 claim or a $5,000 claim or a $10,000 claim, and it should not be. If it is a $200 claim but it is required under the insurance contract, you should get it.

I yield to the gentleman from Georgia.

Mr. NORWOOD. There was another bill before us in Congress, those from the left had a managed care reform bill, too. Did they have a threshold in their bill?

Mr. TALENT. Yes, they did.

Mr. NORWOOD. Do you know what that threshold was?

Mr. TALENT. I will reclaim my time. I am sorry for stepping on the gentlemen's comment there, but they said it had to be a significant claim. Then it left that up to the Department of Labor to define. We said any claim that you feel you are not getting coverage on that you have been promised coverage, you can go to external review.

Mr. NORWOOD. Does that not mean, then, many cases of patients who were in HMOs who had a claim that was being denied, many of those people would not have an external appeals process through their plan, do I have that right?

Mr. TALENT. That is absolutely correct. I thank the gentleman for raising the point. We all know on that task force it was the gentleman through his efforts who made sure that this bill did not have a threshold. Then again, after external review if the plan still does not pay, you go to court immediately. You do not have to wait until your child has lost his hearing. You do not have to wait until somebody has got really sick and died and then maybe 4 or 5 years later after you have run the gauntlet in the State court system you can try to sue for recovery later on, you can sue right away for penalties up to $250,000 in addition to attorney's fees, court costs and the cost of the treatment. There are others who want to speak on this bill, Mr. Speaker. I am eager to have them do it.

Mr. NORWOOD. If the gentleman will yield further, I wanted to ask him a question, if I could, about the court remedy. One of the things I keep hearing is that under our bill, patients could not sue an HMO and under the Democratic bill they said you could sue an HMO. I believe that is incorrect information. Under our bill, you can sue HMOs, but, in fact, without our bill, you can sue HMOs.

Mr. TALENT. There is a major difference. Under our bill, you do not have to die first. You can sue to get the treatment that you need. Because the emphasis here, and I appreciate the gentleman's comments, I say, in all good faith, the emphasis here is on giving people the care they need when they need it. We want people in the treatment room, not in the courtroom. I would anticipate that very few people would have to go to court. Because we have changed the incentives in this bill for these HMOs. For the very same reason that they have been denying care in the past, they are going to be granting care now because they are going to know, it is going to end up costing them more money if they deny the care up front. So I would anticipate that few people would have to go to court. But that hammer is there. If they spin people along, if they do not pay when they are supposed to pay, you go to court right away. In fact, as the gentleman knows, you can go to court up front in an emergency situation to get an injunction, an emergency injunction to order them to pay. Florence COCHRAN, the very unfortunate lady who had a high-risk pregnancy and her doctor wanted her to go into the hospital and the HMO said, "No, we don't think it's all that high risk a situation," she could have gone to court under our bill, got an injunction to allow her to go into the hospital right away and then because it was an emergency gone through this internal and external review procedure within about a week to establish the right that she had the right to have that hospital care paid for.

Mr. NORWOOD. If the gentleman will yield further, would Mrs. Cochran have been able to go into court immediately?

Mr. TALENT. Yes.

Mr. NORWOOD. Once the benefits of the plan were denied, she would have been able to get to court immediately. Because her case was not just routine care, it bordered at least on urgent and perhaps emergency. So she could have gotten into court immediately.

Mr. TALENT. And it would have been up to her physician to decide whether it was emergency or urgent care which then triggers the time limits in the bill. Moreover, if the plan had denied coverage after the external review panel had said it was covered, as the gentleman knows, the $250,000 penalty is a per diem penalty, a per day penalty. Every day they do not pay, they would be liable for up to $1,000. Why? Because we are not trying to promote litigation in this. We want the treatment covered when the physician has recommended it. And so what we are saying to the HMOs, "Pay and don't delay because the longer you delay the more you're going to have to pay after a few weeks or months."

Mr. NORWOOD. If the gentleman will yield further, I am not an attorney and I know that the gentleman is, but explain to us as an attorney how attorneys would be able to take cases today where benefits are denied and patients can sue their HMOs today for benefits, but what if the benefit was only $1,000? Can an attorney afford to take a case like that, that is $1,000, not knowing whether they will ever be paid for their services that may run up $20,000, their fees.

Now, the change in our bill, how does that help that?

Mr. TALENT. It would be borderline because under the law today you are allowed attorney's fees. So it would be

a borderline type of situation. In many cases the lawyer would just say and the patient would say, "It's not worth it." Why do I want to go years and years and years in court with the plan having every incentive to spin out the case as long as possible? So ours is an improvement in a number of different respects. First of all, the $250,000 penalty, which is triggered by delay, we are saying to the plans, "Every day you delay it costs you more. We want you to pay when this panel has said you should pay." In addition, you can go to court right up front to get an emergency injunction in those cases where a life is really at stake. Any judge is going to say, "The treating physician has recommended this care, it's an emergency situation, there's some kind of a contract dispute, I'm going to put this person in the hospital while you take the necessary week or 10 days or whatever it is to resolve this matter."

So we have expedited the process, it is low cost to the patient as the gentleman knows, it is swift, it is sure, it is certain, it is a way of getting people the care that they need. I will just say to the gentleman, then I will close and yield to the gentlewoman from New York to discuss a different aspect of the bill.

I was asked during this debate on the bill by somebody who said to me: Look, suppose they have this situation. A person has an infected leg, and his plan physician recommends institutional care in a hospital. The plan turns it down, the infection gets worse, the persons loses the leg, what can they recover? Under your bill, what could they recover from the plan?

□ 1700

And I said, "Well, they can get attorney fees, they can get costs, they can get $250,000 in penalty, they can get the cost of the treatment, and they get their leg because that leg is not lost."

And that is the whole point. Nothing I think differentiates the different approaches that were before this House in that example.

We have written this as air tight as you can write it, and where that care is medically necessary, where the treating physician recommends it, the person is going to get the care that they need.

That is what America wants, and they want it without litigation, they want it without big government, they want people in treatment rooms, not in courtrooms, and, as in most cases, the American people got a lot of good common sense in this. That is what this bill would have given to them. I am very glad it passed the House. I think it is the starting point for legislation next year.

And I am very happy to yield to the gentlewoman from New York (Mrs. KELLY) for any comments she may wish to make.

Mrs. KELLY. Mr. Speaker, I rise today to join my colleagues from the House Working Group on Health Care Quality to reflect on the critical legislation passed by the House in July, the Patient Protection Act.

Mr. Speaker, unfortunately politics has taken precedence over policy with regard to reasonable health care reform. I want to share with Americans some key provision of the Patient Protection Act that will not come to fruition because some Members of this Congress would rather resort to demagoguery on the issue rather than actually do something to improve America's health care.

As my colleague has pointed out, we are interested in making sure all Americans have health care when they need it, not have to go to court to fight for it.

I have approached the health care debate from two different perspectives, the first from that of a professional patient advocate and the second from that of a former small business owner. As a professional patient advocate, I have dedicated my life to ensuring the sanctity of the doctor/patient relationship. It is that relationship, the relationship between a patient and their doctor that results in high quality care. To that end, the Patient Protection Act includes several provisions that recognize the distinctive health care needs of patients, especially women and children.

For example, the Patient Protection Act provides women with direct access to their OB/GYNs without authorization or referral by a primary care physician. It also gives parents a very important right, access to a pediatrician as their child's primary care provider.

Other patient protections in the bill include providing new avenues to health care coverage where quality and choice are available by requiring health plans to offer a point of service option. The measure also includes a prohibition on gag rules that are often placed on medical providers as well as ensures access to emergency care by eliminating preauthorization requirements for emergency services, allowing a patient to access emergency services from any emergency service provider and demanding that coverage is based on patient symptoms rather than a final diagnosis.

However, while it is of utmost importance for Congress to protect patients in today's managed health care market, it is also our responsibility to be mindful of producing a bill that does not have dire consequences such as making health insurance too expensive for American families and businesses.

The Patient Protection Act does not turn its back on the financial impact health care reform might have on families and businesses. The President's health care proposal does nothing to address the 42 million uninsured Americans, many of whom work for small businesses or are self-employed. In fact, the Congressional Budget Office reports that his proposal could result in a premium increase of 4 percent which would result in many Americans losing health care coverage. The Patient Protection Act, on the other hand, is the only health care reform proposal that creates new health care choices so that more, not less, Americans can have access to affordable health care.

Mr. Speaker, the Patient Protection Act recognizes that reform means nothing to those Americans who cannot access health care. The Patient Protection Act is an excellent starting point on the road to quality affordable health care for all Americans. It is my hope that next year Congress will rise above political rhetoric and demagoguery and protect America's patients and families as well as America's uninsured.

Mr. TALENT. Mr. Speaker, it is my pleasure now to yield to the gentleman from Florida (Mr. BILIRAKIS) for such comments as he would wish to make, and I will just add in yielding to him that Mr. BILIRAKIS has been a leader in this field both of health care reform and patient protection and access to health care for a number of years and did outstanding work in this task force, and it is a pleasure to yield to him.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding to me and for those kind remarks.

Mr. Speaker, Congress had a tremendous opportunity this year to expand health care access to the uninsured as well as to the insured and, at the same time, provide better protections for the patients of managed care providers.

Earlier this year the House completed its job and passed health care, health reform legislation. Unfortunately, the Senate was not able to debate and approve a similar bill. I am deeply disappointed by the fact that the Congress was unable to work in a bipartisan fashion and reach agreement in this very important issue, and I honestly feel let down because many days and hours, early and late, would have gone for naught because many needed patient protection reforms would not be available for patients.

This situation, Mr. Speaker, we are in today is similar to what we went through in 1994. At that time we had the Rowland-Bilirakis health bill sidetracked by the then Democratic majority leadership because the large number of cosponsors from both parties meant sure passage, sure passage if the bill had been allowed to come to the floor. A couple of years later, many of the same provisions, I would say most of the same provisions, were contained in the Kassebaum-Kennedy bill which was enacted into law, but the American people would have had those reforms available to them 2 years earlier

under the aforementioned Rowland-Bilirakis bill.

As our task force worked on the Patient Protection Act, I believed it was necessary to include provisions on health access to the uninsured as well as those who are insured. After all, we have to ask ourselves what good is insurance if one does not have access to basic medical care? Both expanded care for the uninsured and increased patient protections were accomplished, as others have already said I think, in the Patient Protection Act without, without imposing burdensome government mandates.

One principle way our bill expanded health access was by broadening the role of community health centers. Currently there are 42 million uninsured individuals in the United States. Our bill made it easier for community health centers to offer health care to those in medically underserved areas. H.R. 4250 would have saved money because patients would have used more efficient forms of care.

The bill also created community health organizations which are managed care plans controlled by community health centers. H.R. 4250 eliminated state requirements preventing community health organizations from participating in the health market.

H.R. 4250 also encouraged more competition in order to lower prices for health consumers. Community health centers would have had more money because they would have had more private paying patients using their facilities, and, as a result, these health centers would have provided care to even more uninsured people.

In addition, the Patient Protection Act also created important new safeguards which have been mentioned previously and gave patients greater access to high quality health care. The bill included a provision that enabled employers to pull together in health marts, a voluntary choice market where small employers could have obtained low cost and high quality coverage through the fully insured market. Of course the Patient Protection Act also included, as we have already said so many times, important new patient protections.

For months people across the country told Congress that they wanted to choose their own doctors. Well, we listened to our constituents. In fact, through our bill patients were guaranteed their choice of medical providers.

We also made it easier for patients to determine what their health plans covered. People would have actually understood their health care policies because descriptions would have been written in plain English.

Mr. Speaker, again Congress had a great opportunity to follow through with its commitment to reform health care in our country, and I challenge those that support patient rights to put people ahead of politics and agree to work with us instead of against us. Next year we must continue our fight for the uninsured. They deserve access to health insurance, and we will not stop until we achieve this goal, and in addition we must help those who want to choose their own doctors instead of allowing their insurance companies to choose their doctors for them. People want their personal health evaluated by someone who they can trust, and I feel it is our responsibility as Members of Congress to move forward in order to make this goal a reality for all Americans.

And finally, Mr. Speaker, I want to personally thank both you and Congressman DENNY HASTERT and of course all of the members of the task force with whom it was such a pleasure to work for their leadership in this issue. Both of you, both the Speaker and Mr. HASTERT, have done a tremendous job in bringing health reform before the House of Representatives this year. I will continue to be supportive of your efforts during the 106th Congress.

Mr. TALENT. Mr. Speaker, I appreciate the gentleman's comments, as always, about this bill which would have expanded the reach of private health insurance to millions of people who currently do not have it and then help to guarantee that those who do have health insurance get the care they need when they need it, when their physician recommends it and done that without big government. It was a good bill. It is a shame we could have closed ranks behind it.

Mr. Speaker, nobody did more to fight for this bill and to fight for the interests of people who currently do not have health insurance than the gentleman I am pleased to yield to next, the gentleman from Illinois (Mr. FAWELL), and I just want to say about him that he has fought tirelessly year after year after year to make association health plans a reality, he has talked to small business people, he talked to employees of small business people and he knows that patient protections are not worth anything if you do not have health insurance, as the gentleman says. And so it is a pleasure to yield to him for such comments as he might wish to make.

Mr. FAWELL. Mr. Speaker, I thank the gentleman very much, and I do want to commence my remarks by lauding Chairman HASTERT who brought a tremendous group of, yes, Republican Members of the House together, all of whom had varying degrees of experience in health care, and they worked, they have worked so hard, and they came up with a bill that I think the Patient Protection Act was a very fine piece of legislation. Unfortunately so much has happened. The President's problems and other matters have come along, and we have not had the light shine upon this legislation to bring forward its many, many good parts to which reference, a lot of references have already been made.

I think that the expansion that we were talking about here of the ERISA statute, for instance, so that small businesses can have the very same advantages that unions and large businesses have had for many, many years to be able to give to small businesses the ability to be able to band together into multiple-employer health care plans and so that they can have the economies of scale so they can do what the large businesses and unions can do. And what the large businesses and unions can do is they can, because they have the economies of scale, they can self-insure, and when they can self-insure, Mr. Speaker, that means that they have the ability to use clout and be able to bargain with health care providers or be able to bargain, for instance, with indemnity insurance companies and HMOs to bring the price down and to demand that there be the highest possible quality that can be given to their employees.

□ 1715

This ERISA statute is often misunderstood, but it enables employers who are, by the way, not pro-health care provider nor pro-insurance company. They are pro-consumer. They are pro and for the employees of their company. And the large corporations all across America utilize this ERISA statute to have some very innovative and creative legislation.

In fact, it covers about 132 million people who get their health care from employer provided ERISA health care plans. And this legislation was simply suggesting that because the 43 million people in America who do not have health care are largely people who live in homes where the breadwinner is employed by small businesses or is self-employed, where obviously they do not have the economies of scale of large businesses or large unions, that this legislation suggested the very elementary idea that, why not allow small businesses to also band together multiple employer health care plans under association health care plans, which would be churches, associations, the Boys Club of America, for instance, farm groups, the National Chamber of Commerce, any number of business associations which are solid people, they are interested in their members. And why not let them therefore sponsor these associations, and therefore they too would have the ability because they have the numbers to be able to self-insure and to be able to have the ability to talk to health care providers and to bring the price of health care down, and that is what managed care is all about, and be able to also deal with indemnity insurance companies, the regular indemnity insurance companies, and be able to experience rates,

for instance, on the basis of their particular smaller employers and employees.

That is what large corporations do. I think that is why most people who are employed by large corporations do have good solid health care coverage, and with a lot of choices too. That is awfully important. That means they have fee-for-service choices and things of that sort, which we would like to see occur.

As it is right now, the 43 million people, of course, have to go out into the individual market and, one by one, they do not have the economies of scale, they do not have the clout and the ability to do what larger corporations can do.

So this legislation, for instance, that is just one part of this legislation. It is an idea whose time is long past due. I will not see it come to fruition, but people like the gentleman from Missouri (Mr. TALENT), the gentleman from Georgia (Mr. NORWOOD), and so many of the other fine people, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Virginia (Mr. BLILEY), the gentleman from California (Mr. THOMAS), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. HOBSON), the gentleman from Florida (Mr. GOSS), the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY), I hope I have not missed anybody, but these are all-stars. These are people who really worked on this, and I feel the only sad part of it is they did not get this legislation to be really allowed to blossom.

Mr. TALENT. The gentleman's comments are very kind. I just have to say it is the gentleman's efforts year after year that have brought this to the floor and I hope bring it to fruition next year.

It comes down to this: If you are an employee of, let us say the Boeing Company, and Boeing has a very important division in my district with a former McDonnell Douglas company, with tens and tens of thousands of people working for them, it is a great company, so that company is big enough and has this huge group of people and the group is an efficient group and they can put out money and sell funds, so in effect they do not have an insurance company except maybe to administer different aspects of the plan. As a result, they can stay in control, they can provide the kind of coverage that their employees want, and they have these kinds of economies of scale.

Is not the whole issue why should not small employers be able to band together as groups to offer the same thing to their employees? They want to do it, their employees want it. There are tens of millions of people who do not have private health insurance. Why should they not be able to do that? Can you think of a reason?

Mr. FAWELL. No, I certainly cannot, except I suppose one might say that those who may be out there now serving this small business community do not want the competition, and I can understand that.

Mr. TALENT. That is the other question. Who was it that opposed this provision? Let us be up front about it. Was it not the insurance company who opposed this provision?

Mr. FAWELL. They did not agree with our view of the legislation. Yes, that is quite true. But the time has come where I have tried to point out the 43 million people who have to go out into the regular indemnity insurance market, for instance, which is, by the way, under state jurisdiction, are really anti-selected. Forty-three million cannot get health care.

We have to do something about it. If we do not do something about it, I would suggest that the private market is going to get a real black mark and somebody is going to talk about let us go back to the Clinton plan or something like that, when we do have the ability to be able to do something about it.

I wish you folks well in the next session of Congress. I shall be rooting for the team. I hope you get the same team together. And the gentleman from Illinois (Chairman HASTERT), I cannot say enough for him, because he sat there meeting after meeting after meeting. You know how many hours we worked, how many days we worked on this. And we had a great work product.

Unfortunately, the day that I think that that was passed, another event of terrible magnitude here occurred, a shooting and murder of two fine policemen, and then, after that, the President had his troubles, and I think the news media never even looked at this legislation very much as a result of this.

But it will pass eventually. It has to pass, because it is good legislation. I thank the gentlemen for their time.

Mr. TALENT. I thank the gentleman for his comments.

Mr. Speaker, it is curious that this bill was opposed in this House and the other body by people on the grounds that it was too nice to insurance companies and they opposed the provisions in it that the insurance companies were fighting, and that can only happen in Washington. Unfortunately, it happened here.

I am happy to yield to the gentleman from Georgia, whose efforts it is I think quite correct to say are the reason why this bill, a bill on this issue, was before the House. He has labored long and hard and against opposition sometimes from a lot of different quarters, and he has it here, and there is nobody I respect more and nobody who worked harder on behalf of patients. I yield to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for his comments. I, too, enjoyed the 300 hours we spent on our task force trying to hammer out a patient protections bill. I thought in the few minutes I have to talk, I would like to talk about the history and how we got to really where we are at the end of the 105th Congress.

Much of this started many years ago, 1973 when Congress passed an HMO act, 1974, when Congress passed an ERISA act. And then we come up to 1995, and it was Republicans that dropped the health care bill. It was the Republicans who dropped a bill to bring to the attention of the 104th and 105th Congress that there were problems in managed care. People were being denied treatment, people were being rationed treatment, people were not being able to choose their own doctors. And, over the last three years, it has been Republicans who have said we have to deal with some of these issues.

Now I would like to just focus in on maybe two things. It is the two things I think about health care reform right now that are most important, and it has to do with principles like freedom, freedom to choose your own doctor. It has to do with principles, such as being responsible for the decisions you make.

When I go home in my district, I see a lot of political ads out there about HMOs that simply are not correct. They are being played, in my view, by people who do not quite understand what is going on.

But one of those issues and the one that probably has been the most contentious is about liability. I think everybody in America should know today, even though the Federal law, ERISA, preempts any state law, in other words, public policy at the state level no longer takes effect, and even though Federal law through ERISA is very solid on public policy regarding health care, it does at least say this: A patient has the right today, without us passing any legislation, to sue their insurance company or their HMO if their benefits are denied. You can do that today.

Now, the beauty of what this bill does, this task force bill, is it improves that so that it works. This is all under contract law. It allows people to actually be able to sue for their benefits, because if you win that benefit after going through an external review, then you cannot only win the cost of the benefit, but you can win the cost of going to Federal Court. That is extremely important, because that has denied people their due process because of the $25,000 or $30,000 it took to go to court to win the value of a $2,000 benefit. Basically nobody could go. We corrected that in the House task force bill.

In addition to that, if you have been denied care in a very untimely manner, then you have the possibility of winning up to $250,000 appointed by the

judge. Now, this is very, very important, because all of these court cases are before bodily harm or death occurs. That is when you need the health care.

A mother wants their child treated. A mother does not want to go to court necessarily and win $1 million in punitive damages because their child died. Now, that is the beauty of the health task force bill.

I had a bill known as Patient Access to Responsible Care, PARC, and in that bill we were trying to give the patients the right to sue their HMO at the state level through tort law, through malpractice. I still believe that is a very good way to go, because what it does for these health care accountants, it makes them think twice before they turn to the mother and say, "I know your pediatrician wants to have your child hospitalized, but I am the accountant and I say no." Then should bodily harm or death occur, that accountant should be held responsible for that decision in a state court of law.

Now, unfortunately, I could not win that debate. In January of this year, as I was pushing my bill, I was the only one willing to say that. I pleaded with the White House to add that kind of language in their Patients' Bill of Rights. I pleaded with the White House to add that to the State of the Union. I actually found out that the Democrat leadership was against that. The original Kennedy–Dingell bill didn't have that in it. In fact, one of my good friends in Congress on the other side of the aisle would not cosponsor my bill because it had it in it.

I find it very curious that today, that is the very thing that the Democrats decided to fall on their sword about and keep those in the Senate from putting out a good piece of legislation.

The other part of our bill, the task force bill, and my bill, PARC, that is extremely important, in my opinion, is to allow people to choose their own doctor. This is America, is it not? Why should we not have as much freedom as they do in England?

Now, our bill, for the first time, had what is known as a point of service provision in it that opened the door to allow the American people to choose their own doctor. But maybe even more importantly in this task force bill, that was not in mine, I wish it had been, was improving on medical savings accounts.

That is the greatest freedom there is in health care. I am very proud to be part of a task force that made possible medical savings accounts for those all over the country.

In conclusion, let me just say that what we hear today in the political ads is exactly what has killed health care reform in the 105th Congress. It is people who were more willing and more wishful of having votes than they were of protecting patients. That is exactly what the Democratic Senate did. They wanted to win votes on this issue, rather than opening the door and for the first time having some national public policy regarding health care.

I am going to join with my friend the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. FAWELL), who will not be here, but the gentleman from Florida (Mr. BILIRAKIS) and others, and we are going to start again and keep on, and we are going to keep on and keep on until we give the patients of this country what they deserve, and that is the right to choose their own doctor and ask people who make decisions about your health care and tell people that you have to be responsible.

Mr. TALENT. I thank the gentleman for his comments.

I know I am close to being out of time, Mr. Speaker. I will just repeat again, we had a good bill. It would have provided the people the care they need, when they need it, when their physician recommends it, without big government and a lot of lawyers' fees.

As the gentleman from Georgia said, we will be back with it. I am confident we will have success. It is what the American people want. It is the best thing we could have done in the 30 years since the Congress passed Medicare.

□ 1730

THE OMNIBUS BILL: WHERE IS IT, WHAT DOES IT CONTAIN, WHO IS WRITING IT, AND WHEN WILL MEMBERS GET A CHANCE TO SEE IT?

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, do we remember the movie Roger and Me, where producer Roger Moore attempted to find Roger Smith, the President of General Motors? He looked everywhere for him. He looked in Detroit, he looked in Boca Raton. He could not find him, as Roger dutifully avoided the camera lens.

In Congress this month and last, we are producing a sequel to Roger and Me. It is called the Omnibus and Me. Let me ask, where is the omnibus bill? We know it is a large bill. We know we cannot find it. We know it is looking more and more like one of those dreaded congressional Christmas tree bills. No one seems to know in which room it is being written. No one knows exactly who is writing it. In fact, we are told three or four staffers are actually in charge. So who exactly are these unelected people? Where can Members go to read the bill?

Most importantly, Members do not know what is in the bill. We are told one-third of $1 billion is being slipped in to bail out poultry traders, get this, in Russia. That issue never came up during House consideration of the agricultural appropriation bill, which passed here overwhelmingly. It never came up in the Senate, either.

According to Sect. 201(f) of the Agricultural Trade Act of 1978; "The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale." Currently, Russia is ineligible for the program.

So why is regular order being violated for certain special interests who can gain access to the corridors of this Congress very late in the year?

In fact, every piece of legislative business not completed during this Congress, now famous as the do-nothing Congress, the 105th Congress, is now being put on the table as bargaining chips among a very few players. Why? Because this Chamber and the other have not completed their business on time. The fiscal year began October 1. Everything happening here in Congress is being played actually in overtime, simply because every single congressional deadline under regular order has been missed by the group in charge.

What about the budget? There is no approved budget resolution for 1999, the fiscal year. We are already into that year. Some Committee on the Budget Members in leadership positions here in the House want to run for president, but they have not even completed the responsibilities of their committee work here in the House.

Look at the appropriation bills. A majority of them, eight of 13, have not been completed on time. Now they are being picked apart by a very few folks around here, without the sunlight of regular order and regular committee oversight.

Why is Congress here in October, at the end of a fiscal year? There is no budget. A majority of appropriation bills for fiscal year 1999, which has already begun, are not completed, a majority. Congress is operating in a stop-start knee-jerk operation actually not worthy of those that we represent.

For the record, let me point out again, there is no completed budget for the fiscal year we are already in because Congress did not finish its legislative business by passing its 13 appropriation bills by September 30.

On September 25 the first continuing resolution was offered that extended the congressional session 14 days overtime, as a handful of Members began drafting the omnibus bill that I have been looking for for several days. They are doing so in secret. Members, find the room and tell me where all this is being done.

Then, when they still did not finish after 2 more weeks, a second continuing resolution passed the House on

October 9. They said they needed 4 more days to add more to the Christmas tree bill. That did not work, so then a third continuing resolution was offered on October 12, Columbus Day, somewhat historic, I suppose, for 2 more days, until October 14. Now today, a fourth overtime resolution was offered for 3 more days until Friday, the end of this week, October 16.

I sure would not put those manipulating this hit and miss scheduling in charge of anything after this Congress is over.

So I ask, where is the omnibus Christmas tree appropriation bill? Where can Members read it? Where, more importantly, can the public read it? Is it going to be put on the Internet, so the American people can read it before we have to vote on it, whenever that is?

I would say to Members, and I have been here a few years, I can tell Members with absolute certainty, if Members are not able to read this bill before it comes to the floor, Members have only one choice: Vote no.

TRIBUTE AND A THANK YOU TO KEITH PUTNAM, A HERO FROM HANAHAN, SOUTH CAROLINA

The SPEAKER pro tempore (Mrs. MYRICK). Under a previous order of the House, the gentleman from South Carolina (Mr. SANFORD) is recognized for 5 minutes.

Mr. SANFORD. Madam Speaker, I rise today because in many ways we are a country in search of heroes. We look back through the history pages for heroes. We look at George Washington. We look at Patton. We look at William Wallace. We look at Colonel Joshua Chamberlain and his group of bedraggled soldiers in the battle of Gettysburg. We look at movies, where there are all kinds of different heroes that may or may not have existed, but we look at them in movies.

We look around the world for heroes. In Tiananmen Square, the young student stands up in front of a tank, because he has ideas that he believes in. A young student in Moscow back in 1991 stands up in front of a tank, again because of ideas he believes in. Yet, when we look at movies and we look at history and we look at events around the world, what we oftentimes forget is that in fact, heroes live at home. Heroes live in our midst.

What I want to say for just a few minutes today is that I stand here in praise of one such hero. That hero is a young 15-year-old boy by the name of Keith Putnam, who lived in Hanahan, South Carolina. This boy was the quintessential low country boy. I grew up in the woods and waters of the low country. When you get it in your veins, it stays in your veins.

It was certainly in his, because this boy loved hunting, he loved fishing, he loved sailing, he loved the water; he loved all elements of the low country. This boy was athletic. He had played on the soccer team for the last 2 years. This boy was an achiever. He was in Who's Who in American High School Students for the last 2 years.

He was a hardworking, good person. He had wanted to buy a car. He was not given money to buy a car, he went out and earned money to buy a car. By cutting grass for a whole summer in different yards across North Charleston and Hanahan, he managed to end up with enough money to buy himself a 1965 Volkswagen Beetle; and he did not do it just on Sunday mornings, because he was an usher at Peace Lutheran church.

The boy was known for the way he helped other people. In short, I would say that he was everything that is special and unique about being American. In fact, he was as well a dreamer, because he dreamed of going to the Citadel, and then going on to the Air Force Academy, and then ultimately becoming a commercial airline pilot.

Yet, those dreams came to an end about 2 months ago, because Keith Putnam was killed in Hanahan, South Carolina, about 2 months ago. He was killed trying to save the life of another. He and a friend were driving down the road one evening, and they looked and saw a car lodged on the railroad tracks there in Hanahan.

They jumped out of the car. He jumped out of the car. He pulls a woman with her 3-year-old baby out of the car, gets her to safety. He goes back to the car. He pulls another woman out of the car, gets her to safety. He goes back a third time to make sure that there is nobody else still in the car, and tragically, the train hits the car and drives it into Keith, killing Keith.

So I just wanted to say here today how sorry I am for what the Putnams have been through, and most of all, to thank Keith for the life that he lived. Because though I did not know Keith, his life stands out as one of those special lives. William Wallace, 600 years ago, stood on a battlefield totally out numbered. He said, Remember, men, they can take from us our lives, but they can never take our freedom. He went on to say to his men, Men, every man has to die, but not every man gets to live.

I think what is special about Keith's life is that he actually lived it. He shows us about being engaged and being involved in life. Most of all, what he shows us is that, in fact, heroes do live in our midst. For that, I thank him.

REPUBLICANS SUPPORT MORE DOLLARS FOR THE CLASSROOM, AND EDUCATION DIRECTED FROM THE LOCAL LEVEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Madam Speaker, I am absolutely amazed that the same people who opposed the Dollars to the Classroom Act, a Republican bill to send $2.74 billion to our children's public schools, are today telling the Nation that Republicans are opposed to hiring new teachers for public school classrooms.

This is a falsehood. Republicans have been working to send dollars to local schools so new teachers can be hired, classrooms can be connected to the Internet, computers can be bought to enhance learning, microscopes can be purchased so biology students can view various parts of nature, reading specialists can be hired to ensure that every child learns to read, and the list goes on and on.

The point is that Republicans do not believe that the Federal Government should dictate and mandate to principals, teachers, and parents what is needed for our Nation's classrooms.

Do Members of Congress actually have the audacity to believe that they in their Capitol Hill offices and those in the White House on Pennsylvania Avenue or bureaucrats at the Department of Education in Washington know what is needed in every single classroom in our Nation? They cannot possibly know.

A child in a classroom in Lancaster, Pennsylvania, might have different needs than one in New York City or Anchorage, Alaska. As a teacher, I know that the only way to truly know what a child needs to learn is to see that child, to listen to that child every day. That is why Republicans are working for local control of education. While the President wants to control local schools from the Washington beltway, Republicans are working to send dollars to our Nation's classrooms.

Do many of our Nation's public schools need more teachers? Many do. However, 100,000 new teachers is not a cure-all solution for the schoolchildren of our Nation. Are these 100,000 good teachers? The President evidently does not care about that, since he vetoed our bill for teacher training and merit pay.

There are many wonderful teachers serving our Nation's classrooms. Even they will tell us that just hiring another person is not going to improve learning. Is that not what we are about, improving classroom learning for our children? Then why is the other side afraid of sending dollars to the classroom, to be used to meet the educational needs of local schoolchildren,

whether the need is for a new teacher, new instructional materials, or a new computer?

Why has the President threatened to veto the Dollars to the Classroom Act, that would send an additional $800 million to the classroom to meet these critical needs without new taxes, just increased efficiency by bypassing the bureaucracy?

In the omnibus bill Republicans are supporting education funding, but with the requirement that the dollars are sent to the classroom. We simply believe that local school districts should decide if they need more teachers, more books, more computers, or building repairs.

We support the hiring of new high-quality teachers, the reducing of class size, providing professional development to teachers to teach children, providing for teacher competency exams. But we do not want this directed by Washington bureaucrats. We want more dollars to local schools, more local control, and more local flexibility.

Teachers are not calling for more government programs, they are calling for more local control and flexibility, dollars to the classroom. A program similar to the Dollars to the Classroom Act and one which the President has opposed is Title VI, the block grant. Educators nationwide have expressed how much they like this program, for it is extremely flexible, allowing them to focus on priorities of children in their schools.

On Monday I believe our House Republicans offered the President a $1.1 billion educational proposal that would expand Title VI, emphasizing the hiring of new high-quality teachers to reduce class size.

I would like to tell the Members about a few of the locally-driven initiatives that have resulted from Title VI in Pennsylvania.

Garnet Valley, in Delaware county, implemented an English course supplemental program. Teachers and students were trained on the successful completion of research projects, use of CD-ROM products, and print resources to support the student thesis.

Southeastern Greene School District implemented a professional development technology program to support reading, language arts, and math at the elementary level.

In Philadelphia, the Model for Enriching Reading through In-service Training Professional Development program was created. Professional development and student participation was conducted in "Writing and Language Arts", "Parent Conferencing," and "Content Area Writing."

When dollars are sent to the classroom and schools are given flexibility using them, success is the outcome. Do we want children to have these types of successful learning experiences, or do we simply want them to attend smaller classes? That seems like an awfully simplistic answer to an enormous problem.

I urge the President to agree to send education dollars in the omnibus bill to the classroom, to a teacher who knows the names of our children.

TRIBUTE TO THE HON. THOMAS J. MANTON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York (Mr. RANGEL) is recognized for 45 minutes as the designee of the minority leader.

Mr. RANGEL. Madam Speaker, being the senior member of the New York delegation is a great privilege, but one of the problems you have is that you have a responsibility to lead the tribute to say good-bye to so many New Yorkers who have served the delegation, the Congress, and the country so well. Of course, tonight is one of those nights where one of Congress' greatest Members, the gentleman from New York (Mr. THOMAS MANTON), has decided after 14 years that he will be going into the private sector.

I think the gentleman from New York (Mr. TOM MANTON) is the perfect type of New Yorker. He was born in New York, the son of an Irish immigrant family. He went to school in the city of New York and became an attorney. He also was a New York City policeman, and served in my own community in central Harlem, where he was walking the beats of Harlem while I was serving as a desk clerk in the Hotel Teresa. We both were going to law school at the time.

He then went into public office, having served 15 years as a member of the New York City Council, and finally came some 14 years ago to join us in the Congress.

□ 1745

TOM MANTON serves on the Committee on Commerce, which is one of the most important committees in the Congress, but also one of the most important committees for the City of New York dealing with finance, energy environment, health, and a variety of other things that have been so important to our citizens of this city and of the State.

In addition to that, he is one of the most powerful political figures. Even though he walks with a soft step and has a velvet glove, he did not epitomize what most people think would be the Democratic county leader. More, he has been pictured as one who has built bridges, made friendships, and as he has done it in the city and in our State, he has also done it in our national conventions and certainly here in the United States Congress.

As we all look forward to peace throughout the world, and especially in Ireland, TOM MANTON will know as a part of his legacy that he spent a lot of time in trying to reach a peace accord in the land of his forebearers.

And so, TOM, it is with heavy heart that we are going to miss your friendship, your camaraderie, we are going to miss your strong support and your leadership that you have given us that serve on other committees, alerting us that matters were coming to the full committee or coming to the floor and working with the House leadership, both Republican and Democrat, to do the best for our country, our Congress, and the great City of New York.

We are going to miss you, but fortunately you are not leaving our city. We look forward to working with you and your family. And your loved ones should know that we say thanks for a job that has been well done.

Madam Speaker, I yield to the gentleman from New York (Mr. ACKERMAN) who took this time out for the delegation.

Mr. ACKERMAN. Madam Speaker, let me thank the distinguished gentleman from New York (Mr. CHARLIE RANGEL), Dean of the New York delegation, "Mr. New York," for bringing us together today. We share today, I think in the waning hours of the 105th Congress, another chapter in the American dream.

A generation ago, Madam Speaker, Irish immigrants came here to these shores looking for a better way of life as young people seeking opportunity, as troubles brewed in their homeland of Ireland. One person was Peggy and the other one, TOM MANTON. TOM came here, became a skilled laborer, married Peggy, got a job, and worked here in the capital of the free world. He was a tradesman, a plasterer, and he worked on the very buildings that we work and make our speeches in today.

Little did TOM MANTON from Ireland know at that time as he was applying his trade in these hallowed halls that one day his son would grow up to be a Member of the United States House of Representatives and work in the very building that he helped to build, in the land that with his hands he helped to build as well.

Young TOM, when he was born, went to school in Queens, after being born in Manhattan. That was a wise choice, he came to Queens. He went to St. Joseph's Prep Elementary School. He went to St. John's Prep after that, and then he put himself through St. John's University and got a college degree. At the tender age of 19, still a teenager, he joined the Marine Corps and put in 3 years in the service, serving this Nation in Korea.

After that, he became a New York City policeman, a tough job. We call them "New York's Finest," and TOM epitomizes that. He certainly is one of New York's finest in every way and every aspect. As the Dean mentioned,

he served a tour of duty while on the force on the job, as they say, on the beat in central Harlem, working with the people there.

While he worked as a policeman in the City of New York, he put themselves through law school getting a degree from St. John's University during the night, a difficult thing to do while holding down a full-time job in the day.

It was shortly after that that he ran for public office and was elected to the New York City Council and became the chairman of the powerful Housing Committee and served the citizens of our great city in that capacity for some 15 years with great distinction.

TOM has always been a team player, but when it came time to being able to stand up for what he believed in, he was willing to step forward and rock the boat. He took on the establishment when it was necessary. He ran for the United States Congress and the rest, as we say, is history.

He has been our good colleague now for 14 years. How time flies. For 14 years, he served with us in the House of Representatives, serving originally on the Committee on Banking and Financial Services, serving on what was then House Administration, Merchant Marine Committee, and the Committee on Commerce, handling such matters as trade and telecommunications and securities and consumer protection, working hard.

Here in a place, Madam Speaker, known as a stable for show horses, TOM proved to be a workhorse. Recognized by all of us as a Member's Member, doing the day-to-day work that was necessary to make this place run, to make it easier for other Members to be able to do their jobs. Doing many jobs that many other Members of Congress would ordinarily shun.

In addition to that, he quickly assumed responsibilities as the cochair of the Congressional Ad Hoc Committee on Irish Affairs, a cause, very, very dear to his heart, trying to argue the cause and work for peace with justice in the land of his ancestors. His work, along with that of many others, with his leadership, has begun to finally bear fruit. For that, I know that his dad, Tom, and mom, Peggy, who I know are looking down upon him today, would be very, very proud.

It is hard for some of our Members to understand, because of his always friendly smile and congenial personality and attitude, working to build bridges with Members of both parties across both sides of the aisle, is that kind of a person. Yet at the same time, back home, I have to assure my colleagues he is a very partisan political player within the Democratic Party, fighting for the values that we all believe in on our side.

A great leader, becoming the county leader of our Democratic Party for at least 12 years, taking the helm of our party in Queens County at a time when it previously had been racked with scandal and had many problems. He straightened out that county organization making it one of the proudest, cleanest, preeminent county parties in the State of New York. Always a person who is fair. Always a person we could count on. Always a person to step up to the plate and exert great leadership.

Madam Speaker, I say this with a great deal of reverence and respect: We are losing in this Congress somebody who is one of the last of the old school Irish politicians from New York. He is a guy who will look you in the eye, give you his word, shake your hand and, you could count on the fact that he has been true and faithful to his word. His word is his bond, and we do not see a lot of that in politics too often these days.

These are the days of "blown-dry hair" politicians, elbowing each other for time in front of the cameras, seeking publicity. TOM represents none of that. He is from the old school. He does the work quietly, behind the scenes, not looking to advance himself in other's eyes, but knowing that he is going to be doing the right thing.

We are going to miss him down here in the Congress of the United States. It is going to be my privilege and pleasure, when I return back for weekends to my district which includes the County of Queens, to know that TOM is the county leader. After putting in all of these years, 14 in the Congress and 15 on the City Council, and a term in the Marines and all of that, he returns to private life after giving of himself, returning to his family that so graciously has shared him with us. To his wife Diane, to his children Catherine and Tom Junior and John and Jeanne, and all the grandchildren here and yet to come.

We have been privileged to serve with the likes of TOM MANTON in this Congress, Madam Speaker. He is a breed hard to find, a breath of fresh air reflecting the best of politics and the best that this system has to offer. I am happy to consider him my dear friend.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Bronx County, New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) for yielding to me. The gentleman from New York (Mr. ACKERMAN) really said it all. It is difficult to add anything, so I am just going to repeat some things. Because when we talk about TOM MANTON, all the good qualities that we would like to have in an elected official really come out. Honesty, integrity, hard working. That is really what TOM MANTON is all about.

When I first came to Congress 10 years ago, and TOM had already been here for 4 years, he came and extended his hand and offered me any help that I would need. And that is why in the 10 years that I have been here, TOM MANTON has been one of my best friends, because I always know that if there is something I need, I can go to TOM MANTON, whether it is advice or a personal favor or anything else. He make its very, very easy.

One thing about friends, we want friends to be approachable. We want to be able to come to our friends and be honest and know that we are going to get that same honesty back in return. That is what you have with TOM MANTON.

It has been a privilege to serve with him on the Committee on Commerce, and on that committee he is the ranking member of the Subcommittee on Finance Hazardous Material and has done a very wonderful job there as well. We are fighting for the good not only of New York, but for the good of the country. And it has been a pleasure to serve with TOM on the Committee on Commerce.

When redistricting came in 1992, TOM saw his district change, as we all did. Part of his district, for the very first time, came to the Bronx where I was born and bred and have my district. TOM and I right now have adjourning districts, back to back, and we share a number of communities in the Bronx. And even though he is Queens' famous son, the Bronx has taken him as a son as well and we have worked very well together.

The beauty of this country has been so many different groups have come to the shores, different immigrants, and we know that in New York where so many different groups have come together, the ethnic diversity of New York has been the treasure of New York. Those of us who have been born in New York and growing up in New York City share that diversity and share the culture of all the different ethnic groups, whether it is the culture or the food or just the family and the friendship, that is what we do.

TOM has been very much a part of that culture. As was mentioned before, he has been a leader in the fight for peace and justice in the North of Ireland as one of the founders and the chairman for many years of the Ad Hoc Committee on Irish Affairs. But he has always stood for right and against injustice all over the world, whether it was fighting injustice in South Africa, or whether it was fighting for the right of Israel to live in peace, or whether it was fighting for peace and freedom all over the world. TOM MANTON has already been there.

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It has been mentioned before, when TOM gives you his word, you can go to the bank with it. That is what we really want to see in our elected officials and in our friends.

The fight for working people, one of the things that many of us who have

grown up, again, in New York and across the country, TOM's father, with his blue-collar roots and my father with his blue-collar roots, TOM and I would often talk about the fight for working people, the fight for men and women in this country to ensure that workers have dignity and have the rights. That is why TOM has always been supported by working people and has always had a very, very high rating in terms of labor and in fighting for the rights of working people.

So it was with a bit of sadness, Madam Speaker, when TOM announced that he was going to retire. But one of the joys that we have is, he may be retiring from the United States Congress but, as was mentioned before, he will be active in New York City politics as the chairman of the Queens County Democratic Party.

So even though my district does not go into Queens, I am delighted that we will continue to work together for the betterment of the Democratic Party in New York, for the betterment of the people of the city of New York and the State of New York, and for the betterment of the people of the United States of America.

TOM, we are really going to miss you. You are a great guy, a great Member. It has been an honor to be a colleague. It has been an honor to be your friend. I know that we are going to continue to work closely together in the coming years. God bless you. You are the type of elected official, you set the standard to which we all aspire. Thank you for your friendship and thank you for just being you.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Albany, New York (Mr. MCNULTY).

Mr. MCNULTY. Madam Speaker, I thank the dean of the New York delegation for yielding to me. I am delighted to join with the gentleman from New York (Mr. RANGEL) and the other members of the New York delegation today in saluting my dear friend, TOM MANTON.

I want to take the few moments available to me to talk about the subject of gratitude. I am a grateful man today because 10 years ago, when I first sought election to the United States Congress, the man from Queens, TOM MANTON, reached to upstate New York and he helped me. He helped me to win that election.

And after that election was over and before I even came to Washington for freshman orientation, he called me and invited me to come to his district office in New York City where we spent the day together. And he gave me tremendous advice and counsel on what I was about to face as a Member of the United States House of Representatives. And I shall never forget that.

When I did arrive in Washington and wanted to serve on a couple of special committees, he helped me do that as well. That kind of support and assistance has gone on for the past 10 years. I have not been the only recipient, but on my own behalf today, I want to thank my good friend, TOM MANTON, for all that he has done for me over the period of the past 10 years.

CHARLIE and my friends, it got better than that. During one of my reelection campaigns, the folks in the capital district and the Irish American community decided to get together and have an event in support of my reelection. And simultaneous with the planning of that, TOM MANTON came up to me on the floor of the House one day and said, is there anything I can do to help you in your reelection campaign? I said, well, the Irish American community is having this event and maybe it might be possible for you to come up to Albany and appear at that event with me. He immediately said yes.

And he did that. And he came up and we had a great big party up in Albany, and he spoke on my behalf. And then, DEAN RANGEL, what he did was, he sang on my behalf. And I am here today to report back to the New York delegation and the entire country that despite the fact that TOM MANTON sang in my behalf, I still won that election.

I am so grateful to have TOM MANTON as a friend. I speak for many, many people who do not have access to a microphone like this today to speak to all New Yorkers and to the rest of the country.

TOM, what I simply want to say to you today is, you have rendered outstanding service over a very long period of time to your community and your country, and I am deeply grateful that you have allowed me to be among your many friends.

Mr. RANGEL. Madam Speaker, I yield to the gentlewoman from Westchester County, New York (Mrs. LOWEY), and Queens and the Bronx.

Mrs. LOWEY. Madam Speaker, actually, those boundaries are pretty important in the last couple of years. Because of those boundaries, as a result of redistricting, I have gotten to work even more closely with our good friend, TOM MANTON.

I wanted to rise today, Madam Speaker, in tribute to our friend and our distinguished colleague, THOMAS MANTON. Actually, I have known TOM since the early 1960s. As some of you may know, my district does run from Westchester through the Bronx to Queens, but we both raised our children in Queens. And when I lived in Queens raising my children, I guess it is about 40 years ago, a while ago, TOM and I were both raising our children and we got to know each other in Queens politics. And TOM is an example of what is good and right in politics today.

TOM understands that government and politics is the way to make life better for people, make life better for families in our communities. He has been very involved in politics and government in Queens County and, in fact, the entire State for a long, long time.

We can all learn a lot from TOM because, as my colleagues have said, and I think that is probably one of the core traits of TOM, is that he is the kind of person you can trust. His word is his bond. He has absolute integrity. He is a man you can count on to tell the whole story, not part of the story.

He is a man who stands up and tells it like it is and we can respect that. We need more people like that in this body and in politics and government today.

As a member of the New York delegation, I have developed a great relationship with TOM and, more importantly, a warm friendship. In fact, my respect for TOM, my admiration for TOM, has only grown throughout the years.

First, it was local politics, and then when I was elected in 1988 I had the privilege of working with TOM as a member of the delegation.

I am sad to see TOM leave this body but I know that he will be happy and successful in whatever he does. TOM MANTON was born in 1932, of Irish immigrant parents on the west side of Manhattan, having grown up in Astoria. He is a product of the area he was elected to serve.

After attending both St. John's University as an undergraduate, and St. Johns's Law School, which are both in my district, TOM served as a flight navigator in the United States Marine Corps and then joined the New York City Police Department.

TOM has, as I mentioned before, a long and distinguished record of leadership in the Democratic Party of New York State. He began as a member of the executive committee in 1972, and in 1986 he was elected chairman of the executive committee of the Queens County Democratic Organization. In 1988, TOM was unanimously reelected county chairman and has served continuously in that capacity since then.

During his tenure in Congress, TOM has been active on a number of environmental issues. He has used his seat on the Committee on Commerce to fight for much needed improvements in the Superfund program in order to accelerate the cleanup of toxic waste sites. As chairman of the Subcommittee on Fisheries Management, during the 103rd Congress, he also took a lead in improving conservation of our Nation's fisheries resources.

Perhaps TOM's greatest legacy, as my colleagues have mentioned, will be his tireless and effective work regarding Northern Ireland. I am pleased to be a member of the Congressional Ad Hoc Committee on Irish Affairs, and TOM has been and continues to be a great cochairman.

The committee was founded in 1977, to bring about peace, justice and an end to all violence and discrimination in Northern Ireland, and as the leader

of this committee, TOM MANTON has held hearings, introduced legislation, written letters in support of the rights of the Irish. The committee crosses over partisan and geographic lines to advocate and represent the interests of the Irish American community and to ensure a friendly and productive relationship between America and the people of Northern Ireland.

Efforts such as this and the great leadership of our colleague TOM MANTON paved the way for the historic Good Friday Peace Agreement. When deportation proceedings were tearing apart the Irish American community in my district, TOM MANTON was there to fight to keep these families together. His commitment to the peace process is unquestioned, and as the people of Northern Ireland struggle through perhaps this most vital and important time, you can be assured that TOM MANTON, even after leaving this body, will continue to lead this effort and standing with them.

TOM has doggedly represented his constituents for 14 years. The people of the 7th District of New York and Congress will be losing a wonderful representative, but I can assure you that Congressman TOM MANTON will continue to stand up for what is right.

I am very pleased that my district is right near where TOM currently resides, and I know we will continue to be good friends. I look forward to spending time with TOM and Diane, and I wish you both good luck. God bless. I have been privileged to be your friend. I am proud to be your colleague and I look forward to continuing to work with you to stand up for what is right and just. Thank you, TOM.

Mr. RANGEL. Madam Speaker, I yield to the gentlewoman from New York City (Mrs. MALONEY).

Mrs. MALONEY of New York. Madam Speaker, I thank the dean of the New York delegation, the gentleman from New York (Mr. RANGEL), for yielding me this time and being here with us as we all pay tribute to our dear friend and outstanding colleague, TOM MANTON.

It is always very good to have neighbors you can rely on. TOM MANTON is my neighbor. He literally lives in my congressional district. It has been a pleasure working with him and sharing the New York Queens Borough with him. I know how the New York Police Department must have felt when officer, Police Officer Manton, left the force.

We will truly miss this law enforcer, turned law maker on the front lines of this House of Representatives. The residents of Queens are now feeling the same loss as the entire New York delegation feels this loss.

TOM MANTON has made clear through his years of public service, first as a police officer and later as a fellow member of the New York City Council, his commitment to mankind. He has made, many contributions in his work for the residents of New York City on the New York City Council Housing Committee, and I worked with TOM on that committee. He was chairman of that committee. I had to work hard many years to even get on that committee.

Madam Speaker, I can remember when TOM was elected to Congress. He came in late to a city council meeting and we sat there and waited about an hour or two for him to come in. He had been up all night and he came in and chaired his last meeting as chairman of the Housing Committee.

TOM is also a leader and is chair of the Ad Hoc Committee for Ireland. He was grand marshal for the St. Patrick's Day Parade, and he told me that his mother was not particularly impressed when he became a Member of Congress but when he was grand marshal on St. Patrick's Day, that was really, really important to her.

TOM and I had the good fortune of traveling to Northern Ireland and Ireland with President Clinton. I had the great opportunity of meeting his family, his aunts, his sisters, his extended family that still lived in Ireland, and TOM was really a leader in working with President Clinton for the Good Friday agreement and very recently working in a bipartisan way with the gentleman from New York Congressman (Mr. WALSH) in increasing the number of peace visas for the Irish to come here to New York.

TOM is also, and has been for many years, the county chair of the great County of Queens. He has been recognized as the most outstanding county chair really, I believe, in New York City. He was the first county chair in the borough to endorse President Clinton.

I personally think that he would make an outstanding State chair of New York State and bring the same balanced leadership and commitment and understanding and time that he gives to all of the problems of New York City and to this delegation daily in helping us work through our problems.

He is a great friend. He has been a rock on which to lean. He has helped me and other Members of this delegation on so many issues that we work on.

I remember also he is a very personal and wonderful friend. I remember being in his office one day, and he looked around the office, and he said, my father, when he came to this country, he worked on the House office buildings. He helped modernize them. He was tremendously proud that the building that he helped modernize and helped restore was the office that his son later took as a Member of Congress.

He told me, on the day that his father was here when he was sworn in to this great body, that his father left the celebration and just walked around the buildings trying to find the exact spots that he had worked on many years ago and was deeply moved that his son later was elected to this body.

TOM will leave many marks of achievement here in Washington, and he will be remembered for a long time to come. While we will miss him here in Washington and in New York, I admire his decision to pursue his personal dreams.

So I wish you well, THOMAS. All your constituents and friends do. I am sure that your goodwill and dedication will follow you as you enter this new world. Best of luck to you. Our friendship is always with you. Thank you for all that you have done for New York City, New York State, the great Borough of Queens and all your many friends and supporters.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Bronx, New York (Mr. SERRANO), home of the New York Yankees.

Mr. SERRANO. Madam Speaker, I thank the gentleman from New York for mentioning the greatest team on Earth. In fact, there is no score between those other two teams that are just playing today for a chance to get beaten by the Yankees next week.

TOM, I was wondering as I was watching these proceedings on TV if the folks who visit us here and the folks who watch on TV fully understand what goes on when we do one of these, when we come together as a delegation, when we come together as colleagues to say farewell from this body to a Member such as you.

I think what is important to note is that we take very seriously what we do, and this job brings a lot of joy with it, a lot of accomplishment, and then it brings some difficult moments. It is those difficult moments, I think, that bring people together and friendships and relationships that last a lifetime.

So what we do today in saying all of these things about you is to do that which human beings never get a chance to do on a regular basis to say, and we should, to say you are a great guy, you are a great human being, you are a stand-up person, but mostly you have been a good friend and a good colleague. I wanted to take some time to tell you what you mean to me.

Two years ago, 1990, they were going to redraw districts, as my colleagues know, and they did. There was a possibility that they would put my district into Queens, into East Harlem, and Manhattan along with the Bronx. I stayed in the Bronx. I did not for one moment get nervous about the possibility of having Queens in my district, first of all, because I would get Shea Stadium, and then you would have a problem to tell me what team I am rooting for, but because I would have you as my county leader.

But I think what the gentlewoman from New York (Mrs. MALONEY) just

said about you becoming a great State chairman, we are not knocking anybody who is there now, but I think it is something you should think about, because I think you have everything that it takes to be the chairman of the State party.

What are we talking about? We are talking about your ability to be fair. We are talking about your ability to be friendly. We are talking about your ability to understand the county you represent, the district you represent, the city you are in, and the Nation we are living in, and trying to deal with every one in a fair way.

But most importantly, we are talking about this ability you have to never look on the surface like you are upset at anyone. I know you have been upset, at least slightly, at all of us at least once, but you do not show it.

We know of your work. We know of the work you have done on behalf of Northern Ireland. We know the work you have done on behalf of many issues here. We know what a strong party man you are and what a loyal Member of this delegation and loyal Member of the Democratic Caucus. But all of our colleagues have spoken about that, and everything we put in the RECORD will indicate that.

I wanted today just to tell you what a great human being you are and how much I know you have played a role in some of the things that have happened to me.

When I decided that I wanted to be on the Committee on Appropriations, my delegation was good enough to support me. But that was step one. Two gentlemen here, the gentleman from New York (Mr. MANTON) and the gentleman from New York (Mr. RANGEL) played a major role in it.

They kept in touch with me on a daily basis telling me how they were going to maneuver my ascension to that committee. It is not an easy thing to do. After all, I had been here a couple of years, and I wanted to move on to a big committee. But you felt it was important to do it for the delegation, for my neighborhoods, and for myself. I am not going to forget that ever.

I am also not going to forget the way in which you just deal with each one of us on a daily basis. As our colleagues know, you could always be found in that corner over there to the right. Well, to somebody's left, but probably to most people's rights.

You always know what is going on in New York city politics, what is going on on the floor, what is happening nationally, and you just talk to people and make them feel good.

When this is all done, when this is all over for us, what do we have? A couple of laws that carry our name, one reporter who may curse us out or say something nice about it, our family trips while we were Members of Congress.

I think what we will remember the most is those people that we met here, that we dealt with, that we keep a relationship with, as we will, because we are from the same part of town.

That is what is important today, the fact that, no matter how long I am here, I shall remember that my beginnings were strengthened because it was TOM MANTON who was willing to support me and to be a friend.

So I can tell you honestly, as I know all my colleagues can, because I know how they feel about you, that you are measured by the friends you have. You are measured by the respect people have for you. I assure you, you will have friends and respect like very few people do.

I just wanted to simply come and join my colleagues to tell you how special you are to me. If I may drive the young lady to my left crazy, let me just say that we have a phrase in Spanish that I use every so often on the floor, and it is one that sticks to a few people. It says—(Mr. SERRANO spoke in Spanish). Tell me who you walk with, and I will tell you who you are.

Well, this delegation walks with you, and therefore we are you. We do pretty well when we stay close to you. The best to you. I know you will probably make $10 million on the outside, but you will probably become State chairman and do not make $1.50 after that.

You will be at Shea Stadium. We will welcome you at Yankee Stadium. You will be with your family. You will enjoy your life. We will miss you. We will miss you, my friend. I am just so glad I had an opportunity in my life to serve with you. Thank you.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from Brooklyn, New York (Mr. TOWNS), who knows how important it is to have a friend as county leader.

Mr. TOWNS. Madam Speaker, I think the gentleman from New York (Mr. RANGEL) and of course to all the Members of our delegation here.

This is a real tribute to a very fine individual, 1 that I have had the opportunity to serve with for 14 years. Of course, TOM and I serve on the same committee.

TOM is a real stabilizing force. He has a flare for saying the right thing at the right time. I remembered some meetings when they get pretty heated. In the Committee on Commerce, there is always a lot of negotiating and that we sit there.

Of course TOM does not speak early, early. He will let it sort of heat things up; and when things get really heated, then TOM will come with his common voice and say, well, have you thought about this? Of course, sometimes we do not get it right away; but then, all of a sudden, just before we give up, then TOM will come back again with a thought or an idea, and that idea will carry the day.

TOM, you have just been a tremendous person on that committee. A lot of things that we were able to accomplish we would not have been able to accomplish if it had not been for that common voice of TOM MANTON.

TOM MANTON is one negotiator. If TOM MANTON cannot negotiate it, forget about it. It is something that cannot be done. TOM knows how to talk in the back room. He knows how to operate.

He is not a guy that gets on the floor every day and make a lot of noise on the floor and bang and talk about what should happen and all that. But TOM is always there sitting very focused and negotiating on what is in the best interest for his district, what is in the best interest for the State, what is in the best interest for this Nation. TOM is always there doing that.

I think the other thing that TOM has, he has the ability to sort of listen to whatever is being said and then, of course, sort of pick out really the key kind of factors, because then, based on that, then you can determine what tomorrow is going to do. We watch him. Then all of a sudden, he will make a vote.

Occasionally I will ask him why did you vote this way. He will give us history. That was the thing that I was very shocked, because I did not see TOM in terms of the kind of guy that would sit back and sort of talk about what happened many, many years ago and, as a result, that is why he is now behaving this way.

I want my colleagues to know, the other part that I think that is very, very important is that TOM is truly a leader, because sometimes we have people that are leading, and nobody is following. That is just somebody taking a walk. But TOM MANTON shows real leadership, and people follow him. People listen to him. People want to know in terms of what he is going to do and what he is going to say.

TOM, I would just like to sort of associate myself with those who are saying that they would like to see you become the next New York State Chair. I do not want to get involved in that. I do not want to talk about it too much.

But I will tell you this, TOM, that if there is anything that I could do, I mean, of course whatever it is, I would definitely be there on behalf of you in terms of making certain that that happened, because I know that New York State and this Nation would be much better off as a result of TOM MANTON providing that kind of leadership. He has done it on the local level. I am certain that he could do it on the State level. Of course he will do it again on the national level as he has done it as a Member of the United States Congress.

On the Committee on Commerce, TOM, let me close by saying we are going to miss you. We are going to

miss you in terms of the fact that I am sort of wondering now who is going to calm us down, who is going to be the guy that has the flare to say the right word to sort of settle things down. I do not know who is going to do it.

I think the gentleman from New York (Mr. MANTON) has been here around long enough that he sort of trained some of us here from our delegation, and I am hoping that we will be able to use those skills that he has given us to be able to sort of calm things down, to be able to continue to get things for Queens, of course, and of course Brooklyn and New York State, and of course to be able to do the kind of things that this Nation needs done, and we need it done very effectively.

TOM, you have done a magnificent job here in the 14 years that you have been here. We are going to miss you, TOM, but I am so happy to know that you are not leaving politics, that you are going to go back to New York, and you are going to be involved in the political arena as well.

So we look forward to working with you there in that capacity where you can continue to calm folks down. Thank you so much. You need to come to Brooklyn and calm Brooklyn down.

Mr. GILMAN. Madam Speaker, it is my sad duty to rise to pay tribute to an outstanding colleague and a dear friend who regrettably has decided to depart this body after a fourteen year record of outstanding public service to his Congressional District and to our nation.

TOM MANTON first came to Congress unexpectedly 14 years ago. I say "unexpectedly" because no one had anticipated only a few months earlier that his own Member of Congress, our former colleague and my former constituent, Ms. Ferraro, would be nominated for the Vice Presidency. However, when Ms. Ferraro stepped into the national spotlight, TOM was more than ready to take her place in this chamber, having already accumulated 14 years experience on the New York City Council, and a successful career as a practicing attorney.

In the House, TOM gained recognition not only for his dedication to diligent work but also for his concern regarding those issues of deep concern to him. As a fellow co-chair of the House Ad Hoc Committee on Irish Affairs, I became familiar first hand with TOM's deep concern for the cause of justice and peace in the north of Ireland, and his commitment to human rights. TOM is one of those individuals who grasps instinctively that any threat to the human rights to any people anywhere is a threat to the human rights of all of us.

On our House Commerce Committee, TOM has served with distinction, and his position as Ranking Minority Member on the Subcommittee on Finance and Hazardous Materials has been of great benefit to all of us in the State of New York, where the transport and disposal of hazardous wastes is a deep concern.

We extend to TOM our best wishes for good health, happiness and success in all of his future endeavors, and we remind TOM and his lovely wife, Diane, that they will always have a home away from home here at the Capitol. TOM MANTON's accomplishments will long be remembered.

Mr. BLILEY. Madam Speaker, I will truly miss Representative TOM MANTON of New York. He is an honorable and friendly person.

He is also my kind of Democrat.

We worked together on the financial reform bill, my satellite privatization act, securities litigation reform and many other issues.

He leaves Congress having built a record of accomplishment and a long list of friends on both sides of the aisle.

I am happy to be one of his friends.

We did some traveling together when Democrats controlled Congress. I will always remember our side trip to the holy shrine of Medjagoria. Since TOM and I share the same religious faith, that was an important event we will always remember.

The son of Irish immigrants, a former policeman, a good politician and a friend—I will miss TOM MANTON.

I wish him and his family all the best in the years ahead.

Mr. RANGEL. Madam Speaker, I yield to the gentleman from New York (Mr. MANTON), our honoree and our friend, who is not leaving New York but leaving the Congress.

Mr. MANTON. Madam Speaker, I thank the gentleman from New York (Mr. RANGEL) very much, a great dean of our New York delegation, and all of my colleagues who are here tonight joining in this tribute.

Some mention was made of my mother and father being Irish immigrants who came to the United States from the west of Ireland from small farms. They did not know each other in Ireland, but they both came to the great city of New York from the quiet country life of their respected farms. They met in New York City where they married and raised a family.

The reason I am here is because we live in a republic which recognizes that people can advance themselves. My father was always one who said you must get an education.

□ 1830

My father had a third-grade education. My mother was much more educated. She had eight grades of education.

They came to the loud and boisterous and busy city of New York with the cacophony of all these sounds—taxis, trucks, and people. I always wondered how they survived those early years.

I was blessed in being able to have a number of jobs before coming to this great body. Some mention was made of my service in the United States Marine Corps, 2 years of active duty. After the Corps, I served some 5 years in the New York City Police Department, 15 years in the New York City Council, and, now, 14 years in this great body.

Where else can you walk through the hallways of your place of employment but this Capitol and know that they were traversed by many great people who were also Members of the House of Representatives: John F. Kennedy, Lyndon Johnson, Abraham Lincoln, James Madison, and there are others, such as John Tyler, James Polk, Millard Fillmore, Franklin Pierce. So, it shows that in the United States of America, people from modest backgrounds under our system of laws can get an education and prosper in this great nation that we know as the United States of America.

Yes, I have had an affinity for the problems in my parents' ancestral land, in Ireland. I was very pleased to serve as the cochair on the committee which we know as the Ad Hoc Committee on Irish Affairs. The fact that we had the peace agreement of Good Friday makes my service, and I think the service of all of those who were involved in that process, all the more memorable. We worked to bring President Clinton into the process having him invest a lot of political capital, sending an envoy, Senator Mitchell, to Ireland and generally working with the leadership in Northern Ireland of both traditions to see that we had this agreement. It makes me proud, and I know the people in this body who worked with me on this issue happy as well.

I have had the opportunity to, as was mentioned, go to law school, I practiced law for some 20 years before coming to this great body, and I am going to return to that profession. I loved it a lot, I have missed it in the last couple of years and decided that I am going to take another try at it.

My colleagues, I thank you very much for bringing on this special order tonight. It is with a certain amount of bittersweetness that I am leaving this body but I am not, as you have suggested, leaving politics, too. I am going to continue as long as they will have me as chairman of the great Queens County Democratic organization. It is an organization that stands for the principles of the Democratic Party that we all love and admire.

With a certain amount of sadness, I bid you good-bye for a short while. I will be around. Please do not forget me. When you come to Queens, you are always welcome. Some of you may end up in Queens with the reapportionment of 2002, and we will be awaiting your good suggestions on how these lines should be drawn and whatever input we can have in the process.

Before closing, I would be remiss if I did not say a word of thanks to my dedicated staff, both current and those who previously served in my office. I could not have done this job without their help—Elaine Simek, Cinnamon Rogers, Lizzy O'Hara, Maggie Berman, Adam Wolf, John Olmsted, Matt Socknat, David Springer, Steve Vest, and Jim Mathews.

I say good-bye, God bless you, and thanks for everything. It has been a great honor.

GENERAL LEAVE

Mr. RANGEL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from New York?

There was no objection.

DEMOCRATIC MANAGED CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 15 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, let me also if I can just take a minute to also express really the friendship that I have had over the last few years with TOM MANTON. He is also on the Commerce Committee with me and the gentleman from New York (Mr. ENGEL) and the gentleman from New York (Mr. TOWNS) as well. I have always admired him for the reasons my colleagues have all set forth but just to mention a couple of things. My father was a policeman. I know what it was like to have a policeman, to serve on the police force, and I know that he is the kind of policeman or the person in the police law enforcement background that is really kind of the perfect image, if you will, of a law enforcement individual.

In addition to that, I have seen him as I think the gentleman from New York (Mr. TOWNS) said really be a consensus builder on the committee. The committee can often be very contentious, not only Republican-Democrat but even within the Democrats. TOM was always the person that was out there trying to bring us together on so many very important issues. I also saw him operate with the Hellenic Caucus. I do not know if that was mentioned tonight, but he worked very hard with the Greek community and he was a leader dealing with those issues as well. I really admired him for a long time. We worked on the Merchant Marine Committee together. He was always a person that was trying to help other Members of Congress, to help his colleagues at all times and do what was best for the country and for his State and for his district. Thanks again, also. I am going to miss you as well.

Madam Speaker, I just wanted to take some time this evening, if I could, to essentially refute, if you will, some of the statements that were made earlier this evening in the special order that my colleagues on the Republican side of the aisle made on the issue of HMO reform. I have taken to the floor many times over the last few months to point out that I believe, and I think the evidence shows, that the Republican leadership of this House was very much determined not to bring a true HMO or managed care reform to the floor and essentially was very much under the influence of the insurance industry which still today does not want to see any real HMO reform. And so I was sort of, not shocked I would say but I was sort of displeased to see that in the waning hours of this Congress that the Republicans who put together the HMO bill that passed this House were actually trying, I think effectively, to defend their actions, because they know that the American public is clamoring for HMO reform.

And so I will say two things tonight: One is the fact that the HMO reform bill was not even taken up in the other body, in the Senate, is a strong indication of the fact that from the beginning, the Republican leadership in both houses of Congress had no intention of really dealing with the issue of HMO reform. In addition to that, the Republican leadership over here bypassed all the committees, never allowed hearings, never allowed a markup of the HMO reform bill and at the 11th hour when it appeared that there was overwhelming support for the Democrats' patients' bill of rights, which was really sort of a bipartisan bill because we had some Republicans, also, that supported us, but when the patients' bill of rights, the real HMO reform bill, was gathering incredible strength and the Republican leadership felt it was necessary to address the issue in some form, they quickly brought up their HMO bill, brought it to the House floor, without hearings, without committee markup, and passed it very narrowly, I think by about five votes, and sent it over to the Senate where it was never heard from again.

Let me just point out some of the reasons why this Republican bill was not real HMO reform. I really am using as a source some of the criticisms that were made by one of the Republicans that I most admire, the gentleman from Iowa (Mr. GANSKE), a Republican Member who was initially part of the Republican health care task force but became very much opposed to the Republican bill because he felt that the patients' bill of rights, the true HMO reform bill, was far superior and that what the Republicans were bringing to the floor in terms of HMO reform was not real and actually set us back. I just want to give some of the examples, some of the criticisms, if you will, that the gentleman from Iowa (Mr. GANSKE) made.

First, on the issue of medical necessity. The Democratic patients' bill of rights guarantees a review on the merits by outside experts as to whether a service or treatment is medically necessary. Under the Republican bill that was talked about tonight, the outside review is limited to determining whether the plan followed its own definition of medical necessity. The biggest problem that we face today with HMOs is that people are denied care, an operation, length of stay in a hospital, whatever it happens to be, because the insurance company determines that that procedure or extra day in the hospital is not medically necessary. Well, under the Republican bill, the insurance company gets to define what is medically necessary. All the review that my colleagues on the other side were talking about tonight, external, internal review, extends exclusively to the issue of whether or not the plan correctly defined by its own terms what was medically necessary. So basically the insurance company can still say, this is not medically necessary, this procedure, this operation was not medically necessary, and there is no change in the current law.

Emergency room coverage. The Republican bill has only a watered-down version of the prudent layperson rule which means that managed care companies still have ways to get out of paying for their patients' emergency room visits. What we say in the Democratic bill is if the average person would think that the pain that they have necessitates their going to the emergency room, then the insurance company has to cover it. That is not true in the Republican bill. If, for example, you have severe pain and the insurance company decides that severe pain does not qualify for emergency room care in a given circumstance, then the insurance company will not pay for your emergency room bill. Again, there is really no progress, if you will. Everything is pretty much the same. It is like the status quo.

Protecting doctors and nurses from HMO bureaucrats. The GOP bill does not help doctors and nurses to serve as advocates for their patients because it gives medical professionals no protection from the health care plan when they speak up for their patients. In other words, under the Republican bill, they can be penalized because they speak up for their patients, the health care professionals.

Access to specialists. The Republican bill does not provide for ongoing access to specialists for chronic conditions such as multiple sclerosis and arthritis. Under the GOP bill, patients with chronic conditions cannot get standing referrals to specialists or designate specialists as their primary care providers. This is very important. One of the major points of the Democrats' patients' bill of rights is that you have access to a specialist. Many senior citizens say to me that that is the main reason that they are concerned about their HMOs, because they cannot get referrals to their specialist. Well, there is no guarantee of that under the Republican bill.

Financial incentives to withhold health care. The Democratic patients'

bill of rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. On the other hand, the Republican bill is silent on that point. So, in other words, a big problem now under the current system is that the HMO gives a bonus, if you will, to physicians who essentially limit care. Well, that is not changed under the Republican bill. That is still possible under the Republican bill in most circumstances. The Democratic bill basically prevents that and corrects it and says you cannot have those financial incentives to the physicians.

Special legal protections for HMOs. This is most important. Because of a Federal law known as ERISA, patients injured because their HMO delayed or denied treatment have very limited remedies. The patients' bill of rights, the Democratic bill, would permit States to set their own rules for such actions. The Republican bill passed by the House tinkers with but does not really fix this problem.

I just wanted to mention that because my colleagues on the other side spent a lot of time tonight explaining that you would not have the right to sue under the Republican bill but they are going to establish some very exotic and bureaucratic process whereby you would have some kind of review with some sort of penalty to the HMO. It took them almost 15, 20 minutes to describe it. Well, the bottom line is that if I am denied care and I am seriously injured because I cannot get that care, I have no access to that care, I should be able to sue the HMO. I can sue the doctor. Why can I not sue the HMO if they are the ones who are making the decision about denial of care? I know my colleagues on the other side are saying, well, we do not need any more lawsuits. That may be true in general, we do not need as many lawsuits as perhaps we have, but do not tell the person who has been denied the care and suffered severe damages that they cannot sue and recover for the damages. All the machinations that were made tonight about how we are going to deal with this without having you have the right to sue to me were just essentially a bunch of garbage. It had to be explained in such detail that it almost sounded like another legal case to explain the process as opposed to having the right to sue.

My point is again, there was never any attempt by this Republican leadership to come up with true HMO reform. We knew that from the beginning, when they delayed and delayed and delayed and finally when they brought a bill to the floor, they brought a bill to the floor that actually makes the situation worse for patients in managed care, in HMOs. In addition to that, and I do not know if they mentioned it tonight on the other side, there were a number of poison pills placed in that Republican HMO bill. I say poison pills because they were so controversial and unrelated to the issue of HMOs that they made it impossible for that bill to ever move forward. They knew that this was a bill that was not going to move forward and ultimately it did not move forward in the Senate. Those are things that are not necessarily bad. Some people like them and some do not.

The issue of medical malpractice was placed in the bill to reduce the cap on damages. We have controversy in the House back and forth over whether or not that is a good thing. But it is so controversial that it guarantees, or essentially it is a poison pill to make sure that the bill never sees the light of day.

□ 1845

Now many of us on the Democratic side went over to the Senate last week, and we tried to get HMO reform brought up in the other body, and we were essentially gaveled down. There was a vote, and the Republicans made it impossible to bring this up.

So we know that this issue is dead this year because the Republicans have refused to let it proceed. All their efforts tonight to try to suggest that somehow they really meant it and they were really trying to achieve some kind of HMO reform to me is simply not true because, if there was a real effort to do that, then they would have allowed the process to proceed, and this bill would not have been killed in the other body.

Let me also say that for the those who think that somehow there is not some cynical aspect to all this, and I mentioned before that the insurance companies basically wanted to kill HMO reform, we have a document in here that talks about the Business Round Table that is basically financed by the health insurance industry that is beginning now a $2 million ad campaign thanking the Republicans in key House districts for their opposition to HMO reform. Now basically these are the companies that spend millions of dollars successfully lobbying to kill any major health insurance reform a few years ago when the President put forward his plan. Well, now they are spending another $2 million to make sure that people, that Republicans are returned to Congress who will continue to oppose HMO reform.

There is just some information here about how they are going about it, but this is a coalition and its member organizations from the health benefits coalition, and they are the ones that are essentially out there to make sure that Members are elected who are friendly to the health insurance industry and who will not be supportive of HMO reform.

But I want to say this:

This issue may be dead for this Congress, but it is not dead for the American people. This is the number one issue that Americans care about. It is the number one issue that is brought to my attention by my constituents, and I know that next year, when the new Congress begins, this issue is not going to go away, it is going to be out there as a significant issue once again. The public will be clamoring for reform because the problem is not going away. There is going to be more and more pressure, if you will, built up to do something about HMOs and to have these kind of patient protections.

So let us just rest assured we are going to be here again to deal with this, and even if Members of Congress are elected on some sort of platform because of what they owe to the insurance industry, that, you know, they cannot support this, I guarantee that the public is going to clamor for these patient protections and we are going to be back once again fighting for the patients bill of rights to make sure that it is passed in the next Congress.

CONGRESS FAILS TO ACT ON ISSUES AFFECTING OUR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Ms. CHRISTIAN-GREEN) is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Madam Speaker, first I would like to thank my colleague, Mr. PALLONE, for setting the record straight on the patients bill of rights and managed care reform. But, Madam Speaker, my desire to be a Member of the Congress of this United States comes chiefly from wanting to help create a better world for my two daughters and all children. That is why this Congress' failure to act on so many bills and issues affecting our children is so frustrating and distressing to me and mothers across this country.

We talk a great deal about child abuse and neglect as a tragic crime that it is, but is not what the leadership of this House has failed to do on children's issues also child neglect? It is a sad indictment that the 105th Congress, even in these waning hours, still has not passed the President's education initiative to ensure that our children will have smaller classes and more teachers, safe and sound school buildings, the tools they need to be successful in life and the after-school programs that are proven to reduce juvenile crime. This Congress has also neglected the needs of working or would-be mothers and their children by failing to provide safe child care and training for those who provide it.

As we go back to our districts to ask our constituents to give us another 2 years to represent them in Congress, what will we say to those mothers who after we Democrats turned back more

of the draconian measures of welfare reform began to look forward with hope for training and jobs so that they can have a better life for themselves and their children. We can only tell them that their hopes are being dashed because this Congress, under Republican leadership, has failed them by not providing the child care they need.

Madam Speaker, the 105th Congress by not passing a real patients bill of rights has also failed to provide mothers with the security of knowing that when our children are sick or injured needed care will be there, that their doctors will be able to refer them to the specialists required or be able to make the necessary decisions to bring them back to good health.

In my own District of the Virgin Islands and the other territories the issue of health care in children care and children comes together at its worst. It would be a travesty, Madam Speaker, if we were to adjourn continuing to shortchange the children who live in the offshore areas of the United States by not giving them equitable funding under the children's health insurance program.

We must not go home at the end of this week leaving American children in the territories without health care coverage, especially when Medicaid in the territory is capped at levels that lock many outside of Medicaid's doors as well. Madam Speaker, it is un-American for any citizen to be treated unfairly or excluded from these basic programs because of where they live.

Dr. Marian Wright Edelman reminds us that service is the rent we pay for being here on earth. Unfortunately my colleagues on the other side have not been serving our children because of their failure to bring these bills to the floor, so they have not been paying their rent for being in this Congress, and the voters of this country will send them an eviction notice on November 3.

I call on all of my colleagues to start paying our rent by insuring that children have adequate child care, Head Start and after school care, that they are protected from those who would neglect and abuse them, that the care is put back into health care and that their schools return to be the centers of learning and safe haven that they once were and that all America's children are treated fairly.

THE VALUES OF CONGRESS ARE POISON TO THE SENSIBILITIES OF THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes.

Mr. BOB SCHAFFER of Colorado. Madam Speaker, the impasse between the Congress and the President has now held this great body in session 5 days beyond our planned adjournment date. The principle disagreement is a typical one of whether this Nation will redistribute greater portions of the taxpayers' wealth or devote it to debt relief and the people themselves. Our failure to resolve these matters has delayed us from returning to our home States, to our constituents, and most of all to our families.

A few days ago, I came to this floor and addressed the House on my thoughts about the public morals and of the Nation's character. I directed that address at my three daughters, and tonight I intend to express to the House my thoughts about my son, Justin, who is 9 years old and wondering, I am sure, why his dad has been gone so long. He knows, I think, the importance of the Nation's business in Congress, and he knows I would not remain away for trivial reasons.

Madam Speaker, it is significant that a major or portion of today's debate involves the issue of public education. I believe the Republican agenda is the proper one, to send more education authority to the States, to local schools and to every family. Our opponents have the opposite idea. Theirs is to expand the scope of the Federal Government in this important area, to federalize various aspects of a traditionally decentralized system.

Now their plan is to grow the size of the Federal Government at the expense of State and local autonomy and liberty, and I raise this issue, Madam Speaker, because the debate coincides with one of the most historic decisions this Congress must resolve, and that is the matter of impeachment of the same chief executive who would be charged with commanding the education authority in question.

Education is about values. Public education is about public values. And the education of America's children is about the future of human civilization and life on the entire planet.

As a father of four children, three of whom attend public schools, I will tell you this:

The last thing we should do is give the bureaucracy in this city more power to manipulate the Nation's local schools. The values of Washington, D.C., are poison to the sensibilities of the Nation. There is no one, no one at the White House whom I would trust to shape the academic structure of our schools, much less convey the moral precepts of our Declaration or shape the character of our children. In fact, our purpose here in this Congress should be just the opposite.

The values of America are strong. Our moral purpose has been defined by 222 years of glorious history as a mighty Nation based on simple precepts, that we are governed by basic truths, self-evident ones at that.

Our purpose, Madam Speaker, should be to apply the values of America to this city, not the other way around. The voices of decent Americans should be heard over and above the petty partisanship and unruly law-breakers of this capital.

For the truly patriotic Members of Congress, I know that this is why you are here at this very moment in time. Your courage is an inspiration because through you the decency of the American people speaks, and I want my son, Justin, to know that the innocence of a little boy is the hope for America, and he is the reason I am here.

So, as we debate whether to export the values of Washington, D.C., to Colorado and every other State, I want to make a case for the young boys and girls all over America, that they may be raised up in spite of this terrible folly that has transpired over the past several months just at the other end of Pennsylvania Avenue.

Madam Speaker, my message to my son is as follows:

Justin, how confusing it must be to grow up at a time when public behavior differs so much from what you know to be good, honorable and right. There are things I want you to know and remember forever. America is the greatest Nation on earth because it is a Nation under God, and we have come so far as a people because throughout our history great men and great women have looked to the Almighty for direction in making all the decisions that have affected you and me to this very day.

And I believe with all my heart that he has blessed America. America is not great because of Congress. It is not great because of the Supreme Court, or the Constitution, or the Declaration of Independence, or because of the presidency; not because of our military might, our natural resources or our prospering economy. No, America is great because common people with big dreams and caring hearts have maintained the faith that there is something bigger and more noble to pursue. America is great because of you and your sisters, little boys and girls just like you. You are the messengers that we will send into another time. And what message will you carry, what message will you carry with you when you one day lead as all American citizens lead?

As your father, I do not want you to lose hope because of the disgrace of certain leaders, I do not want you to be confused about what is good and wholesome or why America is great or what it will take to keep this shining Nation glowing bright. America needs great men and women now more than ever, and America will need them always.

Now I have had the privilege to meet so many, many great men and women and know them well, and our history is replete with many more. My hope for you has always been that you might one day be called by your peers a great man.

One of my favorite presidents, Theodore Roosevelt, he once said and I quote, the best boys I know, the best men I know, are good at their studies or their business, fearless and stalwart, hated and feared by all that is wicked and depraved, incapable of submitting to wrongdoing and equally incapable of being aught, but tender to the weak and the helpless.

These are the words I was taught as a boy. The rules which govern the behavior of truly great men are the same in the office as in the home. In the heart and in every action there is no separation.

Now some will say that it is perfectly okay to be immoral in one's private life or so long as one's public life is respectable.

□ 1900

They say a decent man need only be good in the eyes of others, not good in his heart or good when no one is looking. They say it is okay to tell some lies, as long as one tells some truths.

An honest man need not be totally honest, in their estimation. One need not be faithful or loyal, just likeable. One can be selfish to strangers, so long as one is generous to friends; can be cruel to adversaries, if he is kind to supporters. They believe that there can be victimless crimes. They believe the end justifies the means. They say they are sorry, but do not stop doing what they are doing.

In all these things they are wrong. I submit that what matters most is what is in a person's heart. Good people do what is right, even when it would be easier to do wrong. They do what is right when no one is looking.

People who are worthy of our respect hold themselves to high moral standards in every area of their lives. When the camera is not rolling and they are behind closed doors, good people are faithful. Good people are kind to everyone, not just their friends. They know that wrong actions always hurt someone. They know that wrong deeds diminish the doer as well.

There is no honor in a victory if someone cheats. How one accomplishes something is as important as what is accomplished. When good people make a mistake, they tell the truth. They recognize that people have been hurt by their actions and they apologize. They do not continue doing wrong. They are willing to submit themselves to authority. In the words of Teddy Roosevelt, "these are the best men."

Some question the need for honor and integrity and truth and leadership. They seem to think that the ability to wield power is sufficient. Character does not count, they claim; results are the only measure, they say.

Justin, just imagine if this were true for sports. People who are caught cheating would still get trophies and medals. When cheating is allowed, victory is meaningless. How one plays the game is as important as winning.

I think Teddy Roosevelt would have agreed that great men must first be good men. There cannot be effective leadership without honor and integrity. In fact, a man of integrity and honor provides leadership wherever he goes. In his home, in his office, in school, in his church, in his circle of friends, he is an example to others.

President Roosevelt was considered by many to be a great man, and, for the most part, our Nation has been led by great men.

Justin, the news of recent months have revealed stories about the behavior of a man who is very different. The television, the newspapers, Hollywood, these institutions might even persuade a young boy that this kind of behavior is somewhat normal, understandable, maybe even excusable. Young boys today are led to believe that everyone does these kinds of things.

Justin, no, they do not. No, they do not.

The kinds of things you have heard about and about which little boys giggle during recess are not normal. The example of the White House is not the way we live at our House, and, if I accomplish nothing else in Congress, I hope to successfully impress upon you this point. In that I would be most pleased.

You are my highest responsibility. I thank God every day for you, that he has allowed me to raise you in America.

Just a few hours ago somebody out in the hallways behind the Congress gave me some advice and asked me to pass it along to you, and it is good advice. It is good advice for all young boys in America.

I might say for any of my colleagues who are interested in acquiring this document, just please call my office, and I will be happy to pass it along or refer you directly to the source.

Number one, when people say marriage vows do not matter, you must honor marriage. Americans have always believed that marriage vows matter.

Number two, treat women and girls with dignity and respect.

Number three, character does matter. One of the most damaging aspects of the scandal is the idea that character in our leaders does not matter, so long as we are prosperous and at peace. That cannot be true. When you think throughout the history of America, all of the great moments in our existence, we do not remember the great heroes in our history because of some economic plan that they devised, because of some road they built or bridge they constructed or some war that they won or some budget that they crafted. Take a walk around Washington, D.C. Those individuals who are enshrined in brass and marble are enshrined because they were men of character and women of integrity. That is what we remember. That is what makes America great. Character does matter.

Number four, honesty is the best policy. Lying is unacceptable.

Number five, the truth, the whole truth and nothing but the truth, is the code of justice.

Number six, take responsibility for your actions. Do not blame others if you are caught doing something wrong. Today we see numerous examples of people in public life who blame others for their wrongdoing. Do not do it.

Number seven, take responsibility, and that means accepting consequences.

Number eight, the higher your position, the greater your obligation to observe the law.

Number nine, because we are all imperfect, we must submit to the rule of law.

Number ten, put principle first.

Those are important words to live by. I hope you will never forget them.

Your mother and I have done everything we possibly can to give you these words of wisdom and occasions for guidance, so that you will not be distracted or discouraged when you see the kinds of examples that have been exhibited in the highest offices in the land.

Here is what other officeholders and famous Americans have said about character and how it does count.

Samuel Adams said, "It is not possible that any state should long remain free where virtue is not supremely honored."

Our first president, George Washington asked, "Can it be that providence has not connected the permanent felicity of a Nation with its virtue?"

John Adams said, "Public virtue cannot exist in a Nation without private, and public virtue is the only foundation of a republic."

Abigail Adams said, "Above all things, support a virtuous character."

Thomas Jefferson said, "Never suppose that in any possible situation or under any circumstances that it is best for you to do a dishonorable thing, however slightly so it may appear to you."

James Madison said, "But I go on this great republic in principle, that the people will have virtue and intelligence to select men of virtue and wisdom."

Frederick Douglas said, "The life of the Nation is secure only while the Nation is honest, truthful and virtuous."

And the Bible, Proverbs, says, "When the righteous are in authority, the people rejoice; and when the wicked rule, the people mourn."

Honor and integrity does matter. Honor and integrity matters always. The rest of the world looks to the United States of America for leadership and guidance for precisely that

reason. They know that the Declaration of Independence was something that brave men and women shed blood over, that the principles are self-evident truths, that we are all created equal, endowed with unalienable rights, to life, liberty and the pursuit of happiness. And to that declaration and to that concept, our settlers, our forefathers, those who led the westward expansion, carried with them a vision for all Americans that we will in our moments of truth stand for those same principles and stand up for the Declaration of Independence and continue on that great revolution that they started 222 years ago this year.

They said at the end, "And in support of this declaration with a firm reliance upon the protection of divine providence, we mutually pledge to ourselves and each other our lives, our fortunes and our sacred honor."

Honor does matter. It is what launched a country, it is what preserves us today. And it is how we should live, at home, at work, at school, and in the White House.

There is more great advice for us to live by, and I want to finish with this.

We all have gifts that differ according to the Grace given to us: Prophesy in proportion to faith; ministry in ministering; the teacher in teaching; the exhorter in exhortation; the giver in generosity; the leader in diligence; the compassion in cheerfulness. Let love be genuine. Hate what is evil. Hold fast to what is good. Love one another with mutual affection, outdo one another in showing honor. Do not lag in zeal, be ardent in spirit, serve the Lord, rejoice in hope, be patient in suffering, persevere in prayer, contribute to the needs of the saints, extend hospitality to strangers. Bless those who persecute you, bless and do not curse them. Rejoice with those who rejoice. Weep with those who weep. Live in harmony with one another. Do not be haughty, but associate with the lowly. Do not claim to be wiser than you are. Do not repay any one evil for evil, but take thought for what is noble in the sight of all. If it is possible as far as it depends on you, live peaceably with all. Never avenge yourselves, but leave room for the wrath of God, for it is written, vengeance is Mine. I will repay, says the Lord.

No, if your enemies are hungry, feed them. If they are thirsty, give them something to drink. For by doing this you will heap burning coals on their heads. Do not be overcome by evil, but overcome evil with good.

Madam Speaker, my son really is, and my three other daughters, are the most important things in my life. My wife and I work very, very hard to raise up a family where these children are given the guidance that we have been given.

These children really are the messengers that we send into a distant time, and it is important that they understand that these dark days that we are enduring presently here in Congress in dealing with an unfortunate question which we must resolve can be just a temporary occasion from which this Nation can emerge even greater. That is my hope and my prayer. It is my message to my son Justin, and in a second I will yield to the gentleman from Georgia.

Madam Speaker, earlier today our negotiators with the White House had been engaged, with the Senate, with the White House negotiators and others in trying to craft an appropriations bill to pay for the government. The longer we stay here in Washington talking, the more expensive it seems to get.

This Congress agreed earlier on in the year that we would work hard toward a balanced budget, and it was fairly exciting, I would say, for most people throughout the country, certainly my constituents back home in Colorado, when the numbers began to come in showing we have achieved those objectives, that we balanced the budget as a Republican Congress, in fact four years ahead of when we promised originally in the last election season. The budget we promised to balance in the year 2002 is in fact balanced this year in 1998.

The President of the United States has even gone to the point of heralding a budget surplus and devising plans on how to divvy up that surplus and how to spend it, and that really is what stalls us here in Congress now. Five days ago we would have adjourned, were it not for the President wishing to break his faith with that earlier budget agreement. Setting the surplus aside for additional spending is something that the Republican Congress is really not interested in, yet that is what the President is insisting upon as we stay here to negotiate with him.

We managed to pass the first tax cuts in 16 years, capital gains tax cuts that the Chairman of the Federal Reserve Board Alan Greenspan says is driving the most prosperous economy in the world today. In fact when he testified just at the other end of the Capitol before the Senate Finance Committee approximately one month ago, Chairman Greenspan said what is driving economic prosperity in America is capital gains, that the capital gains tax reduction has allowed for trillions of dollars in private capital to be available to be reinvested in the economy.

□ 1915

What that means, Madam Speaker, is that private risk-takers, families, farmers, business owners, small business owners as well as large, are taking the risks and making the investments to create jobs, to create wealth, to circulate and recycle that private capital in the economy over and over and over again in a way that has driven up consumer confidence, that has driven up investors' confidence, that has driven up every single indicator, or most indicators, in the American economy.

By lowering taxes, the capital gains tax, in this example, we have lowered the effective rate on the American people, but at the same time driven up the tax revenues collected by the Federal Government, because we generated an economy based on growth. By taxing the growth in the economy more often, more frequently, at a lower rate, we have managed to make for an occasion when the budget balances earlier than we had thought.

We also cut the inheritance taxes or the death tax. We have gone back for more, when it comes to death tax cuts, just recently. The farmers and ranchers throughout the eastern plains of Colorado tell me that is a critical tax. It is one that suppresses the farm economy, and they say that we have unleashed, to some extent, economic productivity in farm country by lowering the capital gains tax rates.

As many of these farmers and ranchers approach retirement age, they are looking for ways to hand the farm over to their children. It becomes prohibitive, as a result of the capital gains tax, to hand the farm over to the families presently, but establishing an estate structure to allow for the farm to be passed on to descendents in the event the current owner passes on or dies is the way most farms are actually broken up today. They are broken up because upward of 50 percent of the value of the asset, the farm, has to be given to the government. The family has to go visit the undertaker and the IRS tax agent on the same day, selling off equipment, selling off quarters of the farms. It makes for an economic entity that often just cannot survive economically.

Mr. Speaker, the inheritance tax is a devastating tax to America's farmers and ranchers. I would hope that we will be able to continue to press forward, not only with providing some relief for the inheritance taxes, but also reducing the demand on the other end, by shrinking the size of the Federal budget, slowing the rate of growth in Federal spending, so that the demand for onerous tax revenues can be diminished; so we can abolish the inheritance tax, for example, the death tax.

Imagine that, getting rid of the death tax. That is our goal on the Republican side. That is what is at stake in these debates that are taking place downstairs and tomorrow on trying to achieve some kind of compromise on this appropriations agreement.

Madam Speaker, our plan also called for a $500 per child tax credit, in our belief that families are important and essential as the most central social unit in American society. We believe that finding ways to relieve the burdens on families is important, and we

will continue to press for those, to make it easier to send our children to college, to save money for their health care, to put money aside for their college education, to put money aside for the things that any family believes to be important for their children.

We have also made, in this particular appropriations agreement that we are fighting for today, a number of significant steps to try to free up local schools, so that we can educate the children of America better.

There are two differences of opinion, certainly, here on the floor of the House of Representatives. The Democrats, their plan calls for hiring more government bureaucrats, growing the size of the United States Department of Education, tying more strings and red tape to the dollars that leave Washington, D.C. and go back home to the districts, to the people who worked hard to raise the money to send it here in the first place, so the bureaucrats could play games before they send it back, and generally to expand the authority and influence of Washington, D.C. over and above our local schools and our local communities.

We are for local control of education. The President insists that beltway bureaucrats, not teachers, parents, and local school districts, control education policy, including even deciding what type of teachers the District needs. I think that is ridiculous.

Our idea is pro-liberty, pro-freedom. We talk about the liberty to learn and the freedom to teach, cutting the red tape, cutting the strings, cutting the rules, cutting the bureaucracy that this city likes to attach to our city back home, so that teachers can do their jobs as they know best how to do, so that administrators can lead their schools in the directions that mirror the values and the priorities of their communities, so that school board members can make the kinds of decisions that they were in fact elected to do without the unfortunate and unnecessary intrusion of bureaucrats in Washington, D.C.

We passed the Dollars to the Classroom bill, Madam Speaker. The Dollars to the Classroom bill was the legislation that insisted that 95 percent of every dollar that Washington currently spends on education actually makes it to a classroom.

The only opposition we had was from the other party, the Democrats. When it comes to distributing the Federal government's money, in the classroom or in Washington, the Republicans chose the classroom. The Democrats chose Washington.

We are also fighting for a strengthened military. The President has allowed our defense budget to shrink to dangerous levels while he expands our commitments overseas. Our soldiers, our troops, our sailors and airmen, are overseas engaged in police actions of various sorts, without clear direction from their Commander in Chief, without clear guidance as to the nature of their mission, in many cases without being on one side or the other, just standing in between warring parties, trying to resolve civil wars where America's interests are not all that clear, yet at the same time ignoring troubled hot spots around the world where America's interests are very apparent.

It is unfortunate when we lack the kind of leadership that the chief executive ought to be able to provide, and that most chief executives over our history have been able to provide, and do so in a way when our troops are underfunded, when they do not have the support and the backup and the equipment necessary to do the job and do it right, and walk into any situation confident, knowing that they will never lose.

That is what America ought to represent overseas. That is what our military strength ought to show. That is what every soldier who wears the flag ought to be able to convey, because they are Americans and they matter to us.

Protecting our budget surplus is something that we believe in. The President wants to spend that surplus on more Washington bureaucracies, and even stopped the middle-income tax relief to accomplish that goal. When it comes to winning the war on drugs under President Clinton, teenage drug abuse has soared. His administration would even allow free needles for heroin users and other drug addicts. We are committed to reversing that trend, stopping the needle exchange and winning the war on drugs.

We stopped the President's $130 billion in tax and fee increases. It is not enough for President Clinton to spend the Federal budget surplus. Remember, his budget called for $130 billion in tax and fee increases to finance his bigger government, taxes on middle-income families, retirees, those who save, and job-creating businesses.

We are working hard to stop the President's $150 million in new spending. The President's budget asks for 85 new Washington spending programs, including 39 new or expanded entitlements. The entitlement spending alone accounted for nearly $53 billion for 5 years.

Do Members realize that when we cut taxes last year and relieved the tax burden on the American people, the American people became more productive? They invested more wisely and they worked harder. When consumer confidence went up, people consumed more, they invested more, they spent more. Private capital was recirculated through the economy at greater frequency. We taxed it more at a lower rate, we generated more revenue to the Federal budget and for the Federal Government than even our best economists had predicted.

What we proved last year, and again this year, is that President Reagan was right, that we can cut taxes and balance the budget quicker, improve the economy faster, in a way that allows us to save social security and pay down the debt even quicker. We believe that to be true. The Members are showing that we are right.

Really is what is at stake is whether we are going to allow this president today to put the brakes on robust economic growth by passing a bigger budget than the country needs, by passing greater spending than the country has to have, and by further delaying the reductions in tax cuts, reductions and tax cuts that the American people so richly deserve.

We know that is a winning strategy on our part. We know it is a strategy that the American people want. We are willing to stay here as long as it takes to see that prudence prevails in these negotiations that are taking place downstairs.

Mr. KINGSTON. Madam Speaker, will the gentleman yield?

Mr. BOB SCHAFFER of Colorado. I yield to the gentleman from Georgia.

Mr. KINGSTON. Madam Speaker, I think it is real important for us to just have a good balance between reducing spending and trying to fund necessary programs.

This Congress has done a great job towards balancing and protecting and preserving Medicare, protecting and preserving social security, and reforming welfare, and providing, as the gentleman has stated, the first tax cut in 16 years.

I still think the American people are overtaxed. We have to be very, very careful with how we spend the money that we get from the hardworking American people. On the same hand we are going to continue to push for these things, even if we do not get the full load this year.

I think it is very important for us to stay at the table, get the job done, make sure that education is run as much as possible on the local level, not out of Washington bureaucracies, not out of State capital bureaucracies.

We have stood strong for lowering the teacher-to-student ratio. We want more teachers in the classroom, but we do not want those teachers to work for Washington, we want the teachers to work for the local school board. We want the local school board to be able to make the decisions.

It is similar to the COPS program, the community police officers on the street. In my area in Statesboro, Georgia, they have utilized COPS grants to put police substations in different housing developments, in high-risk crime areas. What has happened as a result of that is crime has gone down in this crime-infested area, and the little children are looking up to policemen. They are making friends with the

policemen. Instead of running from policemen and seeing them as an enemy, they see them as a good citizen, and, if you will, a father figure, in many cases. It has been very positive.

The reason why that COPS program I think has worked in Statesboro, Georgia, is because they do not rely on Washington to tell them how to spend the money or where to spend the money and when to spend the money. We want to do the same with education.

Mr. BOB SCHAFFER of Colorado. The history of the country since the mid or late seventies has been to grow the size of Washington's bureaucracy when it comes to education. The Department of Education was created during the Carter administration. It has consistently grown and grown and grown.

The percentage of Federal funds or Federal involvement in our local neighborhood schools has grown dramatically, and I know the impact in my community back in Colorado has not been positive by the Federal Government's manipulative efforts here out of Washington.

I am curious as to what the impact of the growing Federal bureaucracy has had on the schools in the gentleman's local neighborhoods and local schools back in Georgia.

Mr. KINGSTON. Let me tell the gentleman, I will give three examples. A teacher in Saint Mary's, Georgia, told me that she had just returned from Athens, Georgia, where she went to a seminar where they taught teachers from all over the State how to behave around students.

□ 1930

What they meant by that is one has to be careful to never be alone with a student because they might do something to the student. They should never go to a bathroom or a gym locker room alone with a student.

These are prudent things, but then they went on to say one should not ever hug a student and one should avoid being with a student after class hours. Now think about that for those who may be a little slow on algebra, need to hear the grammar for a second time in order to get it. I had to often go back after class and talk to the teachers. They are telling these teachers not to do that.

The worst part is she told me they were told not to hug the students, and she said I live in an area where we have a lot of young families, a lot of military families, dads are away, on ships in the Navy a long time. Some of these kids are actually from a broken home. They need a hug a lot more than they need an A.

She went at taxpayers' expense to hear from the bureaucrats at the State Department of Education, who heard from the bureaucrats in the Washington Department of Education, do not hug your children down in Saint Marys, Georgia. I think this teacher was capable of making her own decisions. A teacher in Darien, Georgia, I asked her how much paperwork she has to do each day beyond grading papers in the normal paperwork that comes with being a teacher and she said she spends about 30 minutes a day; 30 minutes a day. That is 2 to 3 hours a week filling out forms of statistics, often which are meaningless to the bureaucrats in Atlanta, who send them to the bureaucrats in Washington.

What we are trying to do, and I think this budget agreement is moving in that direction, is to give more power to the local teachers.

If the gentleman will continue to yield, I would like to show him some of the education components that we have passed in this Congress this year, which we are trying to get, and I think we are going to be successful in getting a lot of these in the budget, the Higher Education Act, the A-Plus Savings Account Act. Now unfortunately that was vetoed. $500 million more for special education. The students in special education have particular needs that are not always met by the normal funding process.

Mr. BOB SCHAFFER of Colorado. This is one of the most important points, I think, in the Republican accomplishments for education. The special education program, and the funding for special education, is a matter of civil rights. The Supreme Court has determined that the Congress has now a legal obligation to really look out for the children who are of special needs, that they deserve the kind of education, the highest quality of education possible, to live the American dream as all students would.

Yet, when the special education programs were created, this Congress, under Democrat leadership, has consistently eroded the funding for the program. So here again, we have a liberal model of government bureaucracy that establishes the rules and slowly drains away the funding that you need to comply with those rules.

Today we have many, many school districts, in fact every school district throughout the country is trying to deal with the red tape, the rules, the regulations, which are fine. Some of these rules make sense and they lead to noble and worthwhile purposes and we need them, but these schools also need the funding necessary in order to meet this mandate from the Federal Government.

This is a huge, unfunded mandate, and one that we are committed to resolving. By placing an additional $500 million in this particular line item, we have dramatically increased the percentage of Federal funding for special education students.

This is a point of contention between the White House and the Congress. In fact, the President opposes our efforts to increase special education funding in this appropriations bill. He would rather take that $500 million and spend it on a free needle exchange program, spend it on other kinds of ridiculous programs that are a high priority over at 1600 Pennsylvania Avenue, not up at this end of the street.

We are committed here. This is why these negotiations are carrying on as long as they are, because we are committed to funding this program for special education students to a much higher and greater degree than we have been able to do in past years. It is a real remarkable turnaround for the American people.

I know when I hear from school board members, administrators and teachers from back home, they really have their eye on this particular line item. They are really hoping that the Republicans win out on this debate, that we are able to beat the President on this particular topic because they know the children back home who have special needs, who need additional funding, who need this particular line item, who are protected under the civil rights laws of our country now, and this is the one of the few legitimate areas of Federal funding that this Congress is constitutionally bound to deliver as determined by the Supreme Court.

Mr. KINGSTON. A number of parts of this are so important, teacher testing for teacher competency, Reading Excellency Act, high job skills training. One item I wanted to talk about, though, school nutrition, now I am on the Committee on Agriculture and my friend, the gentlewoman from New York (Mrs. LOWEY) also was formerly on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. We work hard to protect school nutrition, to make sure that our children have a good balanced meal, and it is not just lunch.

They often need to have a breakfast program, because the only warm meal that they get is at the school. So we want it to be a good meal. We want to make sure that the food is safe. We want to make sure that the food is nutritious and that it is quality. We do not want a situation where some broker is coming in there with some special deal to pawn off on American school children some third grade beef.

So we have worked hard to make sure that our children are served consistently good quality meals. We think that is going to make also a better education product, but these are things that Republicans and Democrats can and do agree on, and we move in the right direction of it with this budget agreement because we believe there is so much that we do agree on, and unfortunately so on in the negotiating process we go at it like it is the World Series and there is only one team that can win.

We have a vision that is different of government than the Democrats. Yet, when you put the two visions together, as we often will in a budget agreement, America wins; not Democrats, not Republicans, not the White House, not Congress but America. That is what these negotiations are all about.

One of the things that I do want to talk to the gentleman about a little further is the level of reduction in government spending, how we are moving in a direction where we are bringing down the level of government spending and we think that it is very important to bring that level down consistently because the smaller the growth of government, the bigger the growth of the private sector, and that is where jobs are created. That is where the budget actually gets balanced and that is where more quality goods and services get to people.

Mr. BOB SCHAFFER of Colorado. Remember just last year, during the State of the Union address, the President stood right behind where the gentleman is standing right now by just a few feet, stood here and announced to all of us assembled in this Chamber and also to the country that the era of big government was now over; signaling that he was now going to join hands with the Republican Congress and fight for a balanced budget, to fight for reduced spending, to keep us on that trend line that the Republicans had established as a long-term goal for the Nation.

I think that the Republican Party has done a good job and the Republicans here in Congress have done a good job conveying the message to the country, and persuading the country that less spending is better; that more savings at home through tax relief and through smarter investments and a stronger economy is more liberating, provides more freedom for the American people and they have really sent us all a message, Republicans and Democrats alike, that we need to start doing some more belt tightening, that there is still a lot of fat in government, that we are still funding programs that we do not need. Yet, when the President came over just last week and said, wait a minute, this plan we had all agreed on up to this point of balancing the budget, of trying to set money aside for Social Security, for other important purposes, is something that he does not agree with anymore. Heading into an election, just a month out from the election, he has gone back to his old ways and his friends over on the Democrat side, they are just joining him almost instinctively because now they are back talking their old language again, spend more money, spend more money, delay tax cuts, do not talk about paying down the national debt; do not talk about rescuing Social Security; do not talk about Medicare. Let us spend money right now while we have got it in our hands. That is the way they won elections year after year after year.

I am just curious as to the gentleman's opinion. I do not think it is going to work this year. Does the gentleman think it is going to be a successful formula for liberal victories around the country? Do the American people really want to see this Congress spend more money?

Mr. KINGSTON. I believe that the American people are interested in less government overall. They had more control over their lives and more control on a local level. If a local city wants to do something, provide a service, and then they want it in Colorado but they might not want it in Georgia, people want that decision to be made in Colorado and in Georgia, not in Washington. Unfortunately, as the government grows, it is all up to some unnamed, faceless Washington bureaucracy to say this is what is good for the people of Georgia and Colorado and all of the States east and west of them.

There are not that many States east of Georgia right now, but the way the government is expanding they might put a few people out there on pontoons or something. One has to be careful with this crowd.

The reality is, though, the average hard working American, in my opinion, wakes up in the morning, scurries to get ready for work, both mom and dad, and get the children shoehorned into their clothes. In my house, and I know in the gentleman's house, we are full of children and the gentleman knows that their shoes disappear overnight. Even if they put them in a particular place, the shoes seem to walk under their own power, and somehow there is always a book, even though they have packed their backpack the night before there is a book that is missing, so somewhere in that dynamic the kids have to be dressed and organized and then fed, again, good nutritious breakfast so that they will be good learners.

Then they have to be scooted off to school to the bus station or drop them off in the car pool and then run off to work.

At work, we go back to a pile of paper or jobs that we could not complete the day before and we work real hard for that. Then we get an hour for lunch but we have to cut it off because we have some stuff to do. We are supposed to get off at 5:00, and it is kind of hard but the day care center closes at 6:00 so we have to push through, leaving some more stuff at work, to get the kids and then get home on time, maybe run by the grocery store to get something on the way.

This is the modern nineties marriage. This is the modern nineties family experience. These folks do not sit around and watch us necessarily on C-SPAN, as brilliant as we are, and they are out saying, I am spent. By the time I get the family fed, get myself unwound, get the dishes done, get the yard work finished for the day and whatever daylight is left, finish with the kids' homework and get them in bed and bathed and all the good stuff, it is over with. People do not sit down and read the paper and think about national policy.

What they do is say we voted. We expect the Members of Congress to do a good job. Republicans or Democrats, we expect them to put their party differences aside and do what is good for the country, and we want our government to work. By working, we want a budget that is balanced.

This Congress has balanced that budget for the first time since 1969 because of reductions in wasteful spending, and slowing down the growth of government. They want a Medicare system that is going to be there for them and the future, not one that is going to be imperiled year after year and fixed for election year purposes only. They want one that is solid, which this Congress has solidified on a bipartisan basis. They want a Social Security that is reliable.

We have put aside $1.4 trillion for Social Security. For the first time in 40 years, Social Security has been protected. They want to know it is there for them. They also do not want to pay 45 to 50 percent of their income in taxes. They feel their taxes are quite adequate, and we ought to do well with the money we are already taking out of their paycheck.

That is why they are happy that this Congress has cut taxes for the first time in 16 years, and they want us to do it again because they are tired of busting their tails and having us share in it just because we have the power to do so.

Mr. BOB SCHAFFER of Colorado. This is a point that I think many Americans are actually in tune with and understand. It takes a lot of hard work to shrink the size of this Federal Government. It takes a lot of hard work for the Congress to go do battle with those bureaucrats across the street and throughout the country to reduce the burden on taxation, to squeeze more efficiency out of the Federal Government. Every time we want to make some agency or some program do more with fewer dollars, there are a certain number of comfortable bureaucrats who are inconvenienced by that line of thinking, yet that is the way most Americans work every day.

The farmers and ranchers who live in the gentleman's district and mine, they know what it is like to squeeze an extra mile out of the tractor.

□ 1945

They know what it is like to, to put in a few more bushels in an acre by whatever way they can. Sometimes that's investing in technology or research or better seed stock or perhaps

better fertilizer, what have you. But the American people understand continuous improvement. They understand continual efficiency measures. It does take hard work.

The Democrats, on the other hand, they look at balancing the budget, tax cuts, more efficiency as doing nothing. See, they measure success when they were in charge by how much money they can spend, how much of somebody else's money they can spend on the charities of their choice. Our measure is very different and I think more in tune with the American people.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, the interesting part, the gentleman is talking about the farmer, is he is putting his savings back into production.

That middle class taxpayer out there often, when they have little money left over at the end of the month, and they are planning on taking a nice vacation in the summer time or adding onto their house or buying a new car, inevitably the dryer breaks or the refrigerator breaks down, or the transmission falls apart.

The money always seems to go back into the trappings of working and trying to be productive, sometimes the rat race. I mean, they have a hard time liberating themselves from it. I think that is why it is so important for to us remember that, when we are spending money, it is not our money. It is the American people's money.

If we are walking down the street, and we find a wallet, the wallet has $100 in it. We do not go rush out and say, okay, here is what I am going to do with $100. We say, oh, man, a wallet. Somebody has lost $100 how do I get it back to them? Oh, let us see, here is their address now. I am going to return this money and the wallet, and they are going to be happy, and I am going to make share day. That is what we do.

Here we have a surplus, people have overpaid, and we are saying, okay, how do we spend it. That is what I am very concerned about, that there are members of the administration who are taking this approach that, look, we have got this surplus, we are going out and obligate ourselves a new government and spending on new programs.

What we are saying is, give part of it back, put the rest of it, 90 percent, and protect it for Social Security purposes because we have never protected money for Social Security.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, let me pick up where the gentleman left off with the analogy of finding a wallet. When we get elected to Congress and we walk into the door, they give us one of these. We get a little wallet of sorts.

Inside, this is a plastic card. This is our voting card. Many people do not know how this works. There is a little computer chip inside of this one that says this is BOB SCHAFFER'S voting card from the 4th District of Colorado.

When we walk on the House floor, we put the card in the little boxes behind the chairs here, and we vote. When it comes to spending money, many of our Democrat colleagues and people over in the White House look at this voting card as some kind of a credit card, a remarkable credit card wherein we never have to pay back. We spend other people's money, and we can spend and spend and spend, and we personally never get the bill. Instead, the bill gets sent to our children.

Where we stand right now, $5.5 trillion in debt from using this card too many times, without responsibility or accountability. To the point now, when we divide that $5.5 trillion by every man, woman, and child in America, it comes out to a little over $20,000 per person. That is what has been the result of using this card with reckless abandon when our Democrat opponents were in charge of this Congress.

The President downstairs is negotiating with the Congress right now, trying to see how long he can keep us here at election time, trying to see how many promises he can make for spending more money on programs that sound good at first, he is trying to persuade Members of Congress to pick up this card and spend again with reckless abandon and do it in a way that will push any prosperity that America is enjoying now on to future generations.

We are determined to stand here and say, no, that we are not going to leave for home until we are convinced and able to stand proudly in front of our constituents and say we did our level best to continue this downward de-escalation of government spending, that we have tried to raise the amount of revenue that the Federal Government generates, not through higher taxes, but through more economic productivity. That is our promise and our message and what we are here fighting for tonight, and the reason we are here now.

Mr. KINGSTON. Mr. Speaker, I want to mention, the gentleman talked about the amount of national debt. The debt service is actually about $2,000 per family. We pay I think it is the second largest expenditure in the budget is interest on the national debt, which runs to about $2,000 a family, which would be half a year's college tuition. It would be a down payment on a new car, or it could be a nice vacation. So the interest on the national debt is already something we are facing.

Since the gentleman is from Colorado, and I have a mama and a sister and brother-in-law and nephew out in that great State. I also have to brag about one of my best friends two of my best friends, Ross and Paloma Fox, whose son Richard just got a full 4-year college to the University of Colorado. He is 6'10". He is going to be a Buffalo out there. I know that is not in your distict. But he is a great guy.

I just want the gentleman to know, since he represents Colorado State, and I want him to know I have known Richard Fox, this 17-year-old boy, all my life. I know his brother David. They are both great kids. I know their families.

But I just want the gentleman to know that, when Richard Fox and the Colorado Buffalos go up to Colorado State in Fort Collins, I am going to be cheering for him. I want the gentleman from Colorado (Mr. SCHAFFER) to know that I hope they win, and that Colorado State can go win the national championship because they are not going to be able to beat Richard Fox and team. I just have to have this personal brag, because he is a good Georgia boy.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I sure appreciate that, and I am grateful that we are able to maintain our good friendship in spite of the disappointment the gentleman is about to suffer when that contest takes place.

Mr. KINGSTON. Mr. Speaker, I guess, in our time to close, let us just say, this Congress has worked and has balanced the budget. This Congress has worked to protect Social Security. We have worked to protect Medicare, not just for the next election, but for the next generation. We have reformed welfare. Thirty-seven percent of the people that were on it in 1994 have now gotten off of it.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, that, by the way, is about 2½ million American families which are no longer in welfare in the last 3 years.

Mr. KINGSTON. Which are very significant. That is not just measured in tax dollar savings, that is measured in people who are happy, who are independent, greater self-esteem, greater satisfaction, because they went out and found a job, and working they are working their way up the ladder.

Finally, this Congress has cut taxes for the first time in 16 years, which we believe the American people are overburdened, and they need to hold as much as their own money that they earn as possible.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for helping with the special order tonight to shine light on what has, I think, historians will record as one of the most productive Congresses in recent memory.

We have managed to balance the budget ahead of schedule. We have managed to turn the authority out of Washington and back toward the States and cut taxes for the first time in 16 years.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON THURSDAY, OCTOBER 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, pursuant to House Resolution 589, I hereby give notice that the following suspensions will be considered tomorrow, Thursday, October 15, 1998:

H. Res. 597, expressing the sense of the House with respect to the Brutal killing of Mr. Matthew Shepard;

H.R. 4829, authorizing the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Franklin D. Roosevelt Historic Site to the Archivist of the United States;

H.R. 1467, a bill to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest;

H.R. 700, to remove the restriction on the distribution of certain revenues from the Mineral Springs parcel to certain members of the Agua Caliente and of Cahuilla Indians;

S. 2500, to protect the sanctity of contracts and leases entered in to by surface patent holders with respect to coalbed methane gas;

S. 2272, Grant-Kohrs Ranch National Historic Site Boundary Adjustment Act;

S. 2133, to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance;

House concurrent resolution, correction in enrollment to H.R. 3910;

H.R. 3972, to amend the Outer Continental Shelf Lands Act to prohibit the Secretary of the Interior from charging State and local government agencies for certain uses of the sand, gravel, and shell resources of the outer Continental Shelf;

S. 1132, Bandelier National Monument Administrative Improvement and Watershed Protection Act;

And H. Res. 598, Steel Import Resolution.

CLARIFICATION OF ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. LOWEY) is recognized for 60 minutes.

Ms. LOWEY. Mr. Speaker, I am delighted to be here this evening to clarify some of the issues that we have been working on. I was just in my office when my good friend the gentleman from Georgia (Mr. KINGSTON) and the gentleman from Colorado (Mr. BOB SCHAFFER) were speaking.

I was working with my staff on some of the key educational issues, and I heard some of the comments. I thought, well, I better get down to that floor and clarify some of these issues.

Yesterday, I was in Maryland with the President of the United States, with leaders in the House and leaders in the Senate, and we had an opportunity to visit a school which has wonderful children, a great principal. We met the superintendent. We were there with the Governor of Maryland.

We talked to some of the teachers. We talked to the students. They are working so hard to give those children the very best education they could. Yet, I was shocked to see three or four trailers outside in which the children were learning.

This is the United States of America. This is not a Third World Nation. In a middle class community in Maryland, the children were forced to have classes in trailers because the community was not able to get school construction bond issues through their local communities.

I have worked on the issue of school modernization a long time and let me tell my colleagues why. A couple of years ago, I did a survey of the schools in the metropolitan New York region, and I was shocked.

I grew up in Bronx, New York. I raised my children in Queens. Now I live in Westchester County. So I am very interested in what is happening in the entire metropolitan region.

In this survey, it showed that one out of four, one out of four schools have children learning in classrooms that were meant to be locker rooms, meant to be bathrooms. This in the United States of America.

Two-thirds of these schools have boilers, have roofs, have other areas that have to be fixed. Around the country, there is $112 billion worth of improvements that have to be made in these schools.

A couple years ago, CAROL MOSELEY-BRAUN in the Senate and I introduced a bill. We introduced it again with our good friend the gentleman from New York (Mr. RANGEL) that would do something about this problem. I do not think we should be talking about liberals, conservatives, right wing, left wing.

I am a mother. In fact, I am a grandmother. I bet Jillie is watching this program. Because we want to be sure that our youngsters, like my grandchildren, are going to go to schools that are going to give them the best education they could get.

I am shocked to think that my colleagues on the other side of the aisle would say only bureaucracies want to do this. Let me make it very clear what the school modernization proposal that our President is talking about and has been so forceful about, what our leader, the gentleman from Missouri (Mr. GEPHARDT), is talking about, what TOM DASCHLE in the Senate is talking about, this is a proposal that allows local communities to make the decision. The Federal Government's role is to pay the interest on those bonds. But it is the local community that has to float the bonds.

Do my colleagues know what? My good friends on the other side of the aisle are talking about cutting taxes. What this proposal will do is help lower property taxes, because unless the Federal Government is a partner with local school districts, the local school districts will have to assume this burden.

Just a couple of weeks ago, I toured a school in my district in Westchester County. This district has about $8 million in repairs. They cannot go out with a bond issue of $8 million because this middle class community has so many responsibilities that it will be voted down. So they go out with bond issues of $35,000 and $45,000.

My colleagues and I know when we have repairs in the House, whether we are fixing a bathroom or some leaky pipes, if we go out piecemeal, we do not get as good a price as if we put it all together.

So by the Federal Government paying the interest, giving a tax credit to these bonds, and the local government going out and floating these bonds, the Federal Government is not making the decision. So all this talk about bureaucracies is kind of a joke. It is the local communities that make a difference.

My friends and all of the good people, the hardworking people who are watching us tonight have to understand that there is a real difference in views about school modernization. My colleagues, my friends on the other side of the aisle and I would love this to be a bipartisan issue, because, again, this is the United States of America. But my colleagues on the other side of the aisle do not feel that the Federal Government should be a partner in modernizing our schools. The Democrats on this side of the aisle feel strongly, passionately that the Federal Government has responsibility to help local governments in modernizing the schools.

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How can we in this Congress, Democrat or Republican? Because many of us, most of us voted for it, vote to make the Federal Government be a partner in rebuilding our roads, our highways, our bridges and yet not be a partner in rebuilding our schools and modernizing our schools? That does not make any sense.

How can we on both sides of the aisle, Democrat and Republican, vote, and I vote that way, to make the Federal Government a partner in building prisons and yet say to local taxpayers, you have to bear the burden of modernizing our schools. The Federal Government is not going to be a partner. It does not make any sense.

I want to clarify that. Local governments will have the control over the decisions of how they are going to float these bonds, which responsibilities they want to assume, but we would tell

them, you will lower your local tax burden because the Federal Government is reaching out the hand to be a partner.

So let us clarify. The Republicans do not want to be a partner in modernizing our schools. The Democrats are saying, we want to help you lower your property taxes and be a partner in modernizing our schools. That is the difference.

I have visited schools, not only in Westchester County but in Queens County, in New York City where the plaster is falling down because of leaks on the roof and they have sheets of plastic holding up the ceiling, not in a third world nation, in the United States of America. Locker rooms that are damp are now places for classrooms. Bathrooms are classrooms. This in the United States of America? How can we say that school modernization is not our responsibility if we are saying that we have to prepare our youngsters for the future, that education is the key to the future? How can we say there should be a computer in every classroom, that there should be computers for every youngster when many of the schools do not have the wiring, they do not have the infrastructure to support these computers? I visited one school and it would be hard for my colleagues to believe this, where they were wiring the schools outside of the window because the school could not have the infrastructure that would support the computers. Does this make sense? No, I think the majority of families, the hardworking families who are listening to us tonight, who send their kids to local schools where there are trailers because there are too many kids for those classrooms that are existing, who send their kids to local schools where the boilers are old, where they need to refurbish, where they want their children to have computers would say, "Help us, be a partner, reach out to us," they are not going to say, "You bureaucrats in Washington, don't help us modernize our schools." This does not make sense.

They are also saying, stop all this labeling. I am tired of people being referred to as liberal and conservative, Republican and Democrat. All of us should join hands across the aisle and help our parents, our hardworking families give their youngsters the very best education they can. That is what this proposal is all about. My colleagues are saying that there are a lot of arguments from, they said Democratic opponents. I do not think we are opponents in this effort. We should be working together. But yes, the Democrats are fighting for school modernization because we feel it is in the interest of our youngsters.

I want to make another point in response to my colleagues. This President, because of bold actions in 1993 and actions following up, has balanced this budget. Now my colleagues are saying that we should be giving away some of this money. Do you know what the money in the surplus really is? The money in the surplus belongs to the Social Security trust fund. These are FICA taxes that are in that trust fund. We should not be using that money other than frankly preserving Social Security and Medicare. This is what our constituents want.

I want to make a couple of other points. My colleagues on the other side of the aisle, my good friends on the other side of the aisle talked about the issues, and they talked about what they have accomplished. I want to remind our listeners that they bottled up campaign finance reform. They did not do anything about preserving Social Security and Medicare. What happened to the patient bill of rights? What happened to reforming HMOs? What happened to the environmental progress that we are trying to make that they are trying to roll back? So it is not just that they are saying no school modernization. They have not taken action to preserve Social Security and Medicare. They have not taken action on the patient bill of rights.

Now, for my constituents that are listening this evening, there is an HMO in my district that has suddenly said to the seniors, "We're not going to cover you anymore." That same HMO called me on the telephone and said, "We're not going to cover you on the Federal Employee Health Benefit Plan. You are just going to have to find another provider." Why was this bottled up in the Senate? Why have we not taken action? We need campaign finance reform. We need HMO reform. We need the enforcement.

I have an interesting story which may relate to some of the personal stories of families here. I was in the office of my ophthalmologist. The ophthalmologist had a difficult decision to make. As so often when I go to the doctor, and my friend from Wisconsin is here and he may have the same experiences, I often hear about what is wrong with the HMO for an hour and then maybe they examine me for 2 minutes. But on one of these occasions, the doctor said to me, Mrs. LOWEY, I had to make the most difficult decision. I felt a patient needed to have surgery immediately to save her eye. That patient had to be put in a taxi, sent back to Stamford, Connecticut, this was in New York City, because the HMO would not allow this doctor to treat her and she had to be sent back for another physician who was not as expert as this physician. So in our HMO bill, we talk about enforcement, making sure that not just the doctor can be sued when something goes wrong but the HMO has to bear responsibility.

So why has this Congress led by the Republican majority not passed HMO reform, passed campaign finance reform and passed our school modernization program? I am going to close now and turn it over to my good colleague from Wisconsin, because I think it is important that you hear what is happening all over the country. School modernization is critical. It is critical that in this negotiation that is going on, and it is not last-minute. I introduced my bill 2½ years ago. This is not last-minute. It is critical that we stand up and fight hard for the children of America. School modernization has nothing to do with bureaucrats. It has to do with the Federal Government reaching out to our local governments and to say to those local governments, "We're going to be partners with you. You can lower your property taxes because we understand that you can't do this alone." This problem around the Nation is $112 billion.

I want to close, as I mentioned before, by saying if this Congress can have a role in rebuilding highways and roads and bridges, and I think we should, if this Congress should have a critical role in building prisons, then we have a responsibility to make education the number-one issue. We have to make sure our youngsters are going to schools that have the latest technology. We have to make sure that our teachers are given all the support they need. It is too easy to criticize our teachers when you and I know that all the problems of our community converge on the teachers in our school system. So we want to be sure those schools are modern, we want to be sure those schools are equipped with computers, we want to be sure those youngsters are safe in those schools, we want to be sure there are not roofs that are leaking, we want to be sure that the boilers are up to date and that when we drive by we do not see a coal truck as I did delivering coal to the local school. We have this responsibility.

I am very proud to be a Member of the Congress of the United States of America. As I look at the Capitol dome as I come in, it is often hard for me to believe that I was elected to be a Member of the Congress of the United States of America. And frankly it pains me deeply to see constant attacks, constant partisan attacks. We have to work together on the priorities that our families and our communities sent us here to accomplish. It is unfortunate that my colleagues on the other side of the aisle want one investigation after another. We would like to bring these investigations to closure, take appropriate action and focus on the issues that we were sent here to do.

Education, my colleagues, is number one. I started working on this not only as a mother, as a PTA president, I continue to care passionately about these issues, and I am optimistic that as these negotiations are brought to closure, we will not only increase the

number of teachers by 100,000 as our President has suggested, but we will pass the appropriate legislation that will provide the partnership for school modernization that is so necessary for the future of this country. And then we can go home and make it clear to our constituents that we are here fighting for you and your concerns and be proud to be representatives in this great body, in this greatest country in the world. I thank my colleagues.

I am delighted that I am joined here by my good friend the gentleman from Wisconsin (Mr. BARRETT), and I know that he has worked hard on these issues, and my colleague would like to share some thoughts.

Mr. BARRETT of Wisconsin. Mr. Speaker, I thank the gentlewoman from New York (Mrs. LOWEY). I also want to welcome a good colleague the gentleman from North Carolina (Mr. ETHERIDGE) who has been an incredible force on the issue of education as well.

As far as I am concerned, and I come, I think, to this issue from the same perspective as my good friend from New York, as a parent. I have two children who are in kindergarten right now, and so this is not a political issue, this is a real-world issue for me. As far as I am concerned, there is not an issue more important to the future of this country than education. We can talk about hundreds of other issues, we can talk about political fights back and forth between the parties, but education is our future. As we look to the future, we have to make the investment. The Republicans talk about this as if it is some sort of pork-barrel spending. I do not view this as pork-barrel spending. I view this as investing in our future. That is why I am pleased that the President has been so forceful and I am pleased that he has continued the fight that he began in January to add 100,000 teachers in our classrooms in this country. And I am pleased that we are continuing to fight for school construction.

I want to tell my colleagues a story about my children, and it is important. I think it is instructive. Both of my kids are in Milwaukee public schools. We love the school. We love the teachers. It is wonderful. But just two nights ago my wife had her first parent-teacher conference for our 4-year-old daughter who is in 4-year-old kindergarten. I called her afterward, said how did it go, she said it went fine. Of course the teacher again, whom we think is a wonderful teacher, she taught our son last year, does not know her very well but you cannot really expect her to because she has got 25 kids in the morning and she has got 25 kids in the afternoon. So she has got 50 kids. It is just difficult to get to know the kids. It is hard. It is hard for the teacher who is doing a tremendous job to get to know these children. I think there is not a person in this Chamber who would disagree with the statement that the smaller the class size, the more personal attention an individual is going to get. This is the time when we are nurturing our children.

It is interesting to note that right now, we are basically in the second baby boom. There are more kids now in that younger stage than there have been since I was a baby boomer. So this is not an issue that is sort of a boutique issue for some people, this is a huge issue for our country. There are so many children in our country that we have to be mindful. It is more important in many ways that we pay attention to this baby boom generation than to my baby boom generation, because we are in a different economic world. Many of the jobs that were in my community, the jobs at American Motors or Pabst Brewery, Allis Chalmers, those jobs are gone and they are gone forever.

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And if you are going to have a person who is going to be able to support a family, they are going to have to have an education to do it because many of those jobs have gone overseas, and they are never coming back, and so we have to be mindful.

So I am pleased, although obviously it was a grudging acceptance from our colleagues on the other side of the aisle, that we have been able to move forward on the plan to put 100,000 teachers into classrooms, and the important phrase there is in classrooms because the debate we have had was whether the money should go in a fashion that would allow the Federal Government to skim off 1 percent for bureaucrats in Washington DC, whether the States should be able to then skim off 15 percent more for bureaucrats at the State level, and at the local level who knows how much would be skimmed off? We were insistent that that money go in the classrooms because we want smaller classes. We think that that is extremely important.

And I think we would not have gotten it if the President had not shown leadership on this issue in January and those of us in Congress had not kept talking about the issue when the majority party wanted to simply ignore it. It simply was not on the radar screen until we continued to work for this issue because it is important for the parents and the children of this country.

Now we may have been successful, and I am pleased that we were successful in convincing the Republicans to help us add 100,000 teachers, but there is a second issue, and, as you have pointed out, that is the issue of school construction.

We have seen in the last decade and a half city after city build beautiful new stadiums. Many times those stadiums were built with the help of some sort of financing mechanism that was available through the Federal Government. That has dried up somewhat, but there are still very creative methods available for municipalities to build stadiums.

I think that this is great, that we have these stadiums, but I find a lot of irony in the argument that people have to have a modern facility to go sit in and watch entertainment, but we do not think it is important for our kids to be able to sit in an environment conducive to learning.

And as you have, Mrs. LOWEY, and you have, Mr. ETHERIDGE, I visit a lot of schools in my district, and just last month I visited a school, and it was a hot day, and it was an old school, and the ventilation was so bad when I visited one of the classrooms the teachers aide was going around to each student with one of these spray bottles with water in it, and was not embarrassed by doing it. The kids with obviously very hot, they were sitting there sweating, and said, "Okay, I want you to hold up one finger or two fingers or three fingers. If you hold up one finger, I'll spray you once in the face. If you hold up two fingers, I'll spray you twice in the face. If you hold up three fingers, I will spray you twice in the face and once in the back of the head." And all the kids started raising their hands, and he would go around and spray them, and it was just so hot in this classroom with poor ventilation that they were delighted to get this, and they would then get a little towel, a paper towel, and they could dry themselves off. But this is the atmosphere that they are sitting in, and we are supposed to compete with all the other countries in the world if we are asking our children to sit in this type of classroom.

It just simply boggles my mind that our friends on the other side of the aisle accept the notion that we should be partners in building highways, which we should be, that we should be partners in building prisons, which we should be, but somehow there is something wrong in investing in our children by giving them the physical tools to have an environment conducive to learning.

So I am very, very frustrated that the majority does not think that this is an important issue because it is an important issue, and again I applaud you for the work that you have done. You have been tremendous.

We are being joined by our friend the gentlewoman from California (Ms. SÁNCHEZ) from California who also has been really outspoken on this issue.

Mrs. LOWEY. Mr. Speaker, I yield to Mr. ETHERIDGE from North Carolina who brings an education background, one that I think all of us appreciate, to these chambers, and although in his first term you would think he had been

here 20 years because he has done so much in pushing this issue, I think he is teaching a lot of us from his perspective on how we can improve the education system in this country. So I would like to yield to Mr. ETHERIDGE.

Mr. ETHERIDGE. I thank my colleague. I was listening to what the gentleman from Wisconsin said about his child and being in school, and all of us can relate, having children. And I visited in 8 years, the State Superintendent, an awful lot of classrooms, some very good ones and some that sadden me greatly to see them. I have been in classrooms that water was in the basement, that we needed to move children out of the basement and out of harm's way, and in buildings that were fire codes that we had to move them out of.

And I was listening earlier to our friends on the other side of the aisle, and they were berating bureaucrats, et cetera, and I could not help but think that it was a partisan issue.

And 2 years ago in my State we had raised a lot of awareness on the need for school facilities, and we are not unlike any other State. North Carolina still has tremendous needs. We have grown very rapidly, and you were talking about the growth of students in the public schools, and we are now in the midst of what is being called the baby boom echo, the largest number of children showing up in the public schools over the next 10 years, and that is true today we have ever had, and North Carolina will be the fifth fastest growing State, the fifth; New York being the fourth; California being the first; Texas being second and Florida, number 3, over the next 10 years of students because of this phenomenon of growth.

But the point being that we argued with our general assembly, and I happen to believe the public is well ahead of us in Congress and many of our State legislatures; the reason being, they know what their children need. They know that they need good safe environments, they need a good education, and we finally convinced the general assembly with the help of educators and parents, PTAs and others, put a $1.8 billion bond issue on the ballot in North Carolina. We put it on at the same time that the general election was, and many of the politicians said, Oh, we don't want that on the ballot when we're on it.''

Well, I happen to have disagreed with them. I thought it was the proper time to have it. And guess who got the most votes in the general election? It was not any candidate running for statewide office, from the Governor all the way down to our judges and all the counsel of State. It was that vote on the ballot that parents and grandparents and aunts and uncles could go to the ballot box and vote for the next generation of young people who were going to run this country, who were going to sit in these halls of Congress and the legislatures and teach our children and be our doctors and nurses and all the professions. It got over 60 percent of the vote, the largest bond issue in the history of our State by the largest margin ever of any statewide bond issue passing.

That tells me that the people in my State, and I think that is reflective of America, will say to this Congress, you are not keeping up with the times when you refuse to say we are going to pay, we are going to allow you to sell bonds, and we are going to pay the interest on it so you can repair those run down buildings, so you can build a new building for growing population of young people who will be coming in so that the prisons are not better than the place we send our children.

As I said the other night, children are not stupid either. You know, we tell them how important education is, we want you to get a good education, we want you to do better. And at a young age is, as you talked about your four year old a few minutes ago, every parent feels that way whether they are a United States Congressman or Congresswoman or whether they work in a sweat shop in Anywhere U.S.A. They want their child to have the very best. They want them to have a opportunity to burgeon out in them, whatever they have, they can be the best they can be. That is what they want.

If that is true, and I happen to believe it is, then we ought not to say we cannot do it because we can if we have the will.

There was a time when we did not provide water and sewer to our cities and our rural areas, and we are still doing it, as we should. You mentioned it earlier. The reason we did not do it, there was not a great need. This country was very rural.

I grew up in rural North Carolina. I remember before we had running water. We had a well and an outhouse. Well, today that is not acceptable. It is only acceptable to have running water and the other things. And we invested. The Federal Government did not become the major partner. We became a little partner and provided leadership, and what we are talking about, the Democratic alternative here that we cannot get on the floor, and right now does not look like we are going to get it in a package, and we ought to have, and the President is fighting for it with us.

I introduced a bill and join Representative LOWEY on her bill because I think it is important in all across this country to have facilities. I also signed a bill for reducing class sizes. I know from personal experience what that will do. We have done that in North Carolina.

Children are coming to school today different than the children were 20–25 years ago. They come from backgrounds and homes where they have great needs. They do not get that love and nurturing they should have, not because parents do not want to, that is not the issue. They really want their child to have the best. Many do not know how and cannot, and for some others, they are working two jobs just to keep their lives a float, and they do not have the time, they come home worn out. And that small a class size allows that teacher to teach that child to read and do math before they get to the third grade, and if a child learns to read by the third grade, and these statistics are true all across America and around the world, if a child reads by the third grade, they are going to make it, they will not be a dropout. And we cannot afford dropouts. Dropouts cost all of us.

Eighty percent of the people—well, it is 85 percent now, 85 percent of the people who are incarcerated in American prisons today by and large are dropouts. The drug culture goes with dropouts. Cannot afford it, absolutely cannot afford it, and I am very proud of the job that my colleagues on the Democratic side are working so hard to help bring this issue of education to the forefront so that we can be a partner with the States, with the local jurisdictions and with parents and business community, as we have done in our State and you have done in your state.

And I am proud to join with you this hour to talk about two issues that are so important, and there are a lot of others. We cannot solve them all, but these are two we can do something about before we go home, and we should.

Mrs. LOWEY. Mr. Speaker, I yield to the gentlewoman from California who had worked so hard and been such a champion for children in this session of the Congress as a freshman.

Ms. SANCHEZ. I thank my colleague.

You know, you were talking earlier about the fact that right here in this room we represent some of the States that have the largest increase in student enrollment, and it is amazing when you see those figures because your State is one of those, mine is, yours is also NITA. But the fact of the matter is that the people that I represent, the children that I represent in California and Anaheim, my own hometown, Santa Ana and Garden Grove, when we look at the rate of enrollment in these school districts, it is twice that of the five fastest growing States in enrollment across the United States. In fact, I get to go back to my elementary school, an elementary school that probably was about 550 students when I attended, maybe built for about 600, maybe 700 at the most. These schools have 1100—a thousand children at them, and when you have a school district that grows at a thousand children, additional students a year, that

is really a new school you need to be building.

Now you know I have heard my colleagues on the other side say this is a very local issue. Well, normally I would say, yes, school construction should be as local as it gets. After all, it goes in your neighborhood, you care what it looks like, it affects the value of your home, and more importantly it affects the value of the future of your child. So it is a local issue.

But you know in the State of California we decided awhile ago that building would be done at the State level, and we funded at the State level. In the last few years we have not funded it at all, which has created an incredible backlog not only of schools that need modernization, but new schools for the children and the enrollment that we have, and that is why we need to step in and say this is a national crisis, this is about our national security because our children are the future when we deploy them as troops, when we have problems of software engineers, when we need these high tech jobs that we are counting for the future. They are about our children being educated.

□ 2030

It is about the security of the United States for the future, so we need to be involved.

I will tell you another reason we need to be involved. You were talking about a $1.8 billion school construction bond in your state. On November 3rd, we have a $9.2 billion bond issue that we are going to ask the voters in California to approve for school construction, the first one in a long time. The largest bond we have ever had.

Why? Because we are so far behind. And yet that is not going to take care of the rest of the problems that we have, the rest of the money that is needed for school construction and renovation.

In fact, if we pass that $9.2 billion at the state level, the only way for a school district like Anaheim City school district to get part of that money to help them build their schools is to match it 50–50, which means you have to locally find part of the solution.

So when my colleagues on the other side say, "This is a local issue," you are right, it is a local issue. And the initiative that the President has, I know it very well, and you described it very well earlier, is about the Federal Government helping local people make the right decision; helping local people decide, yes, I am going to invest in my local school district, I am going to build that school we need. When they do that, they will have in partnership, for example in Anaheim, the State of California with a little bit and the interest from the United States Government.

This is not about taking your money in taxes and bringing it to Washington and then maybe sending it back to the school district. It is a tax cut. It is saying you get a one for one dollar write-off when you file your income tax return. So this is a tax cut. It is saying do not send your money; keep it in Anaheim and build the schools that you need for our children. That is what our initiative is about.

So when people say we do not want locals to take responsibility, they must take the responsibility that, yes, they are going to build the school. We just need to help them.

There is another reason why I believe we should be involved. As you both know, I was in the financial markets. I helped schools districts to build schools. What I did was finance them for them. So I know all the innovative financing techniques and how schools raise the money and how you can build it. And let me tell you, when the Federal Government is a part of the equation that builds schools, the money, the cost, the interest cost, goes significantly down.

So we are giving them our stamp of approval to go ahead and build. They must raise local monies to do so and state monies to do so, and then they get a lower interest rate anyway, so the amount of money they need to spend on schools is even lower. It is a win-win-win for everyone.

I know that the Democrats have fought for this, because I sit on the Committee on Education and Workforce. I have seen and I know because I put forward a bill that would do that. This is patterned after something we already have, the quality zone bonds that we passed last year, and it is working in California.

I had a school district from Fresno, California, come in and tell me we needed to build an elementary school, that it was going to cost us $12 million. We saved our money, we had a little bit over $3 million saved in our pot, and by using the program that we put into play in August, their cost, because of the lower interest costs, because of the government security, will be about $4 million for the same school. It was amazing when they showed me the program they have to build this school.

We need to help. Even if we pass bonds at the state level, a school district like Anaheim needs the Federal Government to make itself a partner with the local area.

I think my colleague wanted to address an issue there.

Mr. ETHERIDGE. I think the point you made earlier is so true. I could not help but think as you were talking about schools and how things have changed, I think unless you have been there a lot, you forget. I think of the community I grew up in that I happen to represent in Congress now. The school I was in was a very small union school that you stayed in. I went there for 12 years. That same community today has built schools, and they are running behind. I went there last year and they had 30 trailers outside of a new school, it is growing so rapidly.

I talked with one of the financial people, a banker in that community today, Johnston County down in North Carolina, and he said, "You know, we have passed two bond issues. We have the state bond money on a match," like California. He said, "I do not know how we are going to make all these things fit with the tremendous growth we have without some help." The Wade County superintendent, where our state capital is, I was on a conference call with him two days ago with the Secretary. They are gaining 3,500 students a year in new students. He said, "We are spending $3 million a month on construction and renovation and can't come close to keeping up."

These are the kinds of things where we need that partnership that you were talking about. No one entity is going to be able to take care of these tremendous burdens of cost, and if we will take care of the need for facilities, the technology will be there, it will be readily available.

But, more importantly, the other issues that we struggle with here, the issue of crime, the issue of drugs, the issues of violence and safety in our schools, they will tend to go away, because when you have a good clean learning environment, academics go up and discipline problems go down. Statistically that is true. There is no question about it. It certainly happened in my state, and I think we are no different than any state in this country. Because when children have a nice place to come to, a nice building, in some of our communities, and it makes no difference whether it is an upscale community or otherwise, when you have a nice school building, that one school building becomes the community center for that community. And then pride comes. If you build a nice new school, academics improve and you start seeing reinvestment in that community all over again.

So it is a good piece for investment in America. If you build a school, you put a lot of people to work, but, more important, you put a lot of people to work around that school building.

Mrs. LOWEY. I want to thank my colleague, Mr. ETHERIDGE from North Carolina again, and, of course, Ms. SÁNCHEZ from California. Mr. ETHERIDGE has been cochair of the Education Task Force, and you have brought your huge experience, your wide range of experience as a superintendent of schools in North Carolina. So you have really seen the change over, I believe it is, eight years.

Certainly Ms. SÁNCHEZ, who has been very involved in the community, has seen the change. I could not help but

think as a young woman who grew up in the Bronx, New York, in the shadow of Yankee Stadium, how times have changed. In those years the biggest problem in the school was someone was chewing bubble gum or one child pushed another child. Life is different today, and all the problems of the community converge in our schools.

My colleague, the gentleman from Maryland (Mr. HOYER) and I were working on a proposal for comprehensive schools, because we believe, as you said, and I could not help but think of it as you were talking about it, that the school should be the focus of the community. It could be a place where not only the children gather, but our seniors could gather, where you could have reading programs, where the seniors could assist the young people, and we could really do creative things in the school.

I mentioned before that I tour my schools all the time. My colleague, Ms. MCCARTHY, who could not be here with us tonight, represents another suburban district. It is amazing for us to see how this issue cuts across all of our communities. It is not just an inner-city issue, it is a middle class issue. In fact, I want to emphasize again a point I made before and my colleague Ms. SÁNCHEZ, who is an expert in this area of financing made before, that we are actually, by focusing on the school modernization program, the bill that was introduced by CHARLIE RANGEL and myself and several others this year, are cutting taxes because of this partnership which will be controlled by the locals, not us in Washington, the local communities will make the decision. But because we are sharing the burden through tax relief, they will have a lower tax rate, because they will not have to raise the local property taxes.

So I cannot understand why the majority party opposes this school modernization proposal. It makes sense. It helps us help local governments in revitalizing their schools, modernizing schools, expanding schools, providing up-to-date technology in our schools, putting computers in our schools, with the infrastructure, and that is a fancy word for anyone who is looking for it, for the wires and the mortar and bricks that support the computers. You just cannot put computers in these schools.

So, to me, this should be an issue that everyone supports. My little girl, my grandchild that is watching this, wants to go to a school that provides up-to-date technology. Your children and your family all want to make sure that we are giving our youngsters the best education they can get, and I know how important this is to you.

Ms. SANCHEZ. Let me explain a little. I am a businesswoman. That is the background I come from. I am in the finance area. Look at all the downsizing that has gone on in our United States. A lot of people have now begun their own businesses.

Let us say tomorrow you decide to go and start your own business. Probably the first place you are going to do it from is your own home. Many people are doing that. You go home, you decide you are going to set a room aside. What would be the first thing you need? Well you need contact to the outside world. So how many phone lines would you put in that one room in your home to start a new business?

Well, you would not put one. Most people would put at least two, three, maybe four. Let us see, you need one for your computer, you need one to access out to the Internet, you need one to receive calls, maybe one for your fax, maybe one to call out. You are going to put at least three lines in your own home for yourself to start your business.

Now, can you imagine if I would tell you that the elementary schools in the City of Anaheim have three phone lines into their entire school? A school where you have a principal, and probably about three or four administrative-type people, and then you have, what, maybe 60 to 80 teachers, what I would call middle managers. Then you have the employees, maybe 20 or 30, and really the client, the people who are in the classroom. You have 800, 900, 1,000 people in a particular spot every day, and the schools there only were built with three lines into the school.

So that means if I am a parent and I am calling in to say my child is sick, I might get a busy signal, because if the PTA happened to buy a fax machine for that school and they have a fax and something is being faxed out, and the principal is there and she is on the line talking to another parent or the school district or to somebody, someone outside of the school, and I am calling in as a parent trying to say my child is sick today, and maybe there is more than one sick child that day and the other mother is calling in at the same time, guess what? The line will be busy.

You would never do that in your own personal one-room business, so why do we allow our children to have inferior, inferior, offices when they go to school?

We need to modernize. We need to bring it up. How can we have our children on the Internet, on computers in the classroom, so they can have the high-tech jobs of the future that we are all counting on? That is what globalization is about. We continue to say we are going to get rid of some of those other jobs and in their place we are going to put higher paying high-tech jobs for our children. How can they be skilled to have that type of a job if they started out for six or seven years without even a phone line into their classroom?

This is what I believe America has not seen. Enough business people have not gone into the classroom to come out and shake their head and say, "You know, we need to do something about this."

□ 2045

That is what our school construction program is about, modernizing, building new facilities, giving our kids the same kind of office we would expect to have a fighting chance to start our business.

Mrs. LOWEY. Mr. Speaker, I want to thank the gentlewoman for those wise comments. I am particularly pleased that the gentlewoman talked about the global economy, because this is a global economy. We have to be sure that we are preparing our young people so that they can compete in this global economy, so they get the best education that we can provide in the leader of the free world, so these youngsters can go out there with this education and earn their own way in the world.

We talk about cutting back on a lot of the support programs in our country. We can do this if we make sure our youngsters are educated, that they have the best education that we can provide them.

I am going to close by just emphasizing a few points that we talked about this evening. With President Clinton's leadership, we did balance the budget. This is the time that we can focus on the concerns of working families in this country.

Families care about education. They worked very hard to raise their children. They should not worry, when their children go to school, that the school is not safe, that it is not providing them with computer technology that is up-to-date. Parents should not have that concern.

I know there are some people in the majority party who believe the answer to education is providing a voucher, to take a small percentage of youngsters out of the public schools and letting them go to another school, where we feel that we have to be sure not 2 percent, not 3 percent of youngsters get the best education, but that every youngster gets what they are entitled to, the very best education that we can provide.

It is unfortunate that we end up in one large omnibus bill, and that the majority party could not get each appropriation bill passed. I am a member of the Committee on Appropriations, and I would have liked to see every appropriations bill passed in a timely way. But this is where we are.

So I am hoping that as these negotiations are going on, that everyone on both sides of the aisle remembers who sent us here, all the families of this country, and that we focus on not just education for a few, not just vouchers, which would take youngsters out of the school, but that we renew our commitment to every child in every community; that we include a school modernization program, so that every

youngster can go to a school that is up-to-date, that is modern, that has computers, that is safe. Because it seems to me that that is the responsibility of this country, to provide the best education we can for our youngsters.

I thank my good friend, the gentlewoman from California (Ms. SÁNCHEZ), for joining us here this evening. Whether it is California or New York, this would mean millions of dollars to our local school districts, creating a partnership that I know our families and our communities and our country need, so that we can be strong and enter the next century as a strong Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCGOVERN (at the request of Mr. GEPHARDT) for today before 5 p.m., on account of official business.

Mr. REYES (at the request of Mr. GEPHARDT) for today before 6 p.m., on account of official business.

Mr. MCHUGH (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mrs. CAPPS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. BLAGOJEVICH, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mrs. ROUKEMA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. GREENWOOD, for 5 minutes, today.

Mr. FOSSELLA, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. RIGGS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. SANFORD, for 5 minutes, today.

(The following Members (at their own request) and to revise and extend their remarks:)

Mr. RIGGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following member (at her own request) and to revise and extend her remarks:)

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2039. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail; to the Committee on Resources.

S. 2276. An act to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail; to the Committee on Resources.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property; to the Committee on Ways and Means.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8. An act to amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 53. An act to require the general application of the antitrust laws to major league baseball, and for other purposes.

S. 505. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 2206. An act to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes.

S. 2235. An act to amend part Q of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage the use of school resource officers.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 2411. To provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. To provide for a demonstration project in the Stanislaus Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

H.R. 3796. To authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. To extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. To authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4658. To extend the date by which an automated entry-exit control system must be developed.

H.J. Res. 135. Making further continuing appropriations for the fiscal year 1999, and for other purposes.

ADJOURNMENT

Ms. SANCHEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Thursday, October 15, 1998, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; with an amendment (Rept. 105–819). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SOLOMON:

H.R. 4829. A bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center, and for other purposes; to the Committee on Resources.

By Mr. DUNCAN:

H.R. 4830. A bill to provide support for certain institutes and schools; to the Committee on Education and the Workforce.

By Mr. SMITH of Michigan:

H.R. 4831. A bill to temporarily reenact chapter 12 of title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. BENTSEN:

H.R. 4832. A bill to amend the National Flood Insurance Act of 1968 to reduce losses from repetitive flooding; to the Committee on Banking and Financial Services.

By Mr. BOSWELL:

H.R. 4833. A bill to provide grants to local educational agencies to provide a sufficient number of teachers and facilities to accommodate students who are disruptive in the classroom; to the Committee on Education and the Workforce.

By Ms. FURSE:

H.R. 4834. A bill to ensure salmon recovery in the Pacific Northwest, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself, Mr. ROMERO-BARCELÓ, and Mr. FROST):

H.R. 4835. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to extend COBRA continuation coverage for surviving spouses; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. STARK, and Mr. MILLER of California):

H.R. 4836. A bill to amend title XI of the Social Security Act and the Internal Revenue Code of 1986 to establish a mechanism to promote the provision of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE (for himself, Mr. CARDIN, Mr. KASICH, Mr. SOLOMON, Mr. DREIER, Mr. GOSS, Mr. MINGE, Mr. SUNUNU, Mr. RADANOVICH, Ms. GRANGER, and Mr. STENHOLM):

H.R. 4837. A bill to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO:

H.R. 4838. A bill to authorize the Secretary of Housing and Urban Development to make grants to States to supplement State assistance for the preservation of affordable housing for low-income families; to the Committee on Banking and Financial Services.

By Mr. YOUNG of Florida:

H.R. 4839. A bill to suspend temporarily the duty on certain crystal vases and drinking glasses; to the Committee on Ways and Means.

By Mrs. MORELLA (for herself and Mr. BARTLETT of Maryland):

H.R. 4840. A bill to make certain technical amendments to the Act commonly known as the Clinger-Cohen Act of 1996, and to provide that certain cost accounting standards shall not be applied to the Federal Employees Health Benefit program until the Cost Accounting Standards Board Review Panel submits its report and recommendations to Congress; to the Committee on Government Reform and Oversight.

By Mr. COBLE (for himself, Mr. CONYERS, Mr. NORWOOD, Mr. TAYLOR of North Carolina, Mr. NADLER, Mr. COBURN, Mr. ACKERMAN, Mr. DICKEY, Mr. KING of New York, Mr. JENKINS, and Mr. HILLEARY):

H.R. 4841. A bill to establish minimum standards of fair conduct in franchise sales and franchise business relationships, and for other purposes; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.J. Res. 135. A joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes; considered and agreed to.

By Mrs. CUBIN (for herself and Ms. DEGETTE):

H. Res. 597. A resolution expressing the sense of the House with respect to the brutal killing of Mr. Matthew Shepard; to the Committee on the Judiciary.

By Mr. TRAFICANT (for himself, Mr. ROEMER, Mr. RANGEL, Mr. DEFAZIO, Mr. HORN, Mr. OBERSTAR, Mr. FATTAH, Mr. KINGSTON, Mr. FOX of Pennsylvania, Mr. REGULA, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. CHAMBLISS, Mr. EVERETT, Mr. DUNCAN, Mr. NEY, Mr. MOLLOHAN, Mr. RAHALL, Mr. DOYLE, Mr. KANJORSKI, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mr. BALDACCI, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. COLLINS, Mr. LATOURETTE, Mr. COOKSEY, Mr. KLINK, Mr. MASCARA, Mr. VISCLOSKY, Mr. PARKER, Mr. KUCINICH, Mr. HUNTER, Mr. DICKEY, Mr. MOAKLEY, Ms. JACKSON-LEE of Texas, Mr. LEWIS of California, Mr. ENGEL, and Mr. ENGLISH of Pennsylvania):

H. Res. 598. A resolution calling on the President to take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes; to the Committee on Ways and Means.

By Mr. RIGGS:

H. Res. 599. A resolution expressing the sense of the House on a question relating to the privileges of the House; to the Committee on Standards of Official Conduct.

By Mr. ROYCE:

H. Res. 600. A resolution amending the Rules of the House of Representatives to provide that certain extraordinary bills reported by the Committee on Government Reform and Oversight to eliminate waste and provide reform of the executive branch are privileged; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 371: Mr. MEEHAN.

H.R. 468: Mr. SHERMAN.

H.R. 902: Mr. WATKINS.

H.R. 1061: Mr. OBERSTAR.

H.R. 2704: Ms. SÁNCHEZ, Mr. GREEN, Mr. NADLER, Ms. ESHOO, Ms. NORTON, Mr. FOX of Pennsylvania, Mrs. LOWEY, Ms. KILPATRICK, and Mrs. MEEK of Florida.

H.R. 2733: Mr. PITTS and Mr. BECERRA.

H.R. 2868: Mr. SNOWBARGER.

H.R. 2922: Mr. GOODE.

H.R. 2923: Mr. MCHALE.

H.R. 3514: Mr. WEYGAND.

H.R. 3905: Mr. BARR of Georgia.

H.R. 3925: Mr. ACKERMAN.

H.R. 3955: Ms. KILPATRICK and Mr. BARRETT of Wisconsin.

H.R. 4171: Mr. TRAFICANT and Mr. WISE.

H.R. 4174: Mr. LUTHER.

H.R. 4221: Mr. ANDREWS.

H.R. 4235: Mr. DEUTSCH.

H.R. 4315: Mr. GEPHARDT.

H.R. 4332: Mr. CLEMENT.

H.R. 4403: Ms. MILLENDER-MCDONALD.

H.R. 4429: Mr. DIXON.

H.R. 4449: Mr. LAMPSON.

H.R. 4531: Mrs. TAUSCHER, Mr. FARR of California, and Mr. LUTHER.

H.R. 4534: Ms. DEGETTE.

H.R. 4674: Mr. MILLER of California.

H.R. 4716: Mr. FILNER.

H.R. 4761: Mr. LAZIO of New York.

H.R. 4765: Mr. BUNNING of Kentucky.

H.R. 4818: Mr. CUMMINGS, Ms. WOOLSEY, Ms. CARSON, Mr. SERRANO and Mr. JEFFERSON.

H. Con. Res. 322: Mr. KUCINICH.

H. Con. Res. 325: Mr. WATT of North Carolina, Mr. FARR of California, and Mr. GILMAN.

H. Con. Res. 345: Mr. HOEKSTRA, Mr. BOB SCHAFFER, Mr. ROTHMAN, Mr. MCNULTY, Mr. BLUNT, and Mrs. CUBIN.

EXTENSIONS OF REMARKS

DANTE B. FASCELL—NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of H.R. 4757, which would designate the North/South Center at the University of Miami as the Dante B. Fascell North/South Center.

I thank Chairman GILMAN for his initiative in this matter, for it is a fitting honor for a truly great man.

For 36 years, Dante Fascell served on the House Foreign Affairs Committee, eight years as full Committee Chairman. He devoted his whole lifetime to the service of this nation and the nations of the world. A man with great insight, judgment, and knowledge, he was an advisor to Presidents who was also sought out by foreign leaders and dignitaries.

Throughout his decades of service, Mr. Fascell became more and more convinced of the need for an American foreign policy based on cultural, educational, trade and person-to-person exchanges between nations, in addition to normal government-to-government contacts. His vision became reality at his alma mater, the University of Miami. Dante Fascell is recognized as the father of the North/South Center, which today is Congressionally-authorized and one of the nation's leading institutions focusing on improving relations between the countries of North and South America and the Caribbean.

Despite his great achievements, however, Dante Fascell never forgot his roots. He was always friendly, open and approachable to his constituents in South Florida. He committed his efforts to solving little problems, as well as big ones. His common sense and common touch endeared him to—literally—generations of voters. It is not an exaggeration to say that, by the end of his service in Congress he was, as he is today, truly a legend in Florida.

Mr. Fascell retired from the Congress the year that I was elected, in 1992, and so I never had the honor of serving with him. But I have known him for many years. He set a very high standard for public service which all of us who follow him try daily to meet. And I am completely confident that those of you here today who served with Dante Fascell will agree with me that he is one of the finest men to serve in this body.

I would like to share with my colleagues a few comments on Dante Fascell which appeared in a Miami Herald editorial on his retirement.

[From the Miami Herald, May 28, 1992]

Dante Fascell retiring? Say it isn't so! But it is: Yesterday the veteran South Dade congressman announced in Washington that he won't seek a 20th term on Capitol Hill. Neither will he convert to his personal use, though legally he could, the $500,000 or so in his campaign treasury. That's fully consistent with his integrity, public and private.

Representative Fascell is a close second in seniority, but a clear first in esteem, among the members of Florida's congressional delegation. He has served with distinction as chairman of the House Foreign Affairs Committee.

Never was his wisdom on better display than during 1990's congressional debate of America's role in the Persian Gulf. His reasoned support for deploying multinational forces against Saddam Hussein was pivotal to winning House approval of President Bush's policies.

Yet Mr. Fascell, 75, also knows full well that violence rarely resolves international disputes. Long before Iraq's invasion of Kuwait, for instance, he had built a solid record of support for negotiations to bring peace to the Mideast while ensuring Israel's security. He also played a key role in congressional efforts to end violence and injustice in Central America and to restore democracy and human rights in Cuba, Haiti, Nicaragua, El Salvador, and Chile.

Less visible but arguably as important was Mr. Fascell's work in concert with leading European parliamentarians on behalf of human rights behind the Iron Curtain. Their efforts to free dissidents and goad the Eastern bloc to honor the Helsinki accords may well have helped hasten tyranny's demise and the Cold War's end. . . .

Among Mr. Fascell's endearing traits is one all too rare among elected officials: candor. He still has a way of cutting through baloney to get to the point. You can believe what he says.

You can also believe, however, that Mr. Fascell might leave some things unsaid in deference to his longtime colleagues and to an institution that he loves. Some retiring congressmen have spoken bitterly of their disillusionment with politics and of the 'poisonous atmosphere' pervading Capitol Hill. Mr. Fascell said that it was simply time to go after nearly 38 years of service.

Even so, there's cause for concern over Mr. Fascell's departure. Granted, many term-limits advocates would argue that he had already stayed on too long. It ought to be worrisome, though, when able public servants no longer feel that serving in Congress is rewarding enough or enjoyable enough to make them want to stick around.

For the nation and for Florida, then, Mr. Fascell's retirement is a loss. Beyond that, though, the obvious erosion in public service's attractiveness to candidates of his stature is an even greater loss.

H.R. 4519

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Texas. Mr. Speaker, under the rules, H.R. 4519 is considered a private bill. However, because of their wide constituent interest, the following Members of Congress would like to be shown as supporters of H.R. 4519.

1. JIM MCGOVERN
2. BOB LIVINGSTON
3. WILLIAM JEFFERSON
4. ALLEN BOYD
5. GENE GREEN
6. JOHN OLVER
7. CARLOS ROMERO-BARCELÓ
8. VIRGIL GOODE
9. BOB STUMP
10. PHIL ENGLISH
11. GERALD SOLOMON
12. LINDA SMITH
13. JIM GIBBONS
14. SUE KELLY
15. JOHN TIERNEY
16. LYNN RIVERS
17. NANCY PELOSI
18. TOM PETRI
19. MICHAEL PAPPAS
20. DAVID HOBSON
21. DAVID OBEY
22. RICHARD BURR
23. CLAY SHAW
24. JAY JOHNSON
25. MARCY KAPTUR
26. BUD CRAMER

A DIFFICULT TASK

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SANFORD. Mr. Speaker, over the past few months, I have heard from literally thousands of folks back home on the President's matter. On Thursday, I had to digest all that I had heard, read and thought about this, and simply vote yes, or no, on whether or not to authorize the Judiciary Committee to proceed with an inquiry of impeachment. I voted yes and owe you an explanation of how I got there.

I agree with opponents of the process who have suggested there has been far too much grandstanding and moralizing on this issue. Frustration with politicians grandstanding, however, never moved me into the camp that believed we needed to quickly move on to "the nation's business." In fact, since this story broke in January, I have tried to listen carefully and in no way have forgotten about issues like Social Security or national security. However, I have come to believe that in the long-run, the current debate is probably just as relevant to the lives of Americans. Here is the reasoning that brought me to this conclusion.

At the core, representative government is built on trust. Thus, maintaining trust in the leaders who run the many components of government is every bit as important as the individual functions of government. In other

words, "national security", or "moving onto the nation's business," without trust in the people running it is an oxymoron.

In our system of representative government, every free citizen has ceded over to our school board member, our county council member, our Senator and our President a little bit of our authority. We place our trust in them. If the President raised his right hand and lied to a grand jury, we have a major problem because he is the chief law enforcement officer of this land. If people felt free to lie in our municipal, state or district court system after raising their hand and swearing to tell the truth, our criminal justice system would not work.

I fear that if we "leave it alone," we would be sending a message to everyone that since the President lied, they can, too. Or, worse yet, that two systems of justice exist—one for "big people," like Presidents, and another for regular people. Since I don't want to pass either one of these messages along to my children or yours, I don't believe we can simply leave this issue to fester.

David Schippers, Chief Investigative Counsel on the Judiciary Committee and a life long Democrat who headed then-Attorney General Robert F. Kennedy's organized crime task force in Chicago, summed this idea up well in his testimony before the committee:

"The principle that every witness in every case must tell the truth, the whole truth and nothing but the truth, is the foundation of the American System of Justice, which is the envy of every civilized nation. If lying under oath is tolerated and, when exposed, is not visited with immediate and substantial adverse consequences, the integrity of this country's entire judicial process is fatally compromised and that process will inevitably collapse."

For these reasons, I have come to view the beginning of impeachment proceedings differently than many do. An inquiry does not impeach the President, but instead simply looks at the charges and the evidence behind them. It is a chance to clear this matter and to truly put it behind us in a way that leaving it alone never could.

To date, we have had a prosecutorial endeavor with Judge Starr and the Office of Independent Counsel. They have made their case but it has never been tested by the defense in a "courtroom" setting. In an impeachment inquiry, this would change. Democrats on the Judiciary Committee will have the chance to cross-examine witnesses, challenge evidence and tell the President's side of the story. In this process, one of two things can happen: (1) the President is absolved of all charges because the evidence does not hold up after it is cross-examined, and we can therefore truly have this behind us; or (2) there is enough credible evidence to warrant sending it to the Senate.

Scott Peck years ago wrote a book titled "The Road Less Traveled." Its premise was that doing the right thing was often the more difficult, and therefore less traveled, course. An impeachment inquiry fits under the same umbrella. You do not see them in Malaysia, Pakistan, or Zaire. Even the possibility of an impeachment is unique around the world. The key now is that we treat a process this special and unique with the proper consideration. This means sticking to one of America's most cherished values—the idea that we are a nation of laws, not men.

75TH ANNIVERSARY OF HIGH POINT STATE PARK

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to call attention to the 75th anniversary of the opening of High Point State Park, one of the most beautiful state parks in the State of New Jersey and, indeed, our nation. At a time when development pressures are stripping us of our open spaces, High Point is a pristine paradise despite the dense population around it. Made up of land donated by private owners and maintained by the state and volunteer workers, High Point is an outstanding example of what can be done when the public and private sectors work together for the betterment of their community. From the Kuser family, who donated the land, to the Friends of High Point State Park, whose volunteers provide a variety of services, many individuals deserve our thanks.

High Point State Park occupies more than 14,000 acres along the northern tip of New Jersey and contains the state's highest peak, 1,903 High Point. Its remoteness has kept the park virtually unchanged since King George of England gave the land to James Alexander—the first private owner—in 1715 as a royal land grant. The first substantial construction did not come for 173 years, when Charles St. John and his family built the plush High Point Inn resort in 1888. In 1909, the inn went bankrupt and was purchased, along with the land, by businessmen Anthony and John Kuser. Anthony Kuser tore down half the inn and reconstructed a "summer house" now known to visitors as the Lodge.

Private ownership came to an end in 1922, when Anthony Kuser gave 10,000 acres—the bulk of the modern park—to the State of New Jersey. The Kuser family also paid for construction of the 220-foot obelisk that tops the summit of High Point itself. The tower, completed in 1930, is a monument to veterans killed in the nation's wars. It offers majestic views of the Delaware Valley, the Catskill and Pocono Mountains, and the lakes and forests of the park itself.

As a multi-use park, High Point is managed with an eye toward balancing backcountry preservation with the provision of ample recreational facilities. The northernmost part of the park is the 800-acre John D. Kuser Natural Area, much of which is old growth Atlantic white cedar swamp. Just south of the natural area is the summit of High Point itself. There are three public-access lakes within the boundaries of the park. Twenty-acre Lake Marcia, at 1,600 feet the highest lake in New Jersey, has a supervised bathing beach. Lake Steenykill, west of Marcia, has a boat-launching ramp and furnished cabins that may be rented by family groups. Sawmill Lake, near the center of the park, has boat-launch facilities and 50 campsites.

Hiking, naturally, is one of the prime attractions at High Point State Park. The Maine-to-Georgia Appalachian Trail runs north and south through the length of the park and is intersected by a system of nine park trails varying in length from one-half to four miles.

High Point State Park is treasured by all who have hiked its mountains, swum or fished in its lakes or simply taken in its majestic views. The people of New Jersey owe their undying gratitude to the Kuser family for sharing this natural wonder with the public and, in doing so, keeping it in its natural state. I ask my colleagues in the House of Representatives to join me in thanking the Kuser family, the Friends of High Point State Park, the park's employees and all others involved in protecting this treasure for generations to come.

THAILAND, A BEACON OF HOPE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, 25 years ago today the people of Thailand stood up and threw out a military dictatorship and created a nation built on the rule of laws and not of men.

It was a painful turning point in Thai history. Seventy-three people were killed and nearly a thousand were injured calling for their God given rights, demonstrating for democracy, political pluralism and the rule of law. The people of Thailand led the way in a region that was, and to this day still is, ruled by corrupt dictatorships.

Vietnam, Cambodia, Laos and Burma have not changed much. Most of these nation's dictators are linked to illicit drug production and all of them have no intention of permitting the expression of any political pluralism or the rule of law. To this day, Thailand is still a beacon of hope for thousands who flee from these repressive rulers.

The Karen and the Karenni whose nations were absorbed into Burma, the Hmong who are repressed by the Pathet Lao, the Montagards and other ethnic minorities and hill tribes pursued by the Vietnamese, all of them have taken refuge at one time or another in the free and democratic Kingdom of Thailand.

Thailand's People's Constitution was adopted in 1997 but was born from the blood that was shed in demonstrations 25 years ago today in Bangkok and all across the country involving some 500,000 people. Today we mourn and pay respect for Thailand's heroes who gave their lives for their nation and the greater good of all it people.

The United States remembers you, your nation loves you and the repressed people of the region who take refuge within your borders thank you from the bottom of their hearts.

IN HONOR OF THE MEMORY OF JOHN L. KOCEVAR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of John L. Kocevar, a man who devoted his life to protecting and enhancing the well-being of his community in Seven Hills, Ohio.

Serving in World War II with the Army's 392nd Bomb Group in Europe, John Kocevar soon acquired a deep commitment to serving others. Shortly after the war, John began a career in public service, a career to which he would devote the rest of his life.

Protecting and enhancing the well-being of his community, John served as an enforcement agent and chief for the Ohio Department of Liquor Control, executive officer of the Cuyahoga County Sheriff's Office and attentively owned the former Area Wide Paging Company. In addition to pursuing his public service career, John also spent much of his time in church. John served as a Eucharistic minister and Holy Name Society member at St. Columbkille Catholic Church in Parma.

John L. Kocevar leaves behind his wife, Rita; son, John T.; daughters, Lori Shannon and Kathryn Terlaak; three grandsons; two brothers; and two sisters.

My fellow colleagues, join me in honoring John L. Kocevar, a man who dedicated his life to improving and enhancing the lives of others.

TRIBUTE TO STEPHEN G. YEONAS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my personal thanks and give public recognition to Mr. Stephen Yeonas. Mr. Yeonas has spent the last 50 years dedicated to providing the consistently growing population in Northern Virginia with more than 10,000 quality homes that now are the cornerstone of our neighborhoods and communities. After his graduation from Catholic University of America's Columbus School of Law, Mr. Yeonas founded the Yeonas Company in 1946. As founder and president from 1946 to 1973, the Yeonas Company became the largest builder of new homes in the Washington Metropolitan Area for many years.

With his professional success Mr. Yeonas has also been the recipient of a number of awards bestowed upon him by the industry he led for some many years. These include the "Man of the Year Award" by the Home Builders Association of Metropolitan Washington Area and his being named Virginia Realtor of the Year. But I proudly rise today to recognize Stephen Yeonas as truly one of the great philanthropists of Northern Virginia. Most recently Mr. Yeonas and his family have lent their financial support and home building expertise to the Ronald McDonald House of Northern Virginia.

The Ronald McDonald House of Northern Virginia, located on the grounds of Fairfax Hospital, offers the families of critically ill children seeking treatment in the Washington area a safe and free place to stay during their time of need. In support of this noble charity, the Yeonas family has graciously combined the 50th anniversary celebration of the first home their family built with a benefit for the Ronald McDonald House. The Yeonas family of home builders have designed, built, and furnished a show home in McLean from October 17 to November 15. The Yeonas family has selected for the furnishings the finest items and products from the home collection of Virginia's Design Foundry which is run by prominent architect Walter Lynch, AIA.

Every dollar earned from the entry fee to the home will be donated by the Yeonas family directly to the Ronald McDonald House. In addition, a portion of the proceeds from each piece of furniture sold and a percentage of the sale of the show home itself will be donated to the Ronald McDonald House so that they may provide even more families with the support they need.

Over the past 50 years Stephen Yeonas has been building the communities that make Northern Virginia and indeed all of the Metropolitan Washington Area one of the most vibrant areas in the country. As Mr. Yeonas steps down after so many years of service he has left us an indelible legacy of innovation and selfless philanthropy that should serve as a model to us all and I know has been imparted upon his successors, the next generation of Yeonas home builders: Steve Yeonas, Jr., Stephanie Yeonas Ellis and her husband Richard Ellis. I would like to thank Stephen Yeonas for all he has contributed over the past half century. He has enriched the lives of countless thousands and offered hope to so many.

HONORING NOBEL PRIZE WINNER DR. FERID MURAD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Ferid Murad of the University of Texas Health Science Center in Houston on being awarded the 1998 Nobel Prize in Physiology or Medicine. Dr. Murad, along with Dr. Robert Furchgott of the State University of New York in Brooklyn and Dr. Louis Ignarro of the University of California at Los Angeles, were recognized for detailing the important biologic properties of the gas nitric oxide. Their work has led to new treatments and promising research in areas such as heart and lung disease, shock, and degenerative diseases such as arthritis, saving and improving millions of lives around the world.

Dr. Ferid Murad and his colleagues demonstrated that nitric oxide helps to maintain our body's regulatory system. When Dr. Murad and his colleagues started their research more than 20 years ago, many of their peers did not believe that such a gas could be so important to the regulation of circulation. As a result of this research, we now know that maintaining the proper level of nitric oxide in the body is vital to good health. Dr. Murad's research has shown that this colorless, odorless gas is a key regulator of transmitting signals between cells.

Dr. Murad's innovative research focused on how the drug nitroglycerine relieves chest pains by encouraging blood vessels to relax and dilate. Dr. Murad found that when patients receive nitroglycerine, it is broken down in the body to create nitric oxide. Once this gas is released, it sends messages to blood vessels to carry more blood to cramping, oxygen-starved tissues. As a result, patients receive more oxygen and their chest pains are reduced.

Dr. Murad has a long record of distinguished service as a scientist and researcher. Currently, he serves as the Chairman of the Department of Integrative Biology, Pharmacology, and Physiology at the University of Texas Health Science Center (UT Health Science Center) in Houston. In 1996, Dr. Murad was awarded the Albert and Mary Lasker Basic Medical Research Award by the National Academy of Sciences for his innovative research in understanding the biochemical mechanisms in numerous cells and tissues. Prior to his tenure at the UT Health Science Center, Dr. Murad served as the Vice President of Research and Development at Abbott Laboratories and an adjunct professor with Northwestern University Medical School in Chicago from 1988 to 1992. From 1981 through 1988, Dr. Murad served as the Chief of Medicine at the Palo Alto Veterans Administration Medical Center as well as a professor at Stanford University. From 1975 through 1981, Dr. Murad served as a Professor in the Departments of Internal Medicine and Pharmacology at the University of Virginia School of Medicine.

In addition to congratulating Dr. Murad, I also want to congratulate UT Health Science Center for fostering an environment of innovation and cutting-edge research that attracts and supports the world's best medical researchers and students. Although the initial discovery of nitric oxide's biologic role was made at the University of Virginia, Dr. Murad has continued to conduct nitric oxide research at the UT Health Science Center. And with the awarding of the Nobel Prize to Dr. Marud, UT Health Science Center will continue to attract new facility and students from around the nation and the world who wish to work with such prestigious researchers as Dr. Murad.

I want to congratulate Dr. Murad for achieving the highest honor in his field, the Nobel Prize, and recognize the significant contributions that he has made to understanding the body's regulatory system and saving lives.

AMARTYA SEN CHANGES THE WORLD'S THINKING ABOUT HUNGER AND POVERTY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. HALL of Ohio. Mr. Speaker, I don't often speak on the floor of the House about economic theory—that being a topic that's usually

best left to our colleague, the Majority Leader and former economic professor from Texas.

However, today is not an ordinary day in the field of economics—or for the poor and hungry people I am more familiar with. Today, one of the world's most dedicated and innovative scholars has been named as the 1998 recipient of the Nobel prize for economics—and his contributions are worth our attention and gratitude.

A year ago, the world lost one of its preeminent leaders when Mother Teresa died. Today, another Nobel laureate has been named who is as dedicated as she was to helping the poor of India and the world.

Amartya Sen is best known for his efforts to expose food shortages as a symptom—and not the cause—of famines. Having seen many of the places he studied, I am particularly grateful for his contribution to changing the world's thinking about hunger and poverty.

Hunger is the most devastating form of poverty, and too often it has little relation to the supply of food. Our world produces more than enough to feed every man, woman, and child alive—and yet today, and every day after that, 24,000 people will die of hunger and the diseases it spawns. Nor is the problem one of getting the food to the people in need.

No, the cause of hunger almost always turns out to be a lack of political will to ease poverty just enough to ensure people can sustain their own lives. Mr. Sen's work has exposed that, and it informs the debate of the many governments, charities, and individuals who devote their efforts to fighting hunger.

The decision of the Nobel committee to make its award to Mr. Sen could not have come at a better time. All around the world, countries whose memory of hunger was fading into the past are facing it again. In Indonesia, the world's fourth-largest country, one-half of its people are in poverty. In Russia, the figure was one-third—but is likely to increase because key crops have failed. Throughout Asia, poverty vanquished through hard work is back, and people are facing conditions not seen since 30 years of intensive development initiatives began.

In addition to this alarming back-slide, full-blown famines now threaten Sudan and North Korea. Two million have died in Sudan during its latest cycle of war and famine; more than a million North Koreans are widely believed to have died since its economic collapse. Africa's prospects for peace—one of the best guarantees against famine—have evaporated, as wars engulf one-third of Africa and threaten to ignite the entire continent.

The people involved in fighting hunger are among the most dedicated, savvy, and exceptional people I have had the honor to know. But not many of them are economists.

Amartya Sen is an exception. He is a pragmatist cut from different cloth than most of his contemporaries. His scholarship is at least as solid as that of pure theorists, but it is remarkable for its focus on practical issues that dominate the lives of vast numbers of the poor who still account for the majority of our world's people.

The name of Amartya Sen is as familiar to students of development economics as Milton Friedman is to earlier economics disciplines. He is the first significant economist to focus on people as more than just the labor side of the capitalist equation. His work brings an ethical component to his discipline that makes it especially relevant for policy makers. And his receipt of the Nobel prize will encourage a wide range of others to continue his efforts.

Mother Teresa said "we can do no great things—only small things with great love." From his humble reaction to the news of his award, it seems that Amartya Sen shares her sentiment. There is no question that both did their work with great love for the poor to whom they devoted their lives.

We all know that Mother Teresa's legacy refutes her humility. Today, the world knows, by the announcement of the Nobel committee's award, that Amartya Sen too has done great things. I am honored to have this opportunity to thank him for it, and to congratulate him on an honor none deserves more.

80TH BIRTHDAY TRIBUTE TO DR. J. EUGENE GRIGSBY, JR.

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CLAY. Mr. Speaker, I am very pleased to recognize the accomplishments of Dr. J. Eugene Grigsby, Jr. who, on October 17, 1998, will celebrate his eightieth birthday.

Dr. Grigsby is a distinguished artist, educator and author. His art work is represented in numerous public and private collections throughout the world. He has had one man exhibits in Luxembourg, Arizona, Texas, North Carolina, Georgia, Colorado, Ohio and New York. In addition, his work has been included in group exhibits in Louisiana, Maryland, Illinois, Georgia, Nigeria, Florida, California, Texas, Washington, New Jersey, Iran, Alabama, North Carolina and South Carolina.

Dr. Grigsby began his teaching career as an art instructor at Bethune-Cookman College in Daytona Beach, Florida in 1941. In 1946, he was recruited to establish an art program and department at Carver High School in Phoenix, Arizona. From there, he moved on to Phoenix Union High School and then to Arizona State University in 1966. He retired as professor of art from Arizona State University in 1988. In 1958, Dr. Grigsby was one of a select group of American artists invited to serve as artist in residence at the Children's Creative Center in the American Pavilion during the Brussels, Belgium World Fair.

Gene Grigsby has written numerous articles on art and art education. His writings have appeared in Arts & Activities, Black Art Quarterly, School Arts, and The Journal of the National Art Education Association. His landmark book, Art & Ethnics, is used extensively in public schools throughout the nation as a resource on teaching about diversity and art in America.

Dr. Grigsby has been affiliated with and held leadership positions in numerous professional organizations and associations throughout his long and distinguished career. He has been president of the Arizona Art Education Association; chair of the Consortium of Black Organizations and Others for the Arts; chair of the Artists of the Black Community/Arizona; Chair of the Committee on Minority Concerns of the National Art Education Association; and vice-president of the National Art Education Association. His civic involvement has included being president of the Booker T. Washington Child Development Center, serving as a board member of the Phoenix Opportunities Industrialization Center, the Garfield Neighborhood Association, the Arizona State University Performing Arts Board, the Neighborhood Housing Service of Phoenix, the Phoenix Art Museum, the Phoenix Urban League, Phoenix Festivals, the South Mountain Magnet School Advisory Board, and the Advisory Board of Discover Art the art textbook widely used in grades 1–6.

Dr. Grigsby has received numerous awards for his achievements. This year the National Art Education Association named him their "Retired Educator of the Year". He has also received distinguished service awards from his alma mater, Morehouse College, from The Miami University of Ohio and The Arizona Alliance of Black School Educators. He has been honored by Four Corners Art Education Association, the University of Arizona and the National Gallery of Art. The Arizona State University Graduate College bestowed the "Distinguished Research Scholar" award upon him in 1983. In 1989 Grigsby received the Arizona Governor's "Tostenrud Art Award" for contributions to the Arts of Arizona and in 1992 he was the first African American to receive the Arizona History makers Award presented by the State of Arizona. Inducted into the History maker Hall of Fame along with Grigsby were Barry Goldwater and Sandra Day O'Connor. In 1965 the Philadelphia College of Art awarded him the Honorary Doctor of Fine Arts.

Dr. Grigsby has also been cited by the Phoenix OIC, the Arizona NAACP, and numerous schools, churches and community organizations for his selfless contributions of time, effort and expertise. The Meritorious Service Award of the National Art Education Association has been named the "Eugene Grigsby Award for Service to Art Education" in recognition of his significant contributions to the field of art education. In addition, his accomplishments are noted in numerous publications including: Who's Who Among African Americans; Who's Who in the World; Who's Who in America; Who's Who in American Art; Who's Who in the West; and Who's Who in Black America. Chapters on him also can be found in Art: African American; Those Who Serve; Contributions of Afro-Americans to the Visual Arts; Paths Toward Freedom, Biohistory of Blacks and Indians in North Carolina; Afro-American Artists, Dimensions in Black; Black Artists on Art; and American Negro Art.

Dr. Grigsby is still widely in demand as a guest speaker. The former Danforth Fellow has lectured, conducted workshops and demonstrations on African Art, African American artists, and teaching art to high school students throughout the United States and in 13 countries in Africa, South America, the Caribbean and Australia.

Gene Grigsby received his undergraduate education at Morehouse College in Atlanta, Georgia. He went on to earn the Master of Arts degree from The Ohio State University and the Ph.D from New York University in

1963. While in college Grigsby was an art major and a theater minor. He was an active participant in the Atlanta University Players as an actor and as a scenic designer. While attending Art School in New York, he was a participating member of the Rose McClendon Players as actor and scenic designer and was a member of the Langston Hughes' Suitcase Theatre. Grigsby was an apprentice to the scenic designer Perry Watkins for the Broadway Production, "Mamba's Daughters". He was a founding member of the Ohio State University Playmakers while attending The Ohio State University. In Phoenix, he became a member of the Civic Drama Festival as an actor and scenic designer.

Grigsby, a 1942 volunteer for World War II, was Master Sergeant of the 573rd Ordinance Ammunition Company under 3rd Army's General George Patton. He devised the method of providing ammunition to the fast moving 3rd Army from Omaha Beach through France, Luxembourg and Germany to the Battle of the Bulge, by issuing ammunition from trucks instead of unloading it on the ground and reloading it on to trucks. After the war in Europe he wrote, produced and directed a hit musical comedy for the 573rd Army Battalion with soldiers from the 572nd and the 583rd Companies entitled "Two Points Shy". This production entertained soldiers in the German cities of Furth, Nuremberg and Hamburg among others. It received commendations from the 3rd Army Commanding Officer.

Gene Grigsby has been a creative dynamo for all of his adult life. His creative energy and talent have helped to train thousands of young artists and art educators. He continues to be a mentor to those who have known and worked with him for over fifty years.

Gene Grigsby and his loving and supportive wife of over 55 years—Thomasena—continue to reside in Phoenix, Arizona. Mr. Speaker, I am happy to count Gene and Tommy Grigsby among my friends, and I am proud to salute the distinguished career of this great artist, are educator and American citizen.

HATE CRIMES

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. CARSON. I rise, Mr. Speaker, to make a point, all apart from the self-righteous rancor of our recent debates before we go out from here to our homes across the land. I am concerned about some recent horrors in our country, frightening to Americans of decency everywhere. I rise because I think there is something we can do and because this is the time to start doing it.

This year, we have seen horrific hate crimes committed against innocent men. One man in Texas was brutally dragged behind a pickup truck to his death merely because of the color of his skin.

Another young man was savagely beaten to death in Wyoming because of his sexual orientation. This was the third attack he had suffered in recent months because of his orientation.

The FBI reported 7,947 hate crimes in 1995, and 11,039 in 1996. The vast majority of these crimes were based on racial prejudice. Only 33 of these cases were prosecuted by the Justice Department under existing hate crime laws. However, we also know that hate attacks are chronically under-reported by victims and law enforcement agencies. Attacks like the one in Wyoming are probably more widespread than we know.

We must do more to prevent these kinds of outrages.

I have cosponsored legislation, HR 3043, to require colleges and universities to collect and report statistics concerning the occurrence on campus of crimes arising from prejudice based on race, gender, religion, sexual orientation or disability.

I also have cosponsored HR 3081, which would strengthen criminal penalties of those who commit violent hate crimes.

Many states, including Wyoming, do not even have hate crime laws on the books. My own state of Indiana has no penalties on the books aimed at preventing hate crimes.

These states need to act to do whatever they can to prevent crimes of hate.

Here in Congress, let us dedicate ourselves to passing strong anti-hate crimes legislation before we adjourn this year.

We in Congress and the states must do what we can to focus such attention on hate crimes that it may never be said that we did not act to help to prevent this great national shame.

TRIBUTE TO THE LATE REVEREND DOCTOR LEROY OSCAR PAYTON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DAVIS of Virginia. Mr. Speaker, a very distinguished leader in the Northern Virginia and surrounding area, Reverend Doctor Leroy Oscar Payton passed away on September 28, 1998.

Reverend Payton, born September 29, 1931, was the eldest of nine children born to the late Reverend Leroy Payton and Mrs. Sarah Mack Payton. A native of Orangeburg, South Carolina, he had been active in the ministry since the age of 17. He was ordained in 1950 and served as an assistant to the pastor at the Mount Zion Baptist Church in Arlington, Virginia. Reverend Payton held academic degrees from what was then the District of Columbia Teachers College, now known as the University of the District of Columbia, the Washington Bible College, and George Washington University.

In 1960, he became the pastor of First Baptist Church in Sycoline, Virginia, where he served the community and congregation for seven years. In 1967 he was called to the Chantilly Baptist Church, Chantilly, Virginia, where he faithfully served thirty years as pastor. Under the leadership of Reverend Payton, Chantilly Baptist Church, which is place of worship to a number of my constituents, has grown from a small rural congregation to a present day modern suburban church with many ministries. Reverend Payton was retired from George Washington University as the Director of Environmental Services.

My introduction to Reverend Payton was through his work at the Northern Virginia Baptist Association (NVBA). The NVBA is an association of more than one hundred and twenty-five primarily African American churches, many of which are in my district in the counties of Fairfax and Prince Williams, located in the Northern Virginia region of the Baptist General Convention of Virginia. Reverend Payton had been a leader in this Association of churches for more than forty years, culminating his tenure as the fourteenth Moderator of this dynamic one hundred and twenty-one-year-old organization. It was during his stewardship of the Northern Virginia Baptist Association that I came to know and respect Reverend Payton. He preached the message of, "Love: the Binding Tie and the Healing Balm," during his years as Moderator, 1993–1997.

Not only did Reverend Payton preach the word of his belief from which he drew his strength, he was also actively involved in his community. An unassuming gentle man, he believed it to be his duty as a citizen in this great country to concern himself with the immediate community as well as the broader community. He had been recognized on many occasions and had been the recipient of numerous awards because of the warmth of his leadership, spiritual guidance, and dedication to do the Lord's will. Closer to home, Reverend Payton was also a dedicated family man.

He leaves to carry on his good memory, his loving wife, Margaret, their children—Leroy, Joan, Ravoyne, and Dana; his mother, Mrs. Sarah Mack Payton; five brothers, three sisters and many other relatives and friends. Reverend Payton was the epitome of what makes this nation great—he loved his community enough to care to make a difference in everyday life, he loved his family, and he loved the Lord. He did not look for any accolades. He saw what needed to be done in the community and did it without seeking recognition.

Northern Virginia is without Reverend Doctor Leroy Oscar Payton today, but the memories of his strong leadership, moral courage, integrity, and devotion to God will live on in our hearts and be an example to follow.

TRIBUTE TO COLONEL STEVEN S. HOFFMAN

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SAXTON. Mr. Speaker, I rise to congratulate and pay tribute to Colonel Steven S. Hoffman as he retires from the United States Air Force following 28 years of outstanding military service. During his distinguished career, Colonel Hoffman has served his country, the U.S. Air Force, and the community of McGuire Air Force Base with distinction and honor.

Since July 1996, Colonel Hoffman has been the Director of Staff and Inspector General at

the 305th Air Mobility Wing, McGuire Air Force Base, New Jersey, a responsibility that cannot be overestimated nor underappreciated. It is during this period that I have gotten to personally know and appreciate Steve's professional integrity and positive outlook. As the Director of Staff, Steve directed and supervised the daily operational activities of 17 wing staff agencies. In his other role as the Inspector General, he was responsible for a base population of over 11,000 personnel with resources over $1.1 billion and an annual budget exceeding $250 million. Steve excelled under a high operations tempo requiring his leadership and dedication at McGuire Air Force Base.

A native of Shandanken, New York, Steve entered the Air Force in 1970 through the Reserve Officer Training Corps and earned his pilot wings as a KC–135 pilot at Laredo Air Force Base, Texas. Although initially trained as a pilot, Steve sought early in his career to work with people and improve the personal and professional relationships within the Air Force. In addition to his piloting, his tours in the Air Force included positions in Public Affairs, Operations, Plans and Security, Air Force Liaison Officer and Commander/Publisher of the European Stars and Stripes.

Steve's devotion to country and the Air Force is evidenced by the awards he has so richly earned. These awards include the Defense Superior Service Medal, Meritorious Service Medal with two oak leaf clusters, Air Medal and the Air Force Commendation Medal with one oak leaf cluster.

Col. Hoffman, his lovely wife Joyce and their two daughters, Jessica Marie and Jennifer Gabrielle will soon begin a new life in his hometown in New York. I know I speak for the entire McGuire community in wishing Steve and his family the very best as they leave the U.S. Air Force. I offer my personal thanks and the thanks of an appreciative nation as he begins a new chapter in his life.

TRIBUTE TO THE HONORABLE ESTEBAN TORRES

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 6, 1998

Mr. REYES. Mr. Speaker, I rise to celebrate the accomplishments and friendship of Congressman ESTEBAN TORRES who will be retiring from the House of Representatives at the end of this session. He is truly an inspirational leader who will leave this legislative body with the respect and admiration of his colleagues.

His life story reflects the value of hard work and determination. Growing up the son of Mexican immigrants during the depression, he has remained a humble and dignified individual. He has never forgotten his roots nor the sacrifices made by his parents and their generation in speaking out for all Americans.

After serving in the United States Army as a Korean War conflict veteran, his military service was just the beginning of a life of service. Working as an auto plant worker, he became a labor leader throughout the 1960's and ever since has stood up for the working people of this country and around the world. His leadership was soon recognized within the labor movement and led him to speak on behalf of workers rights throughout the Americas. His advocacy on behalf of better pay, compensation, benefits and conditions for workers led to his involvement in the broader community by starting a community development corporation in East Los Angeles which grew into one of the largest anti-poverty agencies in the nation.

Fortunately his international diplomacy and economic development abilities were recognized by President Jimmy Carter. In 1976, Congressman TORRES answered the call of the President, and served as Ambassador to the United Nation's Education, Scientific and Cultural Organization and later as Special Assistant to the President for Hispanic Affairs.

Seeing an opportunity to serve as an elected official, we should all be grateful that in 1982 Congressman TORRES won a seat in this House, and has honorably served in the House of Representatives for the past 15 years.

Since coming to this legislative body he has worked to improve the quality of life for all Americans by bringing greater job opportunities, protecting consumers, and cleaning up the environment. He has taken a lead role in bills impacting Trade, Banking, Crime, Housing, and Economic Development. Throughout, he has been a powerful voice for minorities and the working people of the United States.

His committee assignments on Appropriations and Banking and his leadership position as Deputy Democratic Whip reflect his tremendous ability to bring together diverse interests and work toward common goals. Moreover, as Chairman of the Congressional Hispanic Caucus, he set a high standard for addressing the important issues of the growing Hispanic population.

Congressman TORRES is a person who has always provided me with invaluable guidance and support. I will always appreciate his efforts to improve conditions along the United States-Mexico border which is so important for my community.

He is a true champion of the people, a friend, and someone whose departure will be greatly felt in this legislative chamber. His work on behalf of the 34th Congressional district of California was tremendous, and his constituents can always be proud of the difference his tenure made for their community. I wish him well in his future pursuits as I know that he will remain engaged and active in working to bring greater opportunities for Americans everywhere.

TRIBUTE TO CARNEY CAMPION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my Congressional District's very dedicated individuals, Carney Campion. Carney is being honored as he retires from the Golden Gate Bridge, Highway and Transportation District after 23 years of successful innovative transportation leadership. I am proud to mark this occasion with his family, friends, and colleagues on November 30, 1998 as we celebrate his truly remarkable accomplishments.

Carney Campion is widely recognized as a transportation pioneer in his service to California's North Coast. As the eighth General Manager of the Bridge District, Carney successfully balanced a comprehensive transportation plan that effectively kept the North Coast linked to San Francisco. Due to Carney's strong leadership skills he was able to adapt the changing needs of our communities to the needs of individuals. He reduced automobile traffic and congestion, while protecting the environment with efficient and reliable alternatives such as buses and ferries.

Carney's career accomplishments are many. Among the most noteworthy are the development and modernization of the unified bus and ferry system; the implementation of the District's public awareness, environmental health and public safety program; the purchase of the abandoned Northwestern Pacific Railroad right-of-way from Novato to Willits for vital future rail service; and his fervent commitment to the seismic safety of the Golden Gate Bridge.

Carney has been instrumental in the advancement of electric toll collection systems on bridges throughout the world. As a long time advocate of North Coast transportation matters, he served as Past President to the Board of Directors on the Electric Toll and Traffic Management Task Force, and Vice Chair to the International Task Force of the International Bridge, Tunnel, and Turnpike Association. In his many impressive civic endeavors, Carney has served as Secretary, Treasurer and Vice President to the Press Club of San Francisco during his 35 years of membership. He was also Vice President of the Marin Forum, and Director of the YMCA/Marin and the Marin Theatre Company.

Mr. Speaker, it is my great pleasure to pay tribute to Carney Campion. The North Coast owes Carney Campion a great deal of gratitude for his tireless efforts throughout his 23 years of public service at the Golden Gate Bridge District. I extend my hearty congratulations and best wishes to Carney, his wife Kathryn of 45 years, his six children, and ten grandchildren for continued success and joy in the years to come. Carney Campion will be missed, and remembered.

TRIBUTE TO MS. MARY TULLIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. THOMPSON. Mr. Speaker, I rise today to commend Ms. Mary Tullis of Rosedale, Mississippi. Ms. Tullis is a shining example for both recipients of public assistance and government policy makers of the ability for hard-working people to escape welfare when provided with the proper community support.

No longer requiring public assistance, Ms. Tullis was recently awarded a "Success Story Award" by the United States Small Business

Administration. She is now serving as a student assistant for the Center for Community Development, which is cosponsored by the SBA and the Small Business Development Center at Delta State, and will be applying for a position as a graduate assistant in the 1999 Spring Semester.

Ms. Tullis has been attending Delta State University for the past 3 years and will graduate with a major in Sociology in December. She is on the Dean's List and has been named a Faculty Scholar. Once in graduate school, Ms. Tullis hopes to write her thesis on matters relating to "Welfare, Women and Education: Attaining and Sustaining Financial Independence."

Ms. Tullis sets an example not just as a dedicated worker, but also as a superb parent. She is 47 years old, single, and a mother of 11 children ranging from 9 to 32 years old. Five of her children are in college, one is on scholarship at Yale University and another is almost a senior on scholarship at a boarding school in New England. Two of her children have already received degrees, one in Nursing and the other in Law and Economics.

In addition to her individual achievements, Ms. Tullis has unselfishly sought to assist other public assistance recipients in following her course. A volunteer for numerous community services, she has recently been selected to be a member of the Americorps Delta Service Corps. Her work in the Delta Service Corps will include educating and promoting community awareness in the values of being a volunteer, and she will also assist in creating the Community Service Projects and Signature Projects to locate resources which can be used for further development.

Mr. Speaker, I commend Ms. Tullis for her outstanding achievements, and I would also like to complement Delta State and all the community service organizations which provided her with support in her persistent drive towards independence. Together they are a model of what can be achieved in this nation through community support and individual effort.

INTRODUCTION OF THE QMB IMPROVEMENT ACT OF 1998

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. McDERMOTT. Mr. Speaker, today Mr. STARK and I introduced legislation that will dramatically improve the Medicare program for its low-income beneficiaries. If passed, our legislation will ensure that Medicare beneficiaries eligible for existing income protections actually receive the benefits they deserve.

The current Medicare program places many beneficiaries at risk due to the inadequacy of its benefit package. Specifically, Medicare's high out-of-pocket costs for "covered services" and its failure to cover the cost of prescription drugs and long-term care can seriously erode a beneficiary's total family income. Additionally, as Congress continues to push all beneficiaries into Medicare managed care, many more low- and moderate-income beneficiaries will face increased financial risks.

In 1995, 12.2% of Medicare's 35 million beneficiaries were at or below 100% of the Federal Poverty Level (FPL), 6.2% were between 100% and 120% FPL, and 4.9% had incomes between 120% and 135% FPL. Despite their dual eligibility for both Medicare and Medicaid, health care spending averaged roughly 30% of their total family income.

The programs that Congress designed to protect low-income beneficiaries from unreasonable out-of-pocket costs—the Qualified Medicare Beneficiary (QMB), Specified Low-Income Beneficiary (SLMB), and Qualified Individuals (QI–1 and QI–2) programs—are notorious for having poor enrollment of eligible Medicare beneficiaries.

A recent report by Families USA found that nationwide, roughly 3.5 million Medicare beneficiaries are eligible for QMB, SLMB & QI–1 benefits but are not receiving them. The report highlighted that Washington State was the 10th worst state at enrollment with roughly 100,000 eligible beneficiaries not covered—costing WA low-income beneficiaries $55 million alone in lost Social Security benefits.

The lost Social Security benefits are attributable to eligible seniors having their part B premiums automatically deducted by Medicare from their Social Security checks each month even though they are eligible for one of the existing income protection programs. The loss of $43.80 month/$525.60 year is tremendous to a Medicare beneficiary whose income hovers around $8,000 to $9,000 a year.

The reasons for poor enrollment vary, so rather than dwell on our collective failure, we propose action to fix the problem. Our legislative solution simply would presumptively enroll eligible Medicare beneficiaries in the appropriate QMB or SLMB protection program—enrolling as close to 100 percent of eligibles as possible.

As Congress and the National Commission on the Future of Medicare struggle to reform the Medicare program, we need to keep an open mind about how we can do more to improve, rather than harm, the program.

Presumptively enrolling current Medicare eligibles for existing low-income protections would be a good start. My hope is that in addition to making this necessary improvement, the next Congress and the Commission also will consider other options to enhance the low-income protections such as simplification through federalization and modernizing its eligibility, income, and asset test criteria.

MEDICAID PROTECTIONS FOR LOW-INCOME MEDICARE BENEFICIARIES

QMB: Qualified Medicare Beneficiaries eligible for financial assistance covering Medicare premiums, deductibles, and copayments for singles/couples at or below 100% of poverty—$8,292/$11,100 year.

SLMB: Specified Low-Income Medicare Beneficiaries eligible for Part B premium assistance for singles/couples between 100 & 120% of poverty—$9,900/$13,260 year.

QI–1: BBA '97 allows Qualified Individuals to apply for block grant assistance to pay for Part B premiums if the single/couple's income is between 120 and 135% of poverty—$11,112/$14,892 year.

QI–2: BBA '97 allows Qualified Individuals to apply for assistance to pay for the portion of the Part B premium increase caused by transfer of Home Health Services from Part A to Part B if the single/couple's income is between 135 and 175% of poverty. This benefit is estimated to be worth $1.07/month per beneficiary.

Part B premiums cost $43.80/month equaling $525.60/year.

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 13, 1998

Mr. TOWNS. Mr. Speaker, I rise today in strong support of S. 1722, The Women's Health Research and Prevention Amendments of 1998. This legislation is a positive step in the right direction towards prioritizing research and prevention in regards to women's health.

This timely legislation increases Congress support of research which will clearly benefit a segment of the population often relegated to a "second place" status in research. For too long, research on men has been extrapolated to women especially in the area of cardiovascular disease. It is time for Congress to acknowledge the lack of strong and complete research on women's health issues, and do something about it. The question should no longer be when, the question should be, shall we do it today? This legislation is our opportunity to tell the women of America that we recognize their unique health problems and want to advance plans to combat them.

The bill expands research and education in areas such as; breast, ovarian and related cancer, osteoporosis, Paget's and other bone diseases. These diseases have devastated many women, but this legislation allows us to continue to elucidate their pathogenesis, treat, and most importantly possibly prevent these diseases. The importance of the education and early detection programs this legislation extends should not go unnoticed. Education is one of the most powerful keys to empowering women with regards to their health. It also removes the social isolation so many of these ailments may create. In addition S. 1722 will help women to be aware of preventative health programs and support groups designed to assist them in their time of need.

Mr. Speaker, I strongly urge my colleagues on both sides of the aisle to join me in an aye vote for this legislation. As I stated earlier the question is not when will we do it, the question is will we do it today?

IN SUPPORT OF THE PASSENGER SERVICES ENHANCEMENT ACT

SPEECH OF

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. RAMSTAD. Mr. Speaker, I rise in support of this bill before us today to provide for the continuation of preclearance activities for air transit passengers.

I want to thank Mr. CRANE and Mr. SHAW for working with me on this important legislation to help facilitate the services Customs provides to process the massive amounts of people and products entering and existing our country.

This bill, which is similar to legislation Mr. CRANE and I introduced last April, would allow the Customs Service to access funds in the User Fee Accounts and enhance inspector staffing and equipment at preclearance service locations in foreign countries.

This is significant because if U.S. Customs eliminates these positions, preclearance for passengers to the United States will slow, travel will be disrupted, and the tourism industry in many states will suffer. Allowing the preclearance services to continue means a great deal to many employers in my district, like Northwest Airlines and all those affiliated with the Mall of America—which attracts more visitors each year than Disneyworld, Graceland and the Grand Canyon combined.

The Customs Service has said there are insufficient resources in its salaries and expenses account to fund the enhanced preclearance positions. This bill gives access to excess funds in the User Fee Account, without any additional cost to taxpayers. Acting-Commissioner Banks testified before our Ways and Means Committee in support of our earlier version of the legislation, and the airline industry supports it as well.

I appreciate how quickly the House has recognized the merits of this legislation and allowed us to bring it to the floor today. I urge my colleagues to join me in support of this critical bill.

KATHLEEN LUKENS—A LIVING SAINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the passing of Mrs. Kathleen Lukens, a resident of Rockland County, NY, late last night.

Kathleen Lukens is a lady for whom the title "living saint" was exceptionally appropriate. She was the personification of the giving, loving person who are so rare in today's world. She served as an inspiration for many and will not soon be forgotten.

A recent editorial stated that: "Kathy Lukens is the mover of every developmentally disabled child, so committed has she been to showing Rocklanders and others they need not offer 'pity' but recognize that these people are 'gifts to us'."

In the mid 1960's, Kathy Lukens became an activist in order to help her own son, David, who was developmentally impaired. Her movement grew by leaps and bounds, due in good part to her energy and dedication. She first created a day care program specifically for children with developmental disabilities, and then became founder and first president of the Exceptional Child P.T.A. She established camp venture in 1969, the first all day summer camp program for the disabled. Today, it is open to all children.

Venture also operated 15 group homes for the challenged, affording them with a venue to conduct productive, normal lives. Over 1,000 individuals are served today by the programs Kathy Lukens initiated.

Kathy Lukens was born on Jan. 5, 1931, in Philadelphia, PA, the daughter of Joseph and Margaret Burge. She lived in Philadelphia before moving to New Jersey when she was 13 years old, attending elementary schools in Edgewater and Bergenfield.

Kathy attended Columbia University's graduate program and in 1952 graduated from Barnard College with distinction and a bachelor of arts degree in history.

Kathy married Dr. John H. Lukens, a clinical psychologist, in Bergenfield, NJ, in Sept. 1954. They moved to Rockland County in 1958, settling in Tappan.

Kathy was first employed as an elementary school teacher and as a newspaper reporter for the Bergen Record in New Jersey and the Rockland Independent and the County Citizen, both in Rockland County, prior to establishing camp venture in 1968.

Kathy was the author of two books: Thursday's Child Has Far To Go (1969) and Song of David (1989). Her early career encompassed an amazing amount of volunteer work. She co-founded the Tappan Zee Nursery School in 1959 and served as president of the Lockhart Nursery School in 1964.

In 1974, Kathy Lukens founded the Child Advisory Council of the Rockland County Legislature. She founded and was president of the Rockland County Exceptional Child Parent Teacher Association in 1958; was chair of the Rockland County Community Service Board from 1991 to 1997, and was vice chair from 1982 to 1985; was chair of the district planning focus group of the Letchworth transition group from 1995 to 1997; and the Board of Directors of the New York Foundling Hospital from 1985 to 1990.

Kathy Lukens was very active in the anti-nuclear movement in the 1960's, and was a participant in the famous march on Washington in 1963, at which Martin Luther King, Jr. gave his famous "I have a dream" speech.

Kathy was the first women elected to the U.S. Catholic Bishop's Advisory Council in 1973 and co founded the Rockland County Catholic Interracial Council in 1963.

Kathy Lukens received honorary degrees from the College of New Rochelle, from Long Island University, St. Thomas Aquinas College and the Dominican College. She was named outstanding woman in Rockland County by the Association of the American Society of Women.

In 1984, Kathy Lukens was named 'woman of the year' in New York State by Governor Cuomo. Later that same year, the Governor bestowed upon her the Eleanor Roosevelt Community Service Award.

Lukens was appointed in 1985 to the New York State Advisory Council on Mental Retardation and Developmental Disabilities. Governor Pataki appointed her to the Provider Council of New York in 1996.

Among the major achievements of Kathy Lukens' life was the establishment of camp venture. She understood that those in our society who could not help themselves needed our time, our efforts, our energy and our love.

In summary, the life and career of Kathy Lukens is that of a truly unique lady who distinguished herself in more facets than most other people: an outstanding teacher, journalist, author, humanitarian, care giver and mother, Kathy Lukens was a renaissance person, who remained humble and unassuming regarding her own remarkable accomplishments. Those of us who had the honor of knowing and loving her were well aware that this modest lady was in fact one of the more remarkable persons we would ever encounter.

It is of some small gratification that Kathy remained with us long enough to see the new Center for Adult Living and Day Treatment Center in Sparkill named in her honor. It is a fitting tribute to this lady who gave so much for so many others.

We extend our deepest condolences to her widower, John, who for 44 years was truly her partner in goodness. We also extend our sympathies to her son, Daniel, who has now taken over the operations of camp venture, her son David, who inspired her to dedicate her life to others her son Mark who duplicated much of her work by helping found Crystal Run, a similar facility in Orange County, and her son Jonathan.

We extend our condolences to her daughter Margaret and to her nine grandchildren.

We also extend condolences to the thousands of individuals and their families whose lives were touched and made better by this exceptional lady.

Kathy Lukens, who left us too prematurely, will long be missed.

THE SMALL BUSINESS FRANCHISE ACT OF 1998

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. COBLE. Mr. Speaker, I rise today to introduce the Small Business Franchise Act of 1998.

Franchise businesses represent a large and growing segment of our nation's retail and service businesses and are rapidly replacing more traditional forms of small business ownership in our economy. As a result, franchise owners have become the heart and soul of America's economic engine and the backbone of local commerce. In fact, according to the International Franchise Association, a new franchised outlet opens every eight minutes and the industry gave birth to tens of thousands of new jobs in the last year alone.

The franchisor/franchisee relationship is fundamentally an economic one where the objective of each party is to make money. By purchasing a franchise, a franchisee can sell goods and services that have instant name recognition, while the franchisor can increase market access with little or no risk. However, buyers should beware—like any investment, purchasing a well-known franchise is no guarantee for success. As I have studied this issue, I have come to realize that there is an uneven playing field for the small business person looking to become a franchise owner.

For instance, while pre-sale disclosure information must be made available to the buyer

by the corporate franchisor, post-sale opportunities to pursue recourse for presentation of misleading or false information in the pre-sale negotiations are inadequate. I am introducing this legislation because I believe this gross inequity needs to be addressed.

Under present regulations, small business franchise operations are subject to the Federal Trade Commission's (FTC) trade regulation rule. The FTC issued this rule, entitled the "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" on December 21, 1978, and under the Federal Trade Commission Act. The FTC rule requires franchisors to give prospective franchise purchasers financial details about the business and explain the arrangements in the franchise agreement. Well intentioned as this prospectus requirement is, as the old saying goes, "the devil is in the details," and I am afraid that much of this presale information, while detailed, may be very misleading. After hearing many horror stories from franchise owners about the inaccuracy of pre-sale disclosure, I must question the reliability of this information. In fact, there are no current protections to ensure that this information is relevant and accurate. The FTC, the regulatory body with oversight responsibility, does not even review this material for accuracy as say the Securities and Exchange Commission must when a private company readies itself for a public stock offering.

The FTC enforces the franchise rule as part of its consumer protection mission. However, FTC enforcement is definitely lacking. Under current rules, franchisees do not have the right to sue franchisors for violations of the franchise rule. The FTC brings suit only on behalf of the federal government, not as a representative of individuals who may have been adversely affected. In July 1993, an audit by the General Accounting Office found that the FTC acted on less than six percent of all franchise complaints brought to its attention.

Because of the FTC's inability to review more franchise complaints, the FTC recently approved a plan to allow the largest corporate franchisors to self-regulate their own industries. Under this program, violators of franchise disclosure laws could avoid federal enforcement proceedings by attending what amounts to an industry-run reform school that it intended to teach franchisers how to comply with disclosure rules. And adding insult to injury, if the corporate violator completes this program, they do not have to report the infraction on disclosure documents available to prospective small business franchisees. Mr. Chairman, I venture to say that this FTC ruling threw full disclosure and due diligence for future franchise owners right out the window.

In the past 20 years, there has been tremendous change in the franchising industry, and as a result, I believe it is time for Congress to review the franchise rule and level the playing field for the thousands of small business owners who invest in franchise operations. The legislation that I introduce today, along with my distinguished colleague from Michigan, Congressman JOHN CONYERS, addresses the fundamental and necessary safeguards that this industry so desperately needs. I believe that the safeguards provided by this legislation level the playing field for small business franchisees across our nation. This legislation, like the Automobile Dealers Day in Court Act and the Petroleum Marketing Practices Act, rights the imbalance that has existed for too long in the franchisor/franchisee relationship.

Recognizing that it is too late to act on this legislation during the 105th Congress, I am hopeful that the 106th Congress will address this matter and ensure that this important segment of the small business world will remain viable for future generations.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STOKES. Mr. Speaker, I rise in strong opposition to the martial law resolution, H. Res. 589. This measure waves the one-day layover requirement, guaranteed by House rules, and allows any appropriations bill, appropriations conference report or continuing resolution to be brought to the floor for a vote—today and for the remainder of the 105th Congress. This is yet another attempt by the Republican majority to prevent critical Democratic proposals from being brought to the floor for consideration.

In spite of the fact that the fiscal year is over, the Republican Congress has failed to complete the regular business of the House, including: Passing a budget resolution and concluding action on several appropriations bills.

Rather than legislating, House Republicans have focused their efforts on investigating. In fact, over the last four years, House Republicans have spent more than $17 million on more than 50 politically-motivated investigations in the House. They have shown very little interest in creating positive legislative accomplishments that would benefit our Nation's working families. And, they have wasted valuable time on promoting excessively partisan issues.

Earlier this year, congressional Democrats joined the administration in introducing a comprehensive education proposal—which includes school modernization and class size reduction initiatives. These efforts are critical to ensuring that students across the United States are prepared for the twenty-first century. However, House Republicans have continuously blocked this legislation from being considered on the floor. Instead, they have supported anti-public school initiatives such as school vouchers and budget cuts in essential education funding.

Mr. Speaker, recent polls indicate that the American voters are primarily concerned with improving public education in this country. However, the Republican 105th Congress has failed to act on legislation that would help to improve our Nation's public schools. School modernization and class size reduction legislation is vital to enabling local school districts to renovate and modernize their existing facilities as well as to build new classrooms that will enable them to effectively address rising school enrollments.

According to the General Accounting Office, our neighborhood schools are sorely in need of $112 billion to repair or upgrade dangerous and substandard school facilities. In fact, 60 percent of the Nation's public schools have at least one major building feature in complete disrepair.

Before the 105th Congress adjourns, we must work to address these and other problems associated with critical funding needs for school modernization and class size reduction. The Democratic education proposal provides Federal tax credits to pay the interest on $22 billion in bonds for the modernization or construction of more than 5,000 schools across the country. It also assists local school districts in hiring an additional 100,000 qualified teachers and reduce class size in grades one through three. At a time when the Nation's public schools are experiencing record school enrollment, and many teachers in the early grades have classes at large as 36 students, this effort is absolutely essential.

It is for these reasons that I urge my colleagues to join me in opposing the martial law resolution. It is time to stop playing games. We must get to work and enact legislation that will benefit all of our Nation's children and ensure that they have access to quality public school education.

Vote no on H. Res. 589

AGRICULTURE'S UNFINISHED BUSINESS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. MORAN of Kansas. Mr. Speaker, I rise today on behalf of America's farmers and ranchers. Agricultural producers make up only two-percent of the U.S. population, yet they are productive and efficient enough to safely and inexpensively feed this country and much of the rest of the world. Our agricultural production system is the envy of the world, but we cannot take it for granted.

Mr. Speaker, farmers and ranchers work hard for us. Tonight I call on Congress and the President to return the favor.

Agriculture is different than other U.S. industries. It is a sector that is at the whims of both government policies and the global economy. Unfortunately, neither one of these influences are controlled by the Kansas farmer. The collapse of the Asian economy has beaten down prices like a hailstorm ripping across the Kansas plains. According to the U.S. Treasury Department, Kansas' agricultural exports to Asia have fallen by 20%. Through no fault of their own, Kansas farmers will miss out on over $2 billion in farm income due to lost markets and low prices. We need to take action, not just for today, but for the next generation.

In the short-term, the most important issues is the disaster relief bill for agriculture. This bill

passed both the House and Senate, only to be vetoed by the President. The passage of this legislation could not be more timely or important. The price decline, combined with the weather and transportation problems, has left many farmers and ranchers in dire straits. Congress and the President need to put aside their differences to pass a meaningful relief bill.

In the long-term, removing sanctions and foreign subsidies must be a to priority for Congress. I am pleased that a bill to limit agriculture embargoes has passed the House. This bill should be approved by the Senate and sent to the President for him to sign into law. Congress should then focus on repealing sanctions that currently damage our producers and work to ensure that new sanctions are done only as a measure of last resort, and not a knee-jerk reaction to the problem of the day. If this is going to be a global agricultural economy, we in the U.S. have to give our farmers a chance to sell and market around the globe.

Subsidies must also be addressed. The Export Enhancement Program, one of our only programs available to promote agriculture exports, has been left unused since I arrived in exports, an increase of 300%. The U.S. is still being out spent by nearly $7 billion by the European Union. To do nothing is the worst response possible. We cannot afford to stand by while our competitors take away markets by using aggressive government subsidies.

Mr. Speaker, we owe a lot to the American farmer. Working together on their behalf is the least we can do. It is time to act.

THE NORTHWEST SALMON RECOVERY ACT OF 1998

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Ms. FURSE. Mr. Speaker, as the entire country knows, the Pacific Northwest enjoys significant benefits from federal power through the Bonneville Power Administration. As I have advocated throughout my career, the Northwest also needs to be able to meet all of the public obligations associated with these benefits, including restoring fish and wildlife, meeting tribal treaty and trust obligations, and paying the U.S. Treasury.

I come to the floor today to introduce legislation that will give the Northwest region new tools to deal with anticipated changes in the utility industry, and new tools to promote salmon recovery and renewables conservation.

This bill, the Northwest Salmon Recovery Act of 1998, includes the following provisions to help the region get on track with its conservation responsibilities:

First, a Unified Plan for Fish and Wildlife. Under this bill, the Secretary of the Interior will be responsible for overseeing the development of a unified plan for salmon recovery in the Pacific Northwest. The plan will have as its goal to restore harvestable, sustainable fish and wildlife populations in the Columbia Basin, consistent with the ESA, the NW Power Act, the U.S.-Canada Pacific Salmon Treaty, and the Clean Water Act.

Second, the bill establishes a Natural Resources Recovery Fund. This Fund will aid us in paying for restoration of fish and wildlife in the Columbia Basin, the fish mitigation and enhancement requirements of the Northwest Power Act, and the water quality standards under the Clean Water Act. Funding would come from a 3 mills/kilowatt hour charge on all retail power sales in the northwest.

Third, this bill provides accountability. The bill provides for an improved accounting system for BPA expenditures, based upon GAO recommendations. Under these provisions, Treasury repayments are met; WPPSS debt obligations are met; costs for flood control, navigation, power generation, irrigation, and fish & wildlife are independently assessed and reported; and accounting records are made publicly available.

Finally, this legislation creates a cost recovery mechanism that would give BPA authorization to adjust the rates of its customers up to the market rate.

At this critical time for salmon in the Northwest, bold steps are needed to ensure that these fish do not go extinct. I know that my colleagues continue to lead the fight to protect salmon and restore the greatness of these Northwest icons after I'm gone.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 4757, a bill to name the North-South Center after our former colleague, Dante Fascell.

It is fitting that Congress is naming the North-South Center, which Dante helped found, in his honor. During his long and distinguished career in the House, Dante used his position as chairman of the Foreign Affairs Committee to promote understanding and cooperation between nations of the Western Hemisphere. To advance this view, in 1984 Dante helped establish the North-South Center, located in Miami. This educational institution helps promote better relations between the United States and the other nations of the Western Hemisphere through cooperative study, training and research. Today, the North-South Center plays an essential role in the conduct of American diplomacy.

Mr. Speaker, one of Chairman Fascell's top priorities in Congress was to promote closer relations among our allies in this hemisphere. Dante was also a tireless fighter against tyranny and oppression in Latin America and the Caribbean. Since the North-South Center is essentially carrying on Dante's work, it is fitting that this organization be named in his honor. I hope the naming of the North-South Center will remind future generations, and especially South Floridians, the gratitude we owe Dante Fascell for his tireless efforts.

I urge my colleagues to support H.R. 4757.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. HOUGHTON. Mr. Speaker, I rise today to applaud the University of Miami for naming the North-South Center after one of their most esteemed graduates and one of the greatest Members of Congress to sit in this chamber—Dante Fascell.

My experience with Dante really started when I joined the International Relations Committee in 1988. Dante was Chairman. He was always fair, even handed, and very knowledgeable in all matters of international relations—especially on issues pertaining to the U.S.-Latin America relationship. That's why I feel that naming the Center after Dante is particularly appropriate.

Dante Fascell has contributed so much to the North-South Center, the University of Miami, the Congress, the Nation, and the world. I'm so glad that he's been honored so appropriately. I think I speak for everyone, Mr. Speaker, when I say that we all miss him dearly.

TRIBUTE TO SPOTTSWOOD W. ROBINSON, III

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize Spottswood W. Robinson, III. Judge Robinson died in his Richmond, Virginia home on Sunday, October 11, 1998. He was 82 years of age.

Spottswood W. Robinson, III was a federal appeals judge, law school dean, civil rights attorney, husband, father, son, friend, and HERO. The world is less one phenomenal individual, and I rise because I must pay tribute to his life and his many accomplishments. As a Howard University Law School graduate, I was inspired by those civil rights giants who also inspired and taught Judge Robinson. It is upon the back of Judge Robinson on which I rise.

A graduate of Virginia Union University in Richmond, Judge Robinson entered the Howard Law School in 1936, at age 20. His arrival came at a time when Charles Hamilton Houston, a pioneering black lawyer, was building the law school into a think tank for civil rights. According to U.S. Court of Appeals Chief Judge Harry Edwards, "Robinson graduated from Howard Law School with what is still reputed to be the highest scholastic average in the school's history." He received his law degree in 1939 from Howard, magna cum laude.

Originally planning to return to practice law with his father in Richmond, he accepted a two-year teaching fellowship at Howard, which, due to World War II, turned into eight years. In 1941, Oliver W. Hill, Martin A. Martin and Spottswood W. Robinson III formed the

law firm of Hill, Martin and Robinson. Mr. Robinson taught full time and practiced law part time.

Mr. Robinson became a full-time lawyer in 1947. The law firm of Hill, Martin and Robinson had been handling some civil rights cases when they received a letter in 1951 from two black high school girls in Prince Edward County, VA, who said their school was inadequate and that 450 students refused to attend classes. The decision to take this case led to their historic involvement in *Brown* vs. *Board of Education* in 1954. The Virginia case was combined with Brown and other cases from South Carolina and Delaware.

The Supreme Court's decision in *Brown* vs. *Board of Education* declared that segregation in public schools violated the constitution. When the court handed down its decisions, the justices also ruled on the four other cases.

Since Robinson had become legal representative of the Legal Defense and Educational Fund in Virginia in 1948, he was charged with arguing the constitutional history of the 14th Amendment before the Supreme Court during the *Brown* case.

Robinson's view was that the 14th Amendment had envisioned the establishment of complete equality for all people, regardless of race. Equality was denied to blacks, he held, as long as their children could not go to white schools.

Continuing his civil rights advocacy, Mr. Robinson helped lead the 1956 fight against Virginia's so-called NAACP Bills, a set of laws passed by Virginia legislators attempting to cripple the activities of the National Association for the Advancement of Colored People. The U.S. District Court in Virginia eventually threw out the laws in a decision that called them unconstitutional.

Judge Robinson was also an instrumental force in the following landmark civil rights decisions:

McGhee vs. *Sipes* and *Hurd* vs. *Hodge*, 1948 (decided along with *Shelley* vs. *Kraemer*) in which the Supreme Court ruled that court enforcement of race-based restrictive property covenants is unconstitutional.

Morgan vs. *Virginia*, 1948 where the Supreme Court ruled that State-enforced racial segregation in interstate transportation is unconstitutional.

Chance vs. *Lambeth*, 1951 in which the 4th U.S. Circuit Court of Appeals ruled and the Supreme Court upheld that carrier-enforced racial segregation in interstate transportation is unconstitutional.

Department of Conservation and Development vs. *Tate*, 1956 where the 4th Circuit ruled and the Supreme Court upheld that the denial of state park facilities on racial grounds is unconstitutional.

In addition, from 1949 to 1951, he was part of an NAACP team that defended the Martinsville Seven, a group of black men accused of raping a white woman in Martinsville, VA. The men eventually were executed.

President John F. Kennedy appointed Robinson to the United States Commission on Civil Rights where he served from 1961 to 1963. In 1964, he was appointed by President Lyndon B. Johnson as the first black to serve as a judge of the U.S. District Court in Washington. Judge Robinson was also the first black to serve as a judge of the U.S. Court of Appeals for the District of Columbia and, was chief judge of the appellate panel from 1981 until 1986.

At the courthouse, Judge Robinson was known to friends as "Spots." A self-effacing and kind man whose conscientious matter led him to once fill a 43 page opinion with 403 footnotes.

Judge Robinson was bestowed with many honors during his life for his work in civil rights and commitment to community. In his home State of Virginia, the Old Dominion Bar Association gave him its President's Award in 1988. The National Bar Association honored him with its Wiley A. Branton Award in 1993. In 1995, Mr. Robinson was honored in the Virginia Power/North Carolina Power "Strong Men and Women, Excellence in Leadership" educational series. He also received an honorary doctorate of laws in 1986 from New York Law School, for his efforts "to achieve true equality under the law for all Americans" and addressing "the conscience of the nation."

In his personal life, Judge Robinson was an accomplished woodworker and an amateur architect who designed his own split-level home in Richmond. He loved fishing so much that the built his own fishing boat in his basement in 1953 and utilized it for 25 years.

Judge Robinson is survived by his wife, Marian Wilkerson Robinson; a son, Spottswood W. Robinson IV of Richmond; a daughter, Nina Govan of Greenbelt, MD; and a sister, Mrs. Isadore Burke of Freeport, Bahamas.

Judge Spottswood W. Robinson, III, is gone, but his legacy shall remain. His hard work and dedication paved the way for those of us who came after him. As an African-American male, an attorney, and an elected member of this esteemed body, it is incumbent upon me to honor Judge Robinson for allowing me to tread mightily in his footsteps.

DIANE MEDINA'S "COMMUNITY EXCELLENCE AWARD"

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ORTIZ. Mr. Speaker, I ask my colleagues to join me in honoring a leading Hispanic in the entertainment industry, Diane Medina, the Director of Diversity Programs for the Walt Disney Company. Next month, Diane will be honored by the Latino Entertainment Media Institute's Community Excellence Award.

The Latino Entertainment Media Institute is a non-profit organization which follows and speaks to the issue of Hispanics in the entertainment industry. Their theme this year is: "Investing in our Image."

Diane Medina is uniquely qualified for this award. Her entire life she has worked to bring Hispanics into the entertainment industry across a wide swath of opportunities that currently exist. She was born and raised in Southern California, where she has worked in the industry for over 25 years. She worked at ABC in Human Resources and diversity, moving to the Walt Disney Company after they bought ABC.

Walt Disney knew a good thing when they saw it. Diane has immersed herself in the non-profits associated with the industry which advocate a larger inclusion of Hispanics in Hollywood. She sits on boards for the following non-profits dealing with issues pertaining to Hispanics in the entertainment industry: the *Imagen* Foundation, Nosotros, Latino Entrtainment Media Institute, National Hispanic Foundation for the Arts, Hispanic Academy of Media Arts and Sciences, the National Council of La Raza (host of the Alma Awards), and many others.

Just last month during Hispanic Heritage Month events, Diane and I discussed the direction of one of the non profits with whom we both have worked, and, as always, I was impressed with her passion and her commitment to the prospect of including Hispanics in the entertainment industry at all levels, from on-camera talent, to behind-the-camera talent, to the business suites of the studios.

Diane and I share a common philosophy about how to accomplish our goal of getting more Hispanics in the entertainment industry. We both believe that if you appeal to the better angels of those you are trying to convince, you get more done. My grandfather used to tell me that you get more flies with honey than with vinegar.

Diane knows, from her position inside the industry, that if the Hispanic presence is to change, so, too, must the voices doing the presentation. We are both persuaded that the very best way to increase that presence is to approach both the industry and the community with reasoned voices.

I ask my colleagues to join me in commending Diane for her role in increasing the number of Hispanics throughout the industry, and for being a role model for those who aspire to be part of the entertainment industry.

TRIBUTE TO THE HONORABLE HENRY B. GONZALEZ

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. REYES. Mr. Speaker, I rise in tribute to Congressman HENRY B. GONZALEZ who will be retiring from the House of Representatives at the end of this session. As the Dean of the Texas delegation, he has been a remarkable representative for his district, for Texas, and for the entire Nation.

Throughout his career Congressman GONZALEZ has never failed to stand up for the rights of others. For over 40 years, beginning in the Texas legislature and throughout his career in the United States House of Representatives he has stood up for minorities. Moreover, he has continually spoken out for improved educational, economic and housing opportunities for the Nation. His legendary courage to stand by his principles, and singularly take on controversial positions in the national interest are an inspiration to all Americans.

Moreover, we should all be grateful for his skilled leadership as Chairman of the House Banking Committee. His oversight and investigative skills steered our Nation through one

of the most serious financial periods of our Nation. Through his insightful and decisive actions he brought about meaningful solutions to the devastating multibillion dollar savings and loan crisis. Additionally, he averted a similar crisis in the banking industry with important legislative reforms with an overhaul of our system of deposit insurance.

Furthermore, as the first Mexican-American Congressional Representative from Texas, he has been an inspiration for Hispanics and all Americans. He stands as a model of a person having the courage to sometimes stand alone and blaze a new trail in the name of public service. He is an example of the American ideal that one person can truly make a difference. His powerful voice spoke out for the hopes and dreams of millions of Americans, and his level of dedication and commitment is a standard for all Members of Congress.

I am proud to say that I have known Congressman GONZALEZ for many years. I am even more proud to have had the opportunity to serve with him as a Member of the 105th Congress. Congressman GONZALEZ is a person whose strength of character and tenacity I admire and respect.

As he leaves this legislative body, his independent spirit will forever remain in this chamber. We will always remember Congressman HENRY B. GONZALEZ as a fierce advocate for the highest American ideals. His 37 years of service are filled with distinction and accomplishments, and his constituents can be proud of sending a legendary advocate for his district and for all Americans.

Congressman HENRY B. GONZALEZ, I wish you well in your future pursuits, and know that you leave a powerful legacy of tirelessly working for the betterment of America.

AUTHORIZING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE IMPEACHMENT OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 8, 1998

Mr. FOSSELLA. Mr. Speaker, it is with a heavy heart that I rise today to support this resolution. I say this not as a Republican, not as a New Yorker, but as a person who loves this great country and all it represents.

Earlier today, the gentleman from New York, Mr. NADLER, stated in essence: "This matter will be the most divisive issue this nation has faced since Vietnam." While I do not question the gentleman from New York's belief that he believes this to be true, I do take exception to the comparison and respectfully disagree. Here is why during the Vietnam war, as has been the case with every war or military conflict since our nation's birth, men and women were sent overseas with a willingness to die for freedom, liberty and to defend the rule of law. In the case before us, the President of the United States has been charged with violating the rule of law that so many Americans have died for and are still willing to die for at a moments notice all over the globe. The same rule of law that we must ensure applies equally to every single American, including the President of the United States.

This matter goes to the very heart and soul of what America is all about. This matter will determine whether we defend the Constitution, or destroy it. I hope and pray that each distinguished Member of this body places America first and that each Member sees through the clouds of rhetoric to uphold the rule of law.

It is the rule of law that unifies this country. It is the rule of law that allows each American the opportunity to enjoy and to pursue what our founding fathers and every generation of Americans since have always hoped for—that each American be entitled to life, liberty and the pursuit of happiness. If we, indeed, cherish the notions of personal freedom and individual liberty granted to every single American, then we will seek to vindicate the rule of law and proceed with this matter with all deliberate speed and an unbreakable bond with each other towards fairness, equity and justice for each party involved, including the President of the United States.

Mr. Speaker, too many Americans have died to defend these principles we hold so sacred. Too many generations of Americans have given so much to wish reluctantly that this matter just disappear. Just as important, Mr. Speaker, with the Almighty blessing, generations of Americans yet unborn will look back to this day and claim this to be one of America's finest hours, not as a sideshow that some are trying to depict this as.

Each Member of this body still must maintain an obligation and responsibility to be bound to our oath of office, the same oath of office voluntarily taken by the President of the United States. Accordingly, Mr. Speaker, I support this resolution.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BOUCHER. Mr. Speaker, I am pleased to rise in support of the conference report on H.R. 2281.

Through this legislation, we extend new protections to copyright owners to help them guard against the theft of their works in the digital era. At the same time, we preserve the critical balance in the copyright law between the rights of copyright owners and users by also including strong fair use and other provisions for the benefits of libraries, universities, and information consumers generally.

I am pleased to advise my colleagues that many of the compromises achieved in this legislation reflect the work of the Commerce Committee. I want to underscore my appreciation for the leadership of Chairman BLILEY and Ranking Member DINGELL in successfully crafting balanced legislation both in the Committee and as conferees.

I want to highlight briefly several provisions addressing fair use and the effect of this legislation on consumer electronics devices, computers and other technologies. These provisions are fundamental to the balance that the conferees have achieved in this measure.

First, the conferees included a provision which ensures that the legislation's prohibition against circumvention of copy protection technologies in digital works does not thwart the exercise of fair use and other rights by all users. This safeguard requires that the Librarian of Congress, in consultation with the Register of Copyrights and the National Telecommunications and Information Administration of the Commerce Department, conduct proceedings periodically to determine if these rights are being adversely affected by copy protection technologies in the digital age. If the Librarian of Congress determines that noninfringing uses of certain classes of copyright works are, or are likely to be, adversely affected, then the measure's prohibition against circumvention of copy protection technologies shall not apply to users with respect to those works.

Second, with respect to consumer electronics devices and other equipment, the conferees included a "no mandate" provision which should reassure manufacturers of future digital telecommunications, consumer electronics and computing products that they have the design freedom to choose parts and components in designing and building new equipment. Read together with other provisions of the measure and other parts of the relevant legislative history, the "no mandate" provision confirms that Congress does not intend to require equipment manufacturers to design new digital telecommunications equipment, consumer electronics and computing products to respond to any particular copy protection technology.

Third, the conferees also clarified that manufacturers, retailers and professional services can make "playability" adjustments to their equipment without fear of liability. Recognizing that, whether introduced unilaterally or after a multi-industry development process, a copy protection technology might cause playability problems, the conferees explicitly stated that makers or servicers of consumer electronics, telecommunications or computing products can mitigate these problems without being deemed to have violated the measure's prohibition against circumvention of a copy protection technology. Equipment manufacturers should thus be able to make product adjustments without fear of liability, and retailers and professional servicers should not feel burdened with the threat of litigation in repairing videocassette recorders and other popular products for their customers.

Taken together, these provisions demonstrate that the legislation is not intended to diminish core fair use and other rights that have always been recognized in our copyright law. These provisions confirm that the measure does not limit the development and use of consumer electronics, telecommunications, and computer products used by libraries, universities, schools and consumers everyday for perfectly legitimate purposes.

In short, with these and the other changes made to preserve the rights of information

consumers, the conferees have produced a bill worthy of our support. I commend their efforts in achieving this careful compromise.

VETERANS' BENEFITS ENHANCEMENT ACT OF 1998

SPEECH OF

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Saturday, October 10, 1998

Mr. STUMP. Mr. Speaker, we have unfortunately come to the point of impasse with the other body over efforts to wrap up veterans' legislation in the 105th Congress.

The House and Senate Veterans' Affairs Committee have reached agreement on a wide-ranging package of veterans' program enhancements in our usual bipartisan fashion.

The House is ready to act on that agreement.

However, there seems to be difficulty in the other body because certain Members may disagree with the compromises agreed to by the two veterans' committees.

We should not have come to this point, Mr. Speaker.

The House has worked diligently this year on veterans' legislation.

We have passed bills in a timely fashion: two bills in the month of March, two bills in May, and two in early August.

In contrast, the other body did not bring a veterans' bill to the floor until the last day of September.

They are still trying to bring up various bills under unanimous consent but holds are being placed on some of them for one reason or another.

This puts the House in the difficult position of facing the need to try one last time in this session to move a bill which includes all the agreements reached between the two Veterans' Affairs Committees.

Passage of House amendments to the Senate amendment to H.R. 4110 will provide the Senate the opportunity to either send this entire package to the President for his signature or kill the bill, including the cost-of-living adjustment for veterans service-connected disability payments. I want to make it very clear to House Members and Members in the other body that I will not ask the House to take any further action on this legislation this year.

The House has done its job, more than once.

The other chamber should clear this bill for the President to sign.

We should be forthright and sincere about our efforts on behalf of veterans rather than engaging in brinkmanship over the provisions on one particular piece of legislation.

I hope we can avoid this situation in the future, Mr. Speaker.

The House Committee would like to work with the other body next year to reach agreement on individual bills during the course of the session.

Waiting until the very last minute to act on bills risks our entire work product on behalf of veterans.

I believe this bill is an excellent package of program enhancements for veterans.

It clearly demonstrates action by Congress to fulfill our Nation's commitment to those who have sacrificed in defense of freedom.

This bill includes:

Significant progress toward improving health care to Persian Gulf war veterans;

An independent scientific evaluation by the National Academy of Science of the potential health effects of risk factors veterans may have been exposed to in the Gulf war;

An increase in pensions for those incredible heroes who earned the Congressional Medal of Honor;

A new innovative loan guarantee program for multifamily transitional housing for homeless veterans;

Burial benefits and national cemetery eligibility for World War II merchant mariners;

Increasing the Federal share for establishing State veterans' cemeteries to one-hundred percent;

Extending VA home loan eligibility for guard and reservists through the year 2003;

Authorizing medical facility construction funding at a level that is $157 million above the administration's budget request; and

Providing a cost-of-living adjustment (COLA) for veterans' compensation, pension, and related programs.

H.R. 4110 also includes various enhancements to medical care, pension, insurance, education, and employment provisions in current law.

The COLA will follow the Social Security Administration figure, which is based on the Consumer Price Index.

Final action on H.R. 4110 will provide plenty of time for the VA to implement the COLA by December 1, 1998.

I strongly urge my colleagues to vote for this bill.

I want to express my appreciation to the leadership of the Veterans' Affairs Committee in the other body, Chairman SPECTER and Senator ROCKEFELLER, for reaching agreement on these provisions.

I also want to thank the members of the House Veterans' Affairs Committee for their hard work on all the bills passed by the House this year and their cooperation on reaching these agreements.

We have truly worked in bipartisan fashion for the benefit of veterans.

Mr. Speaker, this is the final piece of legislation the Veterans' Affairs Committee will bring to the floor in the 105th Congress.

I want to tell the Ranking Democratic member of the committee, Mr. EVANS, that his work and cooperation on all these issues, as well as the day to day operation of the committee are truly appreciated.

The House Committee on Veterans' Affairs takes a back seat to none in our bartisan approach to the very serious business of crafting legislation.

LANE EVANS has steadfastly adhered to that tradition and should be commended by all veterans for his support on their behalf.

His committee staff members have also performed their responsibilities in the highest bipartisan tradition of the committee—and I want to thank every member of the majority and minority staff for their contribution to the committee's work.

MEDICARE MEDICAL NUTRITION THERAPY ACT

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its members. In fact, fewer than one percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, The Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide seniors coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Dietetic Association and the Nevada Dietetic Association for their fine work in helping me educate members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

DANTE B. FASCELL NORTH-SOUTH CENTER ACT OF 1991

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. BERMAN. Mr. Speaker, I am pleased that the House yesterday passed H.R. 4757 to rename the North-South Center in Miami after former House Foreign Affairs Committee Chairman Dante B. Fascell. I am proud to have cosponsored the bill, and I commend International Relations Committee Chairman BEN GILMAN and Ranking Member LEE HAMILTON for their leadership in introducing it.

I had the great pleasure of working with Dante on what was then known as the House Foreign Affairs Committee. He richly deserves the honor of having the North-South Center renamed after him. As the Committee's senior expert on Latin America, Dante Fascell contributed substantially to U.S. policy toward the region even before becoming chairman in 1983. A stern opponent of Cuba's Communist regime, Dante was a driving force behind the establishment of Radio Marti in 1982. He promoted democracy throughout Latin America and the world.

I remember his years as chairman with deep respect and fondness. Watching Chairman Fascell officiate over foreign affairs legislation was the political equivalent of watching a great maestro conduct a fine orchestra. During his tenure as chairman, Dante frequently bridged the Committee's deep ideological divisions by working out compromises. He tried to strengthen the Committee's voice in foreign policy by defending its prerogatives on foreign aid authorizations. He also fought for Congress's overall role in making foreign policy. In 1987, Dante served as vice chairman of the special committee that investigated executive branch conduct in the Iran-Contra scandal.

Dante Fascell helped establish the North-South Center, an independent research and educational organization that produces policy-relevant studies on such critical issues as democracy, trade, sustainable development and the persistent gap between the rich and the poor. Formally associating Dante's name with the Center is especially appropriate because of their shared emphasis on the Western Hemisphere. Renaming the Center after him is fitting recognition of his many years of hard work in foreign affairs. We all miss his presence and wish him well in his retirement in his beloved Florida.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, I have stood many times before this body to advocate the return of at least one of the Bells of Balangiga to its rightful owners, the people of Samar in the Philippines. To this effect, I introduced House Resolution 312, calling on the transfer of the one of the bells from F.E. Warren Air Force Base. Today, I am proud to transmit to this body the remarks of Congressman Marcelino "Nonoy" C. Libanan, a distinguished colleague from the Republic of the Philippines House of Representatives. Congressman Libanan represents the Lone District in Eastern Samar.

WHEN SHALL THE BELLS OF BALANGIGA TOLL ANEW?

(By Hon. Marcelino C. Libanan)

I rise on a matter of personal and collective privilege.

Mr. Speaker, many have tried and just as many have failed. But this will not stop this representation from singing in a louder tune that very same refrain for the return of the Bells of Balangiga to where they belong; to the belfry of Balangiga Church, to the faithful of our Christian community; and, to the heart of every Samareno.

On September 28, 1998, the people of Eastern Samar will once again observe a date of remembrance and commemorate a victorious past when our forebears, ill-equipped and ill-armed, fought gallantly and won a battle in defense of our country's freedom and independence. And this makes this year very significant as we are celebrating the Centennial of our Philippine Independence.

The reprisal of the United States Army under Col. Jacob Smith need not be recalled in this august chamber when they killed "every Filipino capable of bearing arms and burned Samar and made it a howling wilderness." In fact he said, "the more you kill and burn, the better you will please me". This savagery of unparalleled notoriety had earned him the monicker "Hell Roaring Jake".

Yes, Colonel Smith was court-martialed, reprimanded and cashiered after the U.S. Congress conducted a searching inquiry. But, this is not enough. The Bells of Balangiga, our most symbolic civic treasure, which they carted away must be returned.

Lifeless and motionless, these bells are kept in an Air Force Base in Wyoming, USA. Few Americans attach significance to these relics. These have no value to them. They care less about these bells for very few of them know their importance. In a privilege speech delivered before the House of the U.S. Congress, Guam Representative Underwood, said: "There was a time when the officers of F.E. Warren wanted to get rid of the bells. These brass relics have no relevance for F.E. Warren Air force Base, which is a missile base. Few people seem to know or care about these bells. But, to us, freedom loving Filipinos, these represent not only national pride but also as memorial for the brave men who offered their lives so that others may graciously live under the blessings of independence.

Eight (8) years have passed since our people and our government started making serious efforts to repossess these bells. Filipinos from a broad spectrum composed of legislators, religious, governors, peasants, professionals, business leaders and even the President of the Republic have joined the nationalistic chorus demanding for nothing less than the return of these historic bells.

To us, Eastern Samarenos, these bells are not mute for they are capable of making sound; they are not captives for they cannot be imprisoned; neither can they be silenced for they are forever shouting for freedom and yelling the sentiments that every Filipino have been wanting to.

These are enough considerations that should not fall on deaf American ears. Indeed, for so many long years, it has been the dream of every freedom-loving Filipino to have these bells returned to our motherland and hear them toll once more. Representative Underwood can never be more correct when he said: "For almost 100 years, the Philippines has been our closest friend and ally, and in the name of friendship and cooperation it would only be fitting and proper for the United States to share the Bells of Balangiga with the people of the Philippines for their centennial celebrations." Well said; said well. As I have intimated earlier, many have tried and many have failed.

To the mind of my constituents, the return of the Bells of Balangiga could be an opportunity for the Americans to show that they have indeed changed; for the homecoming of these inanimate relics which are symbols of our forebears' blood, flesh and tears, will at the very least, show a screaming message that America is now sensitive to our national freedom, liberty and dignity and is ready to value international comity and goodwill. In short, only when we hear these Bells of Balangiga toll anew, and its sound reverberates over our land, can we, the Filipino people, say that we are ready to talk about this animal called VFA.

Mr. Speaker, in the name of international understanding, national pride and dignity, I respectfully appeal to my colleagues in this chamber to join me champion this good cause so that the bells of Balangiga shall be returned to its rightful owners the Filipino people. Hence, this representation filed House Resolution No. 145 entitled: A Resolution Demanding from the Government of the United States of America (USA) for the Immediate Return of the Bells of Balangiga to the People of the Republic of the Philippines", co-authored by twenty-seven of my colleagues, I earnestly urge this august chamber for its immediate adoption.

Thank you very much.

TELECOMMUNICATIONS COMPETITION AND CONSUMER PROTECTION ACT OF 1998

SPEECH OF

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. LAZIO of New York. Mr. Speaker, I want to compliment Subcommittee Chairman TAUZIN and Chairman BLILEY as well as the Ranking Democrats of the full and subcommittee, Mr. DINGELL and Mr. MARKEY for their work in bringing this bipartisan legislation before the House today. I imagine all of us have heard from friends, neighbors, and constituents who have been victims of slamming. I know I have

heard from Long Islanders who are so frustrated that somehow, without their knowledge, their long distance carrier has been switched. Trying to get their phone bill corrected and switched back to their desired carrier can be a time-consuming and frustrating experience.

The legislation before us today should accomplish two goals. First, it should reduce the likelihood that consumers will be slammed. The bill therefore encourages carriers to act responsibly by adhering to a new Code of Subscribers Protection Practices. Carriers who do not comply with the Code's consumer protection requirements and then make an error will be subject to FCC civil penalties as well as a possible fine. Second, Congress cannot legislate away human error. If a consumer loses his long distance carrier and has not been slammed, this bill should make it easy for the consumer to rectify quickly the situation. This bill says the consumer will only have to make one call to return to the carrier of his choice. Additionally, to compensate the consumer for his trouble, he will be switched back to his authorized carrier for free and will be credited up to 30 days of service. Because consumers will not have to be obligated to pay for the service they used after they have been slammed, carriers will have every incentive to guard against mistakes. Carriers will no longer be able to profit from slamming.

The bill before the House today also strikes a fair balance because a long distance company has the opportunity to produce their records of a verified sale when faced with a consumer complaint. This is very important legislation that seeks to protect American families and businesses from slamming. I urge its adoption.

RIGHTS OF THE INDIVIDUAL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. PAUL. Mr. Speaker, I commend to my colleagues in Congress as well as citizens everywhere an article authored by Michael Kelly, National Journal editor. Mr. Kelly aptly describes how the notion of hate crimes undermines a pillar of a free and just society; that is, equal treatment under the law irrespective of which particular group or groups with whom an individual associates. Ours is a republic based upon the rights of the individual.

PUNISHING 'HATE CRIMES'

(By Michael Kelly)

As one who wholeheartedly supports capital punishment, I have what seems to me a cleareyed vision of what justice demands in the murder of Matthew Shepard, the 21-year-old Wyoming college student who was, one night last week, robbed, pistol-whipped, tied to a fence and left to die. Bring in the monsters who did this, try 'em, verdict 'em and string 'em up, preferably before an applauding crowd of thousands.

And justice does appear on the way to being served. Two young men—Russell A. Henderson and Aaron J. McKinney—have been arrested and charged with first-degree murder; their girlfriends have been charged as accessories. There does not seem to be a lot of doubt that Henderson and McKinney did commit the acts that caused Shepard's death, nor does it seem at all likely that they will escape punishment.

But this, it is said, is not enough. Because Shepard was gay, and because his killers appear to have been motivated in part by an anti-gay animus (though police say robbery was the primary motive), justice is said to demand more. Specifically, it demands more bad law.

"Hate-crime" laws mandate increased penalties for defendants found guilty of committing crimes inspired by certain categories of prejudice. In 21 states and the District of Columbia, the categories are: race, religion, color, national origin and sexual orientation. Nineteen additional states have hate-crime laws that do not cover sexual orientation. Ten states, including Wyoming, have not passed categorical hate-crime laws. There is also a federal law, which covers race, religion, color and national origin but not sex or sexual orientation.

For Shepard's sake, the cry arises, Wyoming must pass a hate-crime law, and Congress must pass a new, more sweeping, Federal Hate Crimes Protection Act, which would add to the roster of crimes made federal offenses those inspired by bigotry based on sex, disability and sexual orientation. "There is something we can do about this. Congress needs to pass our tough hate crimes legislation," President Clinton declared Monday, the day Shepard died of his injuries.

At least he is consistent. No president has ever been more willing to assault liberty in the pursuit of political happiness than has this one. Clinton is always willing to embrace any new erosion of rights, as long as there is a group of voters or political contributors out there who wish it so. This is one area in which Clinton has been thoroughly bipartisan. In his five years in office, he has joined Republicans in Congress on quite a spree of liberty-bashing. He has signed laws that have stripped habeas corpus to its bones, vastly increased the number of crimes deemed federal offenses, established mindless mandatory sentencing and targeted certain classes of defendants—terrorists, drug pushers—for the special evisceration of rights.

And playing to the other side of the political spectrum, Clinton has consistently and strongly supported the expansion of harassment and discrimination law, an expansion that has in recent years increasingly worked to criminalize behavior that government once regarded as private. Well, at least he supported such law until the case of *Jones* v. *Clinton* arose.

Of all the violence that has been done in this great expansion of state authority over, and criminalization of, the private behavior and thoughts of citizens, none is more serious than that perpetuated by the hate-crime laws. Here, we are truly in the realm of thought crimes. Hate-crime laws require the state to treat one physical assault differently from the way it would treat another—solely because the state has decided that one motive for assaulting a person is more heinous than another.

What Henderson and McKinney allegedly did was a terrible, evil thing. But would it have been less terrible if Shepard had not been gay? If Henderson and McKinney beat Shepard to death because they hated him personally, not as a member of a group, should the law treat them more lightly? Yes, say hate-crime laws.

In 1996 the FBI recorded 1,281 "crimes against persons" for reasons of sexual-orientation bias. Two of these were murders and 222 were aggravated assaults. Four hundred and seventy-two of what the government termed hate crimes were not assaults but "acts of intimidation." These latter would not be crimes except for the determination that expressions of certain prejudices and hatreds were in themselves criminal offenses.

There is a long history of police and prosecutors slighting assaults against gays and lesbians. Justice demands that the cops and the courts treat the perpetrators of assaults against citizens who happen to be homosexual as harshly as they do the perpetrators of assaults against anyone else. But not more so.

PERSONAL EXPLANATION

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the chamber on October 13, 1998, during roll call vote numbers 524, 525, 526, 527, 528, and 529. Had I been present, I would have voted "yea" on roll call vote number 524, "aye" on roll call vote number 525, "aye" on roll call vote number 526, "yea" on roll call vote number 527, "yea" on roll call vote number 528, "yea" on roll call vote number 529.

TRIBUTE TO THE LATE FRED SANDERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. EMERSON. Mr. Speaker, I rise today to pay tribute to the memory of Mr. Fred Sanders. Fred was a small business owner in Leasburg, Missouri who, for ten years, ran a small campground and rented rafts and canoes to folks who wanted to enjoy warm-weather days floating down the serene Meramac River and to take in the beauty of the Onodaga State Park. Fred, however, was more than a successful entrepreneur. He was also a successful community leader.

In 1991, a flood damaged a bridge in the Onodaga State Park, which enabled campers and "floaters" to make their way to Fred's campsite and canoe and raft rental outfit. In his quest to see the bridge rebuilt, Mr. Sanders met with some resistance. Fred made up his mind to try and rebuild the bridge himself. While his initial attempts were blocked, Fred persisted and after years of working with the county government, they agreed to replace the damaged bridge.

Seven years after Fred began his crusade, the bridge in Onodaga State Park is now rebuilt. Unfortunately, Fred passed away on March 17, 1998—several months before his long-fought-for bridge was finally completed. In honor of Fred's unwavering commitment to this bridge project, the new bridge in the Onodaga State Park was dedicated in his memory on October 10, 1998. I cannot think

of a more fitting tribute to Fred. He fought long and hard to get this bridge built, and he was instrumental in making a real difference in Crawford County, Missouri. I think we can all learn from Fred's exemplary perseverance and commitment to a local infrastructure improvement project that one person truly can make a difference in his or her community. I am proud to be able to honor the memory of Mr. Fred Sanders today here in the House of Representatives.

HONORING SISTER M. ANITA ROSAIRE FAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues a truly remarkable lady who has recently celebrated a significant milestone in her life.

Sister M. Anita Rosaire Fay, who is celebrating her jubilee year as a Dominican Sister, entered the Dominican sisters convent at Mount St. Mary in Newburgh, NY, on September 8, 1928. When she entered the sisterhood, she brought with her to the order the love of a wonderful family and a deep and abiding faith.

Sister Anita's love of God goes back to her birth, as does her love of life. Always an avid sports fan—then and now—she often recalls playing hooky with her brothers and sisters to see the New York Yankees play.

Sister Anita received her B.A. from Fordham University and her M.A. degree from Villanova University, majoring in history and political science.

Sister Anita taught for 45 years in elementary education and secondary education in both New York State and New Jersey. Sister also taught political science and other courses at Mount Saint Mary College in Newburgh, NY. One of the legislators in our New York State Assembly, Tom Kirwan, who studied under Sister Anita when he was still a State Police officer, is only one of her many students who were inspired to enter politics by Sister Anita.

In 1975, Sister Anita informed me that she was seeking new challenges to conquer. I invited her to join my Washington Congressional staff, and she remains with us to this day. My entire Congressional staff values her wise counsel and her cheery disposition, as do I. She is considered the sunshine and the morale booster in our office.

Sister Anita's dedication to assisting my constituents is rivaled only by her dedication to her beloved Georgetown Hoyas. Sister Anita balances her time between helping my Congressional offices operate at peak efficiency, rooting for her favorite basketball team, and the Office of the Hours prayers.

Mr. Speaker, as Sister Anita is celebrating her 70th Jubilee year as a Dominican sister, I am pleased to call her remarkable life to the attention of all our colleagues and their staffs, and invite everyone to join in celebrating her remarkable life.

DISABILITIES EMPLOYMENT AWARENESS MONTH—A PACIFIC PERSPECTIVE ON INDIVIDUALS WITH DISABILITIES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. UNDERWOOD. Mr. Speaker, Guam is the place where America's day begins. While small, idyllic and remote, it is a place where lots of things happen first. Today, I rise to inform my colleagues of a new first, we are the first to bring our other brothers and sisters from the international community of persons with disability together to develop our own local solutions to the global issues of rehabilitation and employment in the Pacific. We have used our own talent and skills from our communities to study what we can do to address the issues of unemployment of persons with disability on Guam and the rest of the Pacific. The importance of these locally-developed solutions cannot be overstated as persons with disabilities face barriers and problems that are endemic to our way of life. From my friends at the Rehabilitation Research and Training Center of the Pacific at San Diego State University, I have learned that over 16,000 individuals with a disability in the Pacific have applied for assistance in order to work, train and attend school in 1995. The unemployment rate of persons with disabilities in the Pacific is four times that of any other group. Applying this statistic anywhere else with any other group in America and it would be deemed a travesty. However, we have also learned that through our own studies and methods, we are in the best possible situation to remedy these inequities.

Over the last four years, our friends and colleagues at San Diego State University, University of Guam, Northern Marianas College, American Samoa Community College, College of Micronesia—FSM, and the College of Marshall Islands have established local steering committees for rehabilitation research and training. This work culminates in the first ever international conference, entitled "Pacific Perspectives for the Employment of Persons with Disabilities in the 21st Century." The conference will be convened on Guam from October 28–30, 1998.

It is momentous that this conference will be held in concert with "Disabilities Awareness Month" in the Pacific. Our own local network on Guam of rehabilitation professionals, educators, teachers, researchers and consumers acknowledge the people from our business communities employing persons with disabilities. On Guam on October 26, 1998, we are awarding those members of our own business community for their continued support by employing persons with disabilities. Mr. Rodney Priest, the Chairperson of the Guam Rehabilitation Advisory Council and a research associate with San Diego State University, was instrumental in organizing this event. The October 26 event maintains our commitment to our greatest resource, the people of Guam.

Hiring the disabled is an asset for us all. There are similar ceremonies acknowledging employers in the islands across the Pacific this month. Events will also be held in the Marshall Islands, the Federated States of Micronesia, American Samoa, the Republic of Palau and the Commonwealth of the Northern Marianas Islands.

October is Disabilities Awareness Month. During this month, we commemorate individuals with disabilities and pay tribute to their contributions in our communities. None of the activities this month would have been possible without the successful collaboration between institutions of higher education, community service organizations, responsive government officials and supportive consumers from our villages. These recent cooperative efforts have been coordinated by San Diego State University Rehabilitation Research and Training Center of the Pacific, funded by the National Institute on disability Rehabilitation Research.

The Rehabilitation Research and Training Center of the Pacific adopted a model for research that focuses on participation, action and local priorities. This unique approach resulted in the sponsorship of the Guam Rehabilitation Research Local Steering Committee led by people with disabilities who live in my district. Together with other similar committees led by persons with disabilities from the islands, these groups are improving our ability to address our systems of service and economic development which result in real jobs, careers and life-long learning impacting our communities today and in the future. This is an example of community leadership combined with university skills that can positively affect the lives of numerous individuals in the 21st century. It is a Pacific perspective that should be acknowledged and replicated.

Mr. Speaker, this message would be incomplete without mentioning other individuals and organizations contributing tremendously to assisting individuals with disabilities. I commend Dr. Fred McFarlane, Director of the Interwork Institute and the Rehabilitation Research and Training Center of the Pacific (RRTCP) and Dr. Kenneth Gelea'i, Co-Director and Research Coordinator of the RRTCP. I also commend the Association of Pacific Island Legislatures (APIL), presided by Senator Carlotta A. Leon Guerrero, for their commitment to individuals with disabilities, as evinced by their resolution passed by APIL's 17th General Assembly. I also congratulate Mr. Rodney Priest for his tireless efforts on behalf of Guam's disabled community.

TRIBUTE TO GARY GRAY

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. SMITH of Michigan. I rise before you today to honor Gary Gray, a constituent of mine from Adrian, Michigan whose accomplishments and accolades are many.

Mr. Gray is the recipient of the Lenawee County Chamber of Commerce 1998 Small Business Person of the Year Award. This distinguished honor is bestowed upon those individuals who have not only created and guided successful businesses but have made an even greater contribution through their selfless giving to those in their community.

Gary Gray, a nationally recognized physical therapist, grew up in the city of Ft. Wayne, Indiana. Upon graduating from the University of Indiana in 1976, he began his professional career as Director of Physical Therapy at Bixby Hospital in Adrian, Michigan. He continues to enjoy Adrian as his home.

In 1986 Gary opened the doors of Gary Gray Physical Therapy Clinic, Inc. in Adrian with two employees. Nearly thirteen years later this thriving company has grown into three sites employing 35 employees.

Upon realizing the critical need this country has for continuing education in rehabilitation, he began Wynn Marketing, Inc. in 1988. Through the years, Wynn Marketing has produced 95 seminars throughout the nation, presenting innovative, practical and enlightening rehabilitation seminars to over 10,000 physical therapists, athletic trainers, orthopedic physicians and chiropractors. The closeness of his family life is revealed in the fact that his mother and father are the hosts and coordinators of these seminars.

Gary continues to be a consultant to various college and professional athletic teams around the country as well as educational institutions. He is the author of several published articles and manuals on rehabilitation and prevention. Recognized by various physical therapy schools around the nation, many of these are required reading in the physical therapy curriculum.

Recognized as a successful inventor of rehabilitation equipment, Gary opened the doors of Functional Designs in 1997. The purpose of this company is to develop and market many of Gary's inventors i.e. the Golf Gazebo, the Stretch Frame and the Pyramid Strider.

Gary Gray consistently supports community projects, especially those involving youth. He developed the "Hot Rock" boys basketball camp in 1989. This two week summer camp of basketball ministry combines the unique blend of both sport and Christ in the lives of the youth today. This past summer's Hot Rock was enjoyed by over 120 young boys and remains fully sponsored by Gary.

Realizing the need was also there for the young girls of the community, Gary developed "Girls of Summer" in 1995. Over 70 girls were ministered to this past summer, again combining the blend of basketball and Christ.

Beginning his 5th year as the assistant varsity basketball coach at Lenawee Christian High School is one of the positions Gary holds most dear. His love of Christ and family is prevalent to all who know him. His lovely wife of 22 years, Cindi, is also known as an excellent speaker and leader in the community. He has two wonderful sons of whom he is very proud: Brad, a freshman at Cornerstone College and Doug, a junior at Lenawee Christian High School.

I want to commend Gary Gray for all of his achievements. He truly is deserving of the Lenawee Chamber of Commerce's Small Business Person of the Year Award.

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CUMMINGS. Mr. Speaker, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

Mr. Speaker, I have been proud to represent Kenneth Jernigan and his wife, Mary Ellen, since coming to Congress in 1996. But more than being my constituent, Mr. Speaker, Dr. Jernigan has been my friend. In fact, as he did with so many others over his lifetime of leadership, he encouraged me and helped me to believe in myself.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But in the story of Kenneth Jernigan, from his humble beginnings in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with America is told.

Dr. Jernigan may have been blind in the physical sense, but he was a man of vision nonetheless. As a leader of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. Speaker, for those who knew him and loved him, for the blind of this country, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be different. But the world he left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left behind is visible in the hundreds of thousands of lives that he touched and will continue to inspire through the programs and projects that will live on in his name. This will be the case for many generations to come.

Kenneth Jernigan will be missed deeply by his family and friends, and his loss will be shared by all of us because he cared for all of us. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Kenneth Jernigan taught us all to love one another and live with dignity. This is the real and lasting legacy of Kenneth Jernigan.

Mr. Speaker, on September 24, 1998, an article entitled, "Friends Pay Homage to Crusader for the Blind. Jernigan Still Working Despite Lung Cancer" appeared in the *Baltimore Sun*. Because it presents a fitting tribute to Dr. Jernigan's life and work, I insert the text of this article in the RECORD at this point.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND JERNIGAN STILL WORKING DESPITE LUNG CANCER

(By Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington.

Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people.

James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federal of the Blind (NFB), who is in the latter stages of lung cancer.

"The wonderful life I've had is all due to Dr. Jernigan," Omvig said. In the 1950s, he "was sitting around at home" in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with "my old poetry and drinking buddy."

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type "Kernel Book" series of inspirational books for the visually impaired.

But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In

the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as "one of the best in the country."

"There are good things in everything, even this illness," said his wife, Mary Ellen Jernigan. "You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know."

TRIBUTE TO BILL GRADISON

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. KASICH. Mr. Speaker, I rise today to pay tribute to our former colleague Bill Gradison. Bill served as a highly respected Member of this body from 1975 through January, 1993. For the past 6 years Bill has served as President of the Health Industry Association of America. He will retire from that post at the end of the year.

During his years at HIAA, Bill has demonstrated the same knowledge, commitment and skills that he did in this body. As an expert on health care policy, Bill worked to improve the Nation's health care system and the health of all Americans. Equally important, he did so at all times with great thoughtfulness and by truly being a gentleman.

In his 18 years in the House, Bill had a strong influence on many issues, including health care, the budget, Social Security, trade and governmental self discipline.

Bill found health care to be particularly absorbing and challenging. Both on and off Capitol Hill, Bill has worked hard to ensure that all Americans have access to high quality health care at a reasonable cost.

In Congress, Bill worked enthusiastically to promote hospice care, an innovative, compassionate approach to caring for the terminally ill and their families. In 1982, legislation which he sponsored with then Representative Leon Panetta to allow hospices to provide care under Medicare was enacted. Over the years, Bill sponsored numerous other hospice-related measures that received strong bipartisan support. Today, this humanitarian yet cost effective end of life care is widely accepted.

One of Bill's most significant non-health congressional achievements was indexing income tax brackets and the standard deduction for inflation. Bill was also a major participant in developing the 1983 Social Security measures that restored the Social Security System to solvency.

I hope my colleagues will join me in congratulating Bill for his years of service in Congress and at HIAA. We should certainly appreciate his contributions to public policy and wish him the best of luck in his future endeavors.

100% ENROLLMENT OF LOWER INCOME MEDICARE BENEFICIARIES IN THE QMBY & SLMBY PROGRAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. STARK. Mr. Speaker, I am pleased to join Representative McDERMOTT in introducing legislation to ensure that 100 percent—or as close to 100 percent as humanly possible—of low-income Medicare beneficiaries eligible for QMBy and SLMBy are enrolled in those programs. The bill provides for a data match between the IRS and HHS to detect low income Medicare beneficiaries and presumptively enroll them in the programs.

We are introducing the bill in the last hours of the Congress so that the administration, seniors' groups, and others can study the issue over the adjournment period and make suggestions for improvements and changes for a new bill in the 106th Congress.

In 1988, Congress enacted provisions to protect low-income Medicare beneficiaries from the financial distress of out-of-pocket health care costs. The protections were embodied in the Qualified Medicare Beneficiary (QMB) Program under which state Medicaid Programs pay Medicare premiums, deductibles and co-insurance for people with limited resources and with incomes of not more than 100 percent of the Federal poverty threshold, currently $691 per month for an individual. In subsequent years similar but more limited provisions were enacted for those with slightly higher incomes.

Premium and other cost-sharing protections are critical to the well-being of low-income Medicare beneficiaries. Medicare covers less than half of the total health spending of the elderly and is less generous than health plans typically offered by large employers. Health care spending for low-income beneficiaries who are also eligible for Medicaid is substantially higher—Medicare payments for them are 70 percent higher than for those with higher incomes. Beneficiaries spend, on average, more than $2,500 out-of-pocket on Medicare premiums and cost-sharing, and on health services not included in the Medicare program. This is a third of the annual income of an individual living in poverty.

Moreover, on average the health of low-income Medicare beneficiaries is substantially worse than that of the general Medicare population: Low-income beneficiaries are nearly twice as likely as those with higher income to self-report fair to poor health and nearly twice as likely to have used an emergency room in the past year; they are less likely to have a particular physician; and they are three times more likely to have needs for assistance due to functional impairments in activities such as dressing, eating and bathing.

Despite the importance of financial protections and their promise of help to low-income beneficiaries, the current QMBy and SLMBy (Specified Low-Income Medicare Beneficiaries, with incomes up to 120 percent of poverty) benefits have failed to reach nearly four million eligible individuals. A recent Urban Institute report estimates that only 10 percent of those eligible are participating in the SLMBy program and less than two-thirds of those eligible are enrolled for QMBy benefits.

Complex enrollment processes, requirements to apply at welfare offices, lengthy delays in refunding premiums deducted from cash payments, and the lack of effective, coordinated outreach and problem-solving systems have all been identified as issues that impede program effectiveness. Identifying and enrolling those entitled to benefits has been a significant challenge of the buy-in programs. Moreover, administration of the buy-in programs by different Medicaid systems of the 50 states and the District of Columbia make the benefit unevenly available across the country.

The importance of the buy-in programs to low-income Medicare beneficiaries should not be underestimated. Because of their greater-than-average health care costs, and because Medicare does not cover many services critical to older and disabled people, individuals eligible for buy-in programs can benefit greatly from the extra income they retain when they are relieved of cost-sharing responsibilities. The obvious and most important aspect of the buy-in programs is that they put income back into the pockets of low-income people who can use it to pay for food, clothing, shelter, unreimbursed medical expenses and other necessities of life.

Mr. Speaker, we look forward to public comment on the technical features of the bill, and hope it will have widespread support in the 106th Congress.

HONORING SHELDON L. GOLDBERG ON HIS RETIREMENT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mrs. MORELLA. Mr. Speaker, it is my great pleasure to congratulate my constituent Sheldon L. Goldberg on his retirement as President of the American Association of Homes and Services for the Aging (AAHSA), after more than fifteen years of service. The AAHSA is a national nonprofit organization representing 5,000 nursing homes, continuing care retirement communities, senior housing and assisted living facilities and community service organizations for the elderly. The AAHSA is a leader in the development of an integrated continuum of care for frail elderly people and individuals with disabilities. I am familiar with the AAHSA through their nursing facilities and retirement communities in Maryland, including Asbury Methodist Village in Gaithersburg, the Friends House Retirement Community in Sandy Springs, the Hebrew Home of Greater Washington in Rockville, and the National Lutheran Home in Rockville. Mr. Goldberg, who has been a force in the long-term care field for more than twenty years, is leaving the AAHSA to become the CEO of the Jewish Home and Hospital in New York City.

During his tenure at the AAHSA, Mr. Goldberg has been instrumental in expanding the organization's focus in several key areas, including public policy advocacy. In addition, the

AAHSA's array of services has grown under his guiding hand, and now includes capital financing through the AAHSA Development Corporation, professional certification for retirement housing professionals, and continuing care retirement accreditation through the Continuing Care Accreditation Commission. Mr. Goldberg also spearheaded the AAHSA's movement to include "Services" in its name and initiated the development of the International Association of Homes and Services for the Aging, serving as its president since 1994.

In addition to serving as President of the AAHSA since 1982, Mr. Goldberg currently serves on the United States board of the International Leadership Center on Longevity and Society, the board of Generations United, and the Housing Development Reporter advisory board. He served as president of the National Assembly of National Voluntary Health and Social Welfare Organizations from 1992 through 1995, when he was the recipient of the 1995 Award for Excellence in the National Executive Leadership Forum. In 1995 and 1996, Mr. Goldberg served as chair of the Leadership Council of Aging Organizations, a coalition of national organizations concerned with the well-being of America's elderly and committed to representing the elderly's interests in the federal policy arena.

Prior to joining the AAHSA, Mr. Goldberg held the position of executive director of the Wisconsin Association of Homes for the Aging for three years. Prior to that he was director of the Wisconsin County Boards Association and a budget analyst at the Wisconsin Department of Health and Human Services. A native of Wisconsin, Mr. Goldberg received his bachelor's degree in political science, psychology and sociology and his master's degree in psychology at the University of Wisconsin, where he also did his graduate work in public administration.

Sheldon Goldberg has been a tireless advocate for the needs of older Americans. I know his colleagues join me in recognizing his many years of service to the AAHSA and in wishing him health, happiness and personal fulfillment in his future endeavors.

INTRODUCTION OF SMALL BUSINESS FRANCHISE ACT OF 1998

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 14, 1998

Mr. CONYERS. Mr. Speaker, I am pleased to be introducing the "Small Business Franchise Act of 1998" along with my good friend from North Carolina Mr. COBLE. This legislation represents the culmination of many months of work in crafting legislation which creates an appropriate balance between the rights of franchisors and franchisees.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979 (16 C.F.R. 436), was designed to deter fraud and misrepresentation in the pre-sales process and provides disclosure requirements and prohibitions concerning franchising and business opportunity ventures. However, the FTC has consistently maintained that it has no jurisdiction over problems franchisees face after the franchise agreement is entered into.

In the absence of any federal controls or regulation, a number of problems and complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

Taking of Property without Compensation. The franchise relationship almost always includes a post-termination covenant not-to-compete which prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can have the effect of appropriating to the franchisor all of the equity built up by the franchisee without compensation.

Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the existing franchisee that it causes significant damage or destruction to the existing franchised business.

Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, equipment, furniture, or other items from the franchisor or sources affiliated with or approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the characteristics of the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks, promotional fees, and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks, promotional fees, and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that we in Congress insure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. There is of course little time left in the 105th Congress to allow for consideration and inaction of this legislation. However, I am hopeful that this legislation will be at the top of the Judiciary's committee agenda when we return next year, and I will be seeking hearings on this matter at the earliest occasion.

The following is a section-by-section description of the legislation.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE

Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES

Subsection (a) prohibits any person, in connection with the advertising, offering, or sale of any franchise, from (1) employing a device, scheme, or artifice to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon any prospective franchisee; (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact; and (4) discriminating among prospective franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age in (a) the solicitation, offering or sale of any franchise opportunity, or (b) the selection of any site or location for a franchise business.

Subsection (b) prohibits franchisors, sub franchisors, and franchise brokers, in connection with any disclosure document, notice, or report required by any law, from (i) making an untrue statement of material fact, (ii) failing to state a material fact, or (iii) failing to state any fact which would render any required statement or disclosure either untrue or misleading. The subsection also prohibits franchisors, sub franchisors, and franchise brokers from failing to furnish any prospective franchisee with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to a prospective franchisee, whether orally or in writing, which is inconsistent with or contradicts such disclosure document.

"Disclosure document" is defined as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES

Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of any franchise agreement, from (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) discriminating among franchisees on the basis of race, color, sexual orientation, sex, religion, disability, national origin, or age; (3) hindering, prohibiting, or penalizing, either directly or indirectly, the free association of franchisees for any lawful purpose, including the formation of or participation in any trade association made up of franchisees or of associations of franchises; and (4) discriminating against a franchisee by imposing requirements not imposed on other similarly situated franchisees or otherwise retaliating, directly, or indirectly, against any franchisee for membership or participation in a franchisee association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration

or termination of a franchise to (i) cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, except that language in the franchise agreement purporting to determine ownership of a trademark, trade secret, or other intellectual property shall not be binding upon any court or forum for purposes of this paragraph, but may be considered as evidence of such ownership, (ii) alter the appearance of the business premises so that it is substantially similar to the standard design, decor criteria, or motif in use by other franchisees using the same name or trademarks within the proximate trade or market area of the business, or (iii) modify the manner or mode of business operation so as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the proximate trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT

Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has skill or knowledge, the franchisor is required to exercise the skill and knowledge normally possessed by franchisors in good standing in the same or similar types of business.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertakes to perform bookkeeping, collection, payroll, or accounting services on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor's fiscal year, and (iii) disclose the source and amount of, and deliver to the fund or program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6. PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under the Act by reason of willful misfeasance, bad faith, or gross negligence in the performance of duties, or by reason of reckless disregard of obligations and duties under the franchise agreement. Nor may a franchisor require that a franchisee agree to not make any oral or written statement relating to the franchise business, the operation of the franchise system, or the franchisee's experience with the franchise business.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which would purport to waive or restrict any right granted under the Act.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the act or any Federal law of the State in which the franchisee's principal place of business is located, (ii) depriving a franchisee of the right to commence an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement or stipulation ancillary or collateral to the franchise, in a court of arbitration forum in the State of the franchisee's principal place of business, or (iii) excluding collective action by franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with an applicable State franchise law is not waived, excused or avoided, and evidence of violation of the Act or State law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7. ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising the powers conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

SECTION 8. TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable conditions generally applied to new franchisees. The qualifications must be based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer, provided that the refusal is not arbitrary or capricious and the franchisor states the grounds for its refusal in writing to the franchisee.

Subsection (b) requires that a franchisee give the franchisor at least thirty days' written notice of a proposed transfer, and that a franchisee, upon request, will provide in writing to the franchisor a list of the ownership interests of all persons holding or claiming an equitable or beneficial interest in the franchise subsequent to the transfer.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee successfully complete a reasonable training program, (2) payment of a reasonable transfer fee, (3) the franchisee pay or make reasonable provisions to pay any amount due the franchisor or the franchisor's affiliate, (4) the financial terms of the transfer at the time of the transfer comply with the franchisor's current financial requirements for franchisees. A franchisor may not condition its consent to a transfer on (1) a franchisee forgoing existing rights other than those contained in the franchise agreement, (2) entering into a release of claims broader in scope than a counterpart release of claims offered by the franchisor to the franchisee, or (3) requiring the franchisee or transferee to make, or agree to make, capital improvements, reinvestments, or purchases in an amount greater than the franchisor could have reasonably required under the terms of the franchisee's existing franchise agreement.

Subsection (e) permits a franchisee to assign his interest for the unexpired term of the franchise agreement and prohibits the franchisor from requiring the franchisee or transferee to enter an agreement which has different material terms or financial requirements as a condition of the transfer.

Subsection (f) prohibits a franchisor from withholding its consent without good cause to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee's interest retains control over more than 25 percent of the voting power as the franchisee.

Subsection (g) prohibits a franchisor from withholding its consent to a pooling of interests, to a sale or exchange of assets or securities, or to any other business consolidation among its existing franchisees, provided the constituents are each in material compliance with their respective obligations to the franchisor.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement and for which the franchisor shall not impose any fees or payments or changes in excess of the franchisor's cost to review the matter.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchise purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor's complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor's trade secrets or intellectual property rights except by agreement with the franchisor.

SECTION 9. TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (1) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he give notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (2) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (3) requires that the entity assuming the franchisor's obligations have the business experience and financial means necessary to perform the fanchisor's obligations.

SECTION 10. INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from prohibiting or restricting a franchisee from obtaining equipment, fixtures, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee's choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for approval of competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service.

Subsection (c) requires a franchisor and its affiliates officers and/or its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits from vendors as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent of the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of a established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless that person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, medication, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date or enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

H. CON. RES. 283 ON TIBET

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1998

Mr. BERMAN. Mr. Speaker, I am proud that House Concurrent Resolution 283, expressing the sense of the Congress on the December 1997 report on Tibet of the International Commission of Jurists and on United States policy on Tibet, is being considered now.

I offered this Resolution in an effort to maintain the world's attention on developments in Tibet. A comparable provision has been offered and passed in the Senate. With 66 cosponsors in the House, this resolution has strong bipartisan support.

Tibet remains on the American foreign policy agenda today and it remains on the international community's agenda largely because the U.S. Congress does not let anyone forget what is happening to Tibetans and Tibet culture under Chinese rule. This resolution reflects our serious concern for the plight of the Tibetan people and our strong support for the Dalai Lama's efforts to enter into serious discussions with the Chinese leadership on the future of Tibet.

The resolution cites a recent and comprehensive report by the International Committee of Jurists entitled "Tibet: Human Rights and the Rule of Law." It is the fourth report on Tibet by this distinguished body since 1959 and their first since 1964. The December 1997 report was inspired by the situation in Tibet that by all credible accounts, including the Department of State, remains unsettled and in many ways has grown more desperate.

The President has appointed a Special Coordinator for Tibetan Issues. Until recently, this position was held by Mr. Gregory Craig of the U.S. Department of State. I understand that he has played a very active and productive role behind the scenes in promoting discussions between the Dalai Lama and his representatives and the Chinese. I would hope that further progress will be made on opening this dialogue as President Jiang Zemin indicated that he would do during his summit meeting with President Clinton. Discussions must lead to negotiations and a positive outcome to those negotiations would improve substantially American relations with China.

Finally, I would like to draw the House's attention to the continuing detention of Gendun Choekyi Nyima. Over three years ago, the Dalai Lama announced the recognition of this young boy, then only six, as the Panchen Lama of Tibet. Within days, this child disappeared from his home. It was not until a year later that the Chinese Ambassador to Geneva admitted to a meeting of the United Nations Committee on the Rights of the Child that Gendun Choekyi Nyima was under the "protection" of the Chinese government. Repeated requests from governments and private humanitarian organizations to meet with the boy have been denied. No one knows where he is nor the conditions under which he lives. It is unconscionable that in today's world a young child, now nine years old, has apparently become a pawn in Beijing's political efforts to control Tibet.

I would like in particular to thank MR. PORTER, an original cosponsor of this resolution; Mr. GILMAN, chairman of the International Relations Committee, and Mr. BEREUTER, chair of the Asia and Pacific Subcommittee, on which I serve as Ranking Member, for doing all they could to see that this resolution was brought forward for consideration. I appreciate the efforts they both made to achieve a compromise which would permit the House to consider this initiative. I would also like to note the contribution made by Mr. BEREUTER's subcommittee counsel, Dan Martz, who has negotiated in good faith with my staff to reach accommodation on this legislation. I understand that Mr. Martz will be soon leaving the subcommittee staff to join the private sector in New York City. His advice will be missed in the subcommittee but we all wish him well in his next endeavor.

I urge my colleagues to join me in introducing this resolution which calls for the release of Gendun Choekyi Nyima, the 11th Panchen Lama of Tibet, and for a dialogue between the Dalai Lama and Chinese authorities.

H. CON. RES. 283

Sponsor: Rep. Berman (introduced 05/22/98).

66 Cosponsors

Rep. Porter—05/22/98.
Rep. D. Payne—05/22/98.
Rep. Lantos—05/22/98.
Rep. Lowey—05/22/98.
Rep. Wolf—05/22/98.
Rep. C. Smith—05/22/98.
Rep. J. Kennedy—05/22/98.
Rep. Scarborough—06/25/98.
Rep. Menendez—06/25/98.
Rep. Hinchey—06/25/98.
Rep. Borski—06/25/98.
Rep. Woolsey—06/25/98.
Rep. LoBiondo—06/25/98.
Rep. Ehlers—07/17/98.
Rep. Allen—07/17/98.
Rep. Waxman—07/17/98.
Rep. S. Brown—07/17/98.
Rep. King—07/17/98.
Rep. Meehan—07/17/98.
Rep. Faleomavaega—08/06/98.
Rep. Cramer—08/06/98.
Rep. Olver—08/06/98.
Rep. Calvert—08/06/98.
Rep. Forbes—08/06/98.
Rep. Kelly—08/06/98.
Rep. Adam Smith—08/06/98.
Rep. Underwood—08/06/98.
Rep. Engel—08/06/98.
Rep. Kennelly—09/23/98.
Rep. Ackerman—09/23/98.
Rep. Furse—09/23/98.
Rep. Watts—09/25/98.
Rep. Slaughter—10/05/98.
Rep. C. Maloney—05/22/98.
Rep. Abercrombie—05/22/98.
Rep. Rohrabacher—05/22/98.
Rep. Gilman—05/22/98.
Rep. Cox—05/22/98.
Rep. Lofgren—05/22/98.
Rep. Pelosi—05/22/98.
Rep. Dixon—06/25/98.
Rep. Nadler—06/25/98.
Rep. Skaggs—06/25/98.
Rep. Farr—06/25/98.
Rep. Pappas—06/25/98.
Rep. Frank—06/25/98.
Rep. Rivers—07/17/98.
Rep. Roybal-Allard—07/17/98.
Rep. Solomon—07/17/98.
Rep. Pascrell—07/17/98.
Rep. Goodling—07/17/98.
Rep. Gejdenson—08/06/98.
Rep. John Lewis—08/06/98.
Rep. Stark—08/06/98.
Rep. McGovern—08/06/98.
Rep. Sherman—08/06/98.
Rep. English—08/06/98.
Rep. Dreier—08/06/98.
Rep. Sanders—08/06/98.
Rep. Rangel—08/06/98.
Rep. G. Miller—09/23/98.
Rep. Christensen—09/23/98.
Rep. Inglis—09/23/98.
Rep. Kilpatrick—09/23/98.
Rep. Salmon—10/05/98.
Rep. McKinney—10/07/98.

H. CON. RES. 283

Whereas the International Commission of Jurists is a nongovernmental organization founded in 1952 to defend the rule of law throughout the world and to work toward the full observance of the provisions of the Universal Declaration of Human Rights;

Whereas in 1959, 1960, and 1964 the International Commission of Jurists examined Chinese policy in Tibet, violations of human rights in Tibet, and the position of Tibet in international law;

Whereas these findings were presented to the United Nations General Assembly, which adopted three resolutions (in 1959, 1961, and 1965) calling on the People's Republic of China to ensure respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life, and to cease practices which deprive the Tibetan people of their fundamental human rights and freedoms;

Whereas in December 1997, the International Commission of Jurists issued a fourth report on Tibet, examining human rights and the rule of law;

Whereas the President of the United States has repeatedly indicated his support for substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives; and

Whereas on October 31, 1997, the Secretary of State appointed a Special Coordinator for Tibetan Issues to oversee United States policy regarding Tibet: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) expresses grave concern regarding the findings of the report of the International Commission of Jurists on Tibet issued in December 1997, that—

(A) repression in Tibet has increased steadily since 1994, resulting in heightened control on religious activity, a denunciation campaign against the Dalai Lama unprecedented since the Cultural Revolution, an increase in political arrests, suppression of peaceful protests, and an accelerated movement of Chinese people to Tibet; and

(B) in 1997, a senior office of the People's Republic of China labeled the Tibetan Buddhist culture, which has flourished in Tibet since the seventh century, as a "foreign culture" in order to facilitate indoctrination of Tibetans in Chinese socialist ideology and the process of national and cultural integration;

(2) supports the recommendations contained in the report referred to in paragraph (1) that—

(A) call on the People's Republic of China—

(i) to ensure respect for the fundamental human rights of the Tibetan people; and

(ii) to end those practices which threaten to erode the distinct cultural, religious, and linguistic identity of the Tibetan people;

(B) call on the United Nations General Assembly to resume its debate on Tibet; and

(C) call on the Dalai Lama or his representatives to enter into discussions with the Government of the People's Republic of China;

(3) commends the appointment by the Secretary of State of a United States Special Coordinator for Tibetan Issues—

(A) to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives;

(B) to coordinate United States Government policies, programs, and projects concerning Tibet;

(C) to consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people, and to report to the Congress in accordance with the requirements of section 536(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236); and

(D) to advance United States policy which seeks to protect the unique religious, cultural, and linguistic heritage of Tibet, and to encourage improved respect for Tibetan human rights;

(4) calls on the People's Republic of China to release from detention the 9-year-old child identified by the Dalai Lama as the Panchen Lama, Gedhun Choekyi Nyima, to his home in Tibet from which he was taken on May 17, 1995, and to allow him to pursue his religious studies without interference and according to tradition;

(5) recognizes that the Dalai Lama is not seeking independence but genuine autonomy and calls on the People's Republic of China to respond positively to the Dalai Lama's proposal for Tibet and to enter into discussions with him or his representatives;

(6) commends the President for publicly urging President Jiang Zemin, during their recent summit meeting in Beijing, to engage in dialogue with the Dalai Lama; and

(7) calls on the President to continue to work to secure an agreement to begin substantive negotiations between the Government of the People's Republic of China and the Dalai Lama or his representatives.