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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 16, 1998, at 2 p.m.

Senate

FRIDAY, MARCH 13, 1998

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

The Lord is my shepherd, I shall not want. . . . He restoreth my soul.—Psalm 23:1–3.

Dear Shepherd of our souls, we need the rejuvenation and the renewal of our souls. You have created them as the ports of entry for Your Spirit, the places of Your residence within us, the power-sources for our consciences. From within our souls, You shape our characters, mold our personalities, and govern our values. Nothing is more important than the care and cure of our souls.

Through Moses, You have taught us that, ''You shall love the Lord your God with all your heart and with all your soul and with all your strength.''—Deut. 6:5.

And Jesus stirs our confession: ''For what will it profit a man if he gains the whole world, and loses his own soul? Or what will a man give in exchange for his soul?''—Matthew 16:26.

Dear Lord, take Your rightful residence as the Sovereign of our souls. Then: Lead us in the paths of righteousness for Your Name's sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Kansas, is recognized.

SCHEDULE

Mr. ROBERTS. On behalf of the majority leader, I announce that in a moment the Senate will begin a rollcall vote on S. Con. Res. 78, a resolution regarding Saddam Hussein. Following the vote, the Senate will be in a period of morning business with Senator BENNETT being recognized for 45 minutes.

As announced last night, the Senate may also begin consideration of S. 270, the Texas low-level radioactive waste legislation; S. 414, the international shipping bill; or H.R. 2646, the A+ education bill.

Finally, as a reminder, the majority leader stated that all Senators should anticipate one or two rollcall votes during Monday's session of the Senate. Those would begin at approximately 5:30 p.m.

I thank all Senators for their attention, and I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

INDICTMENT AND PROSECUTION OF SADDAM HUSSEIN

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to a vote on S. Con. Res. 78, as amended, which the clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 78) relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

The Senate resumed consideration of the concurrent resolution.

Mr. ROBERTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution, S. Con. Res. 78, as amended. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 93, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—93

Abraham	Breaux	Cochran
Akaka	Brownback	Collins
Allard	Bryan	Conrad
Ashcroft	Bumpers	Coverdell
Baucus	Burns	Craig
Bennett	Byrd	D'Amato
Biden	Campbell	Daschle
Bingaman	Chafee	DeWine
Bond	Cleland	Dodd
Boxer	Coats	Domenici

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

Dorgan	Kempthorne	Reid
Durbin	Kennedy	Robb
Feingold	Kerrey	Roberts
Feinstein	Kerry	Rockefeller
Ford	Kohl	Roth
Frist	Landrieu	Santorum
Glenn	Lautenberg	Sarbanes
Gorton	Leahy	Sessions
Graham	Levin	Shelby
Gramm	Lieberman	Smith (NH)
Grams	Lott	Smith (OR)
Grassley	Lugar	Snowe
Gregg	Mack	Specter
Hagel	McConnell	Stevens
Harkin	Mikulski	Thomas
Hatch	Moseley-Braun	Thompson
Helms	Moynihan	Thurmond
Hollings	Murkowski	Torricelli
Hutchinson	Murray	Warner
Hutchison	Nickles	Wellstone
Johnson	Reed	Wyden

NOT VOTING—7

Enzi	Inouye	McCain
Faircloth	Jeffords	
Inhofe	Kyl	

The concurrent resolution (S. Con. Res. 78), as amended, was agreed to.

AMENDMENT NO. 1934 TO THE PREAMBLE

(Purpose: To provide substitute language)

The PRESIDING OFFICER. Under the previous order, amendment No. 1934, offered by the Senator from Pennsylvania, Mr. SPECTER, and the Senator from North Dakota, Mr. DORGAN, is agreed to.

The amendment (No. 1934) was agreed to as follows:

Strike out the preamble and insert the following:

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that ''crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraqi invasion of Kuwait'';

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international humanitarian law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

The preamble, as amended, was agreed to.

The concurrent resolution (S. Con. Res. 78), as amended, with its preamble, as amended, was agreed to, as follows:

S. CON. RES. 78

Whereas the International Military Tribunal at Nurenberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which stated that ''crimes against international law are committed by men, not be abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international humanitarian law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraqi invasion of Kuwait'';

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, adopted by the United Nations Security Council on October 29, 1990, the Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of over 700 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 150,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas paragraph 8 of Resolution 687 of the United Nations Security Council, adopted on April 8, 1991, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities;

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international humanitarian law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international humanitarian law in Rwanda;

Whereas more than 70 individuals have been indicted by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24,000,000 for the International Criminal Tribunal for the Former Yugoslavia and more than $20,000,000 for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President should—

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and any other Iraqi officials who may be found responsible for crimes against humanity, genocide, and other violations of international humanitarian law; and

(3) upon the creation of a commission and international criminal tribunal, take steps necessary, including the reprogramming of funds, to ensure United States support for efforts to bring Saddam Hussein and other Iraqi officials to justice.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution, as amended, was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, I want to commend Senator SPECTER for his leadership in championing the resolution passed overwhelmingly by the Senate a short time ago.

Our action has put the Senate on record in support of establishing an international commission and criminal tribunal for the purpose of investigating, prosecuting, and ultimately punishing Saddam Hussein and other Iraqi officials for genocide and crimes against humanity.

Through his genocidal campaigns against the Kurds and the Shi'a, the brutal treatment of Kuwaiti civilians, and the repeated use of chemical weapons, Saddam Hussein has earned his place as one of this century's most odious tyrants.

Perhaps the best documented case of Saddam's genocidal policies is the infamous Anfal campaign launched in February 1988 against Iraqi Kurdistan. The purpose of Anfal was to break the back of the Kurdish resistance using whatever means necessary. Large tracts of rural Kurdistan were declared off-limits and forcibly depopulated. Those who remained were branded ''traitors'' and ''saboteurs'' and were systematically liquidated during a ruthless six and a half month campaign. Human Rights Watch estimates that, in all, between 50,000 and 100,000 innocent civilians were killed during Anfal.

On March 16, 1988—nearly ten years ago to the day—Saddam unleashed a deadly cocktail of chemical weapons against the Kurdish town of Halabja. Wednesday's Washington Post piece by Christine Gosden is a poignant reminder of the suffering that the innocent men, women, and children of Halabja endure to this day as a result of that cowardly attack ten years ago. I ask unanimous consent that Dr. Gosden's account be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BIDEN. The weak international response that followed Halabja emboldened Saddam. In August 1988, he launched his final offensive against dozens of other villages, killing hundreds, and causing tens of thousands to flee to neighboring countries. A staff report prepared for the Senate Foreign Relations Committee, based on interviews with survivors, described the atrocities in vivid detail:

> The bombs . . . did not produce a large explosion. Only a weak sound could be heard and then a yellowish cloud spread out from the center of the explosion. . . . Those who were very close to the bombs died almost instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin and lungs of the villagers exposed to it. Many suffered temporary blindness.

After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. . . . Many of those who made it to streams survived. Those who could not run from the growing smell, mostly the very old and the very young, died. The survivors who saw the dead reported that blood could be seen trickling out of the mouths of some of the bodies. A yellowish fluid could also be seen oozing out of the noses and mouths of some of the dead. Some said the bodies appeared frozen. Many of the dead bodies turned blackish blue.

Saddam's outrageous act prompted only a muted response from the world community. One of the few sounds of protest came from this body, where Senators Pell and HELMS promptly introduced legislation to impose sanctions against Iraq.

The bill sailed through the Senate on a voice vote, a day after it was introduced. Unfortunately, the Reagan Administration, still under the delusion that it could deal with Saddam, denounced the bill as ''premature,'' and later succeeded in blocking its enactment in the final days of the One Hundredth Congress.

The Kurds are not the only victims of Saddam's atrocities. The ''Marsh Arabs'' of Southern Iraq have seen hundreds of their villages destroyed. They have been subjected to arbitrary killings and forcibly relocated. The mainstay of their ancient culture—the marshes of Southern Iraq—have been drained so that military operations can be carried out against them and other rebels with greater ease.

In addition to terrorizing his own citizens, Saddam Hussein has unleashed his wrath against Iraq's neighbors on numerous occasions. He used chemical weapons repeatedly during the Iran-Iraq War in clear violation of the 1925 Geneva Convention. His troops raped and murdered with impunity during the occupation of Kuwait. And he has rained scud missiles on the civilian populations of Bahrain, Saudi Arabia, Iran, and Israel.

It is high time that the international community stop looking the other way when presented with these blatant crimes against humanity. It is time to systematically compile the evidence of Saddam Hussein's atrocities and undertake criminal proceedings to deliver the punishment that he so richly deserves.

Our action in passing this resolution presents a challenge to the international community to join the United States in putting the wheels of justice into motion.

We should not underestimate the difficulty of physically delivering Saddam Hussein to a tribunal, but it would be unconscionable to abandon the quest for justice. Silence and inaction would be a grave injustice to the hundreds upon thousands of his victims.

[From the Washington Post, Mar. 11, 1998]

WHY I WENT, WHAT I SAW

(By Christine Gosden)

We have all talked so long and so reflexively about ''weapons of mass destruction'' that the phrase has lost much of its immediacy and meaning. It has become, like ''nuclear devastation'' and ''chemical and biological warfare,'' an abstract term of governmental memos, punditry and political debate. For many it calls forth neither visual imagery nor visceral revulsion.

Two Sundays ago, the TV program ''60 Minutes'' got a good start on changing that when it broadcast the story of the Iraqi city of Halabja 10 years after its civilian population had been the target of a chemical attack by Saddam Hussein. That population is mainly Kurdish and had sympathized with Iran during the Iran-Iraq war. The gassing of its people was in retaliation for that sympathizing.

''60 Minutes'' has given us permission to make still pictures from the film, which was originally shot, both in 1988 and 1998, by the British film maker, Gwynne Roberts. The ''60 Minutes'' staff also helped us to get in touch with the remarkable Dr. Christine Gosden, a British medical specialist, whose efforts to help the people of Halabja is documented. Dr. Gosden, who went out to Halabja 10 years after the bombing, agreed to write a piece for us, expanding on what she saw in Iraq. People around the world have seen the evidence of deformity and mutation following from the nuclear bombing of Hiroshima and Nagasaki. It shaped their attitude toward the use of atomic weapons. Maybe if more evidence of the unimaginable, real-life effects of chemical warfare becomes available, a comparable attitude toward those weapons will develop.

On the 16th of March 1988, an Iraqi military strike subjected Halabja, a Kurdish town of 45,000 in northern Iraq, to bombardment with the greatest attack of chemical weapons ever used against a civilian population. The chemical agents used were a ''cocktail'' of mustard gas (which affects skin, eyes and the membranes of the nose, throat and lungs), and the nerve agents sarin, tabun and VX. The chemicals to which the people were exposed drenched their skin and clothes, affected their respiratory tracts and eyes and contaminated their water and food.

Many people simply fell dead where they were, immediate casualties of the attack estimates put these deaths at about 5,000. A few were given brief and immediate treatment, which involved taking them to the United States, Europe and Iran. The majority of them returned to Halabja. Since then, no medical team, either from Iraq, Europe or America or from any international agency has monitored either the short- or long-term consequences of this chemical attack. Gwynne Roberts, a film director, made the award-winning film ''The Winds of Death'' about the attack in 1988. I saw this film, and it had a tremendous effect on me. Gwynne revisited Halabja in 1997 and was concerned that many of the survivors seemed very ill. He could not understand why no one had tried to find out what was happening to them. He convinced me that this was something I had to do.

Why would a female professor of medical genetics want to make a trip like this? I went to learn and to help. This was the first time that a terrible mixture of chemical weapons had been used against a large civilian population. I wanted to see the nature and scale of the problems these people faced, and was concerned that in the 10 years since the attack no one, including the major aid agencies, had visited Halabja to determine exactly what the effects of these weapons had been.

My medical specialty was particularly apt. My principal field of research is directed toward trying to understand the major causes of human congenital malformations, infertility and cancers including breast, ovarian, prostate and colon cancers. I am carrying out studies on a group of about 15 genes called tumor suppressor genes, which include breast/ovarian cancer genes BRCA 1 and BRCA 2 colon cancer genes and the Retinoblastoma and Wilm's tumor genes associated with childhood cancers. When these genes are disrupted or mutate, they have a number of effects. Alterations lead to congenital abnormalities or pregnancy loss. Their role after birth is to try to prevent cancers from forming. Later in life, loss or mutation may lead to infertility and cancers.

I was particularly concerned about the effects on the women and children. Most of the previous reported exposures to chemical weapons and mustard gas had involved men involved in military service; chemical weapons had never been used on this scale on a civilian population before. I was worried about possible effects on congenital malformations, fertility and cancers, not just in women and children but in the whole population. I also feared that there might be other major long-term effects, such as blindness and neurological damage, for which there is no known treatment.

What I found was far worse than anything I had suspected, devastating problems occurring 10 years after the attack. These chemicals seriously affected people's eyes and respiratory and neurological systems. Many became blind. Skin disorders which involve severe scarring are frequent, and many progress to skin cancer. Working in conjunction with the doctors in the area, I compared the frequency of these conditions such as infertility, congenital malformations and cancers (including skin, head, neck, respiratory system, gastrointestinal tract, breast and childhood cancers) in those who were in Halabja at the time with an unexposed population from a city in the same region. We found the frequencies in Halabja are at least three to four times greater, even 10 years after the attack. An increasing number of children are dying each year of leukemias and lymphomas. The cancers tend to occur in much younger people in Halabja than elsewhere, and many people have aggressive tumors, so that mortality rates are high. No chemotherapy or radiotherapy is available in this region.

I found that there was also a total lack of access to pediatric surgery to repair the major heart defects, hare lip and cleft palate or other major malformations in the children. This meant that children in Halabja are dying of heart failure when children with the same heart defects could have had surgery and would probably have survived in Britain or the United States. It was agonizing for me to see beautiful children whose faces were disfigured by hare lip and cleft palate when I know that skilled and gifted surgeons correct these defects every day in North America and Europe.

The neuropsychiatric consequences are seen as human tragedy on every street, in almost every house and every ward of the hospital. People weep and are in great distress because of their severe depression, and suicidal tendencies are alarmingly evident. The surgeons often have to remove bullets from people who have failed in their suicide attempts. In collecting data from the Martyrs Hospital in Halabja, the doctors said that they are not able to see patients with psychiatric and neurological conditions because there is a lack of resources and there is no effective treatment. Many people have neurological impairment or long-term neuromuscular effects. Most people cannot afford even the cheapest treatment or drugs and so are reluctant to come to the hospital. At present, even for those with life-threatening conditions, there is no effective therapy for any of these conditions in Halabja.

On the first day of my visit to the labor and gynecological ward in the hospital, there were no women in normal labor and no one had recently delivered a normal baby. Three women had just miscarried. The staff in the labor ward told of the very large proportion of pregnancies in which there were major malformations. In addition to fetal losses and perinatal deaths, there is also a very large number of infant deaths. The frequencies of these in the Halabjan women is more than four times greater than that in the neighboring city of Soulemaneya. The findings of serious congenital malformations with genetic causes occurring in children born years after the chemical attack suggest that the effects from these chemical warfare agents are transmitted to succeeding generations.

Miscarriage, infant deaths and infertility mean that life isn't being replenished in this community, as one would expect if these weapons had no long-term effects. The people hoped that after the attack they could rebuild the families and communities that had been destroyed. The inability to do so has led to increasing despair. Their lives and hopes have been shattered. One survivor described being in a cellar with about a hundred other people, all of whom died during the attack. Not only do those who survived have to cope with memories of their relatives suddenly dying in their arms, they have to try to come to terms with their own painful diseases and those of their surviving friends and relatives.

For instance, many people have more than one major condition, including respiratory problems, eye conditions, neurological disorders, skin problems, cancers and children with congenital malformations and childhood handicaps such as mental handicap, cerebral palsy and Down's syndrome. The occurrences of genetic mutations and carcinogenesis in this population appear comparable with those who were one to two kilometers from the hypocenter of the Hiroshima and Nagasaki atomic bombs and show that the chemicals used in this attack, particularly mustard gas, have a general effect on the body similar to that of ionizing radiation.

Ten years after the attack, people are suffering a wide spectrum of effects, all of which are attributable to long-term damage to DNA. A radio broadcast was made the day before our arrival to ask people who were ill to come to the hospital to record their problems. On the first day, 700 people came; 495 of them had two or more major problems. The cases we encountered were extremely sad.

The people of Halabja need immediate help. There is a need for specialists (such as pediatric surgeons), equipment and drugs. Even more basic than this, though, is the need for heat, clean water and careful efforts to safeguard them against further attacks. We have to realize that there is very little medical or scientific knowledge about how to treat the victims of a chemical weapons attack like this effectively. We need to listen, think and evaluate with skill, since many of these people have had exposures to strange combinations of toxic gases. They have conditions that have not been seen or reported before. We may severely disadvantage a large group of vulnerable people and deny them effective diagnosis and treatment if we are intellectually arrogant and fail to admit that we have virtually no knowledge about how to treat the problems resulting from these terrible weapons, which have been used to more powerful and inhumane effect than ever before.

The pictures beamed around the world after the attack in 1988 in newspapers and on TV were horrifying. One picture was of a father who died trying to shield his twin sons from the attack. The statue in the road at the entrance to Halabja is based on that picture. This is not a traditional statue of someone standing proud and erect, captured in stone or bronze to represent man triumphant and successful, but of a man prostrate and agonized dying in the act of trying to protect his children. A deep and lasting chill went through me when I entered the town and saw the statue, and it settled like a toxic psychological cloud over me. This proved hard to dispel; it intensified as I met the people, heard their stories and saw the extent of the long-term illnesses caused by the attack. The terrible images of the people of Halabja and their situation persist and recur in my nightmares and disturb my waking thoughts. Perhaps these thoughts persist so vividly as a reminder to me that the major task is now to try and get help for these people.

Mr. THOMPSON. Mr. President, today's vote for prosecuting Saddam Hussein as a war criminal is important for at least two reasons. First, it highlights again the outrageous and murderous actions Saddam Hussein has taken over the past seven years. Second, it injects new thinking into the U.S. approach toward Iraq—something that has been sorely lacking.

Much commentary has been offered among the general public—and in this body—about the wisdom of the latest deal between U.N. Secretary General Kofi Annan and Saddam Hussein. Much of this commentary has focused on whether or not that agreement is a ''good'' one—one that will really curb Saddam. In my view, this question is misdirected. Almost certainly, the latest deal will do little but buy time. As long as Saddam possesses weapons of mass destruction, there's going to be another showdown somewhere down the road. So the real question becomes what we are going to do in the meantime to develop a comprehensive, long-term policy to protect our interests even as Saddam uses the time to further build up his arsenal and weaken international resolve. Trying Saddam for war crimes could be a step in that direction.

There is little doubt in most American's minds that Saddam Hussein negotiated the latest agreement to his own advantage. His standard M–O is to agree to some set of conditions, set himself up in the court of world opinion as some sort of victim, and then violate the agreements when it's advantageous for him to do so. He weakens the international coalition arrayed against him by creating, and then expanding, gray areas in the interpretation of international agreements in an effort to keep his most coveted weapons, while wiggling out of the economic sanctions imposed against his country—a strategy which, I am sorry to say, has worked pretty well for him so far.

So far, Saddam Hussein has been in control of the situation. He decides what disputes arise and when they come about. And because the United States has developed no creative alternatives to direct conflict, and because we have few international supporters, Saddam forces the U.S. to deploy large amounts of military forces to the Gulf—each time further eroding international cohesion, costing American taxpayers billions of dollars, and weakening our ability to defend other interests. Then, at the last moment, Saddam promises to behave within certain parameters which he negotiates. Later, at a time of his choosing, he tests those parameters and another round of military buildup and feverish handwringing among the world's diplomats begins.

Mr. President, Saddam is pretty much calling the shots. This is far too serious a business for us to settle for such little administration planning as we have seen. Iraqi weapons of mass destruction are quite real, and quite deadly, but our posture against this threat is almost entirely reactive. We engage in a loose strategy of containment, running pretty much on autopilot, until Saddam decides to challenge the status quo. Then we hear a lot of hot rhetoric about ''a modern Hitler'' and ''grave consequences'' accompanied by military deployments. But after a flurry of diplomatic activity, Americans are told there can be ''peace in our time.'' Mr. President, I am reminded of the boy who cried wolf, and I would remind the Administration that they can only go to the well so many times before the American people—and the rest of the world—ceases to take them seriously on this matter.

Our credibility is one of our first lines of defense. We don't make idle threats or rattle sabers—or rather, we shouldn't make such threats. Otherwise, this roller coaster of international gamesmanship ends up putting dents in our credibility, and that's destructive to our security. And rather than advancing America's security and our interests in the Middle East, this cycle of military build-up and appeasement plays right into Saddam's hands.

Our foreign policy needs to be made firmly and unequivocally by the President with the discrete counsel of Congress. Instead of forceful leadership in this matter, we have seen the administration attempt to insulate itself from the consequences that might come from a conflict with Iraq by staging public relations opportunities. The fiasco at Ohio State University marked a new low. Mr. President, this nation's foreign policy should not be set on the basis of pep rallies. When Americans are sent to war, it must be done on the basis of sober and rational decisions. Sadly, it appears that for this administration, we've reached the point where stagecraft has replaced statecraft.

Americans are uneasy with the lack of a comprehensive plan for Iraq. Untended sanctions, followed by military build-ups, followed by a return to sanctions, do not constitute a serious foreign policy. The President needs to take action, and he needs to make the case for that action confidently and truthfully to the American people, and then he needs to carry out exactly what he says he'll do.

Mr. President, Saddam Hussein is a brutal authoritarian who oppresses the Iraqi people, menaces his neighbors, and threatens the international community by developing weapons of mass destruction and potentially interrupting oil trade. Sadly, the United States currently has only two options for confronting him, both of them poor choices: (1) maintaining sanctions and continuing diplomacy in an environment of eroding international support, and; (2) launching military strikes, which Saddam has thus far been able to withstand.

Obviously, Americans are always glad when loss of life can be avoided, and there's no question that military strikes would have cost lives. But if by putting off a confrontation with Saddam we have enabled him to grow stronger and perhaps emboldened him to use chemical or biological weapons somewhere in the world, then delaying strikes will have been short-sighted with tragic consequences for many, many innocent people. Given the lack of a comprehensive strategy for dealing with Iraq, however, the result of strikes would have been a collapse of any remaining international cooperation on Iraq, the end of weapons inspections, a politically strengthened Saddam Hussein, and the continuation of Iraq's WMD program. At least the current agreement buys time. It's now up to the Administration to use this window of opportunity to develop better options for the next time Saddam becomes belligerent.

Building an international record of war crimes against Iraqi leaders could be one way to expand options for dealing with Iraq. Members of this body have also suggested other ideas like supporting an Iraqi opposition; developing, in cooperation with our Middle Eastern allies, better chemical and biological defenses; working more closely with allies to develop sustainable sanctions targeted against the Iraqi Government and its WMD program; and, working to convince other Gulf countries that, if we strike, they will not be left to confront a wounded but still-in-power Saddam who will grow even stronger. These may provide kernels of alternative policies. But Mr. President, every plan that works begins with leadership, accountability, and a seriousness of purpose. So far, these qualities have largely been lacking in the Administration's Iraq policy. I hope they take to heart the ideas offered today by the Senate.

Whatever we do, the U.S. must have more options than sanctions and military strikes the next time Saddam flouts his agreements. If the Administration does not develop new alternatives, we will soon repeat the well-worn cycle of military build-up and stand-down, and the next time we're at these crossroads with Iraq, our options will be even fewer and support both at home and abroad will be even more scarce. Mr. President, we cannot afford to leave American interests open to that kind of risk. And we will have no excuse for our position if the administration comes to these crossroads again in six months or a year no better equipped—and with no better planning—than we have just seen.

We must stand up to Saddam with confidence, clear goals, and resolute purpose. And we have to do it soon, or the time bought by the latest agreement will be solely to Saddam's advantage.

Mr. KERRY. Mr. President, I congratulate the Senator from Pennsylvania for introducing this resolution, which I supported when it was considered by the Committee on Foreign Relations and again supported on the vote just taken.

Our world has come a long way since the dawn of civilization. As human beings have evolved biologically and eventually socially, we have come to realize that we can safely and happily live together on this globe only if we abide by certain rules of behavior. The course of civilization is, in large measure, the history of humankind's increasing and increasingly sophisticated efforts to define acceptable and unacceptable behavior—for individuals, groups, and nations, and our successes and failures to abide by those definitions and the consequences of those successes and failures.

Other Senators, Mr. President, particularly the resolution's principal sponsor and a key cosponsor, the Senator from North Dakota [Mr. DORGAN], have set forth in considerable detail the bill of particulars against the dictator of Iraq. Those include documented chemical weapons attacks against Iranian troops and civilians in the Iran-Iraq War. They include chemical weapons attacks against Kurds in Iraq—Iraqi citizens, keep in mind—leaving behind the most revolting human injuries imaginable. Men, women, children, infants—no one was spared. Many died immediately. Many who managed to survive wished they had died. Some of them died later with no interruption in their agony—blindness, peeling skin, gaping sores, asphyxiation. And others, even if they did not evince the same signs of injury, have transmitted the horror of those attacks across time and even generations. Terrible birth defects have afflicted the offspring of many who survived Saddam Hussein's attacks. The rate of miscarriages and stillbirths has soared for those survivors.

We do not know why Saddam Hussein chose not to use these weapons against the Coalition troops in the Gulf War that resulted from his invasion and occupation of Kuwait. We do know that he had them in his inventory, and the means of delivering them. We do know that his chemical, biological, and nuclear weapons development programs were proceeding with his active support.

We have evidence, collected by the United Nations's inspectors during those inspections that Saddam Hussein has permitted them to make, that despite his pledges at the conclusion of the war that no further work would be done in these weapons of mass destruction programs, and that all prior work and weapons that resulted from it would be destroyed, this work has continued illegally and covertly.

And, Mr. President, we have every reason to believe that Saddam Hussein will continue to do everything in his power to further develop weapons of mass destruction and the ability to deliver those weapons, and that he will use those weapons without concern or pangs of conscience if ever and whenever his own calculations persuade him it is in his interests to do so.

Saddam Hussein has not limited his unspeakable actions to use of weapons of mass destruction. He and his loyalists have proven themselves quite comfortable with old fashioned instruments and techniques of torture—both physical and psychological. During the Iraqi invasion of Kuwait, Kuwaiti women were systematically raped and otherwise assaulted. The accounts of the torture chambers in his permanent and makeshift prisons and detention facilities are gruesome by any measure.

Mr. President, Saddam Hussein's actions in terrorizing his own people and in using horrible weapons and means of torture against those who oppose him, be they his own countrymen and women or citizens of other nations, collectively comprise the definition of crimes against humanity.

I have spoken before this chamber on several occasions to state my belief that the United States must take every feasible step to lead the world to remove this unacceptable threat. He must be deprived of the ability to injure his own citizens without regard to internationally-recognized standards of behavior and law. He must be deprived of his ability to invade neighboring nations. He must be deprived of his ability to visit destruction on other nations in the Middle East region or beyond. If he does not live up fully to the new commitments that U.N. Secretary-General Annan recently obtained in order to end the weapons inspection standoff—and I will say clearly that I cannot conceive that he will not violate those commitments at some point—we must act decisively to end the threats that Saddam Hussein poses.

But the vote this morning was about a different albeit related matter today. It was about initiating a process of bringing the world's opprobrium to bear on this reprehensible criminal—to officially designate Saddam Hussein as that which we know him to be.

We are realists, Mr. President. Even if this process leads as we believe it will to the conviction of Saddam Hussein under international law, our ability to carry out any resulting sentence may be constrained as long as he remains in power in Baghdad. But Saddam Hussein will not remain in power in Baghdad forever. Eventually, if we

persist out of dedication to the cause that we must never permit anyone one who treats other human beings the way he has treated tens of thousands of human beings to escape justice, we will bring Saddam Hussein to justice. And in the meantime, his conviction on these charges may prove of benefit to our efforts to isolate him and his government, and to rally the support of other nations around the world to the effort to remove him from power.

I am pleased, Mr. President, that this resolution was agreed to unanimously, and hopeful that soon the machinery of international law will be applied as it was designed to label Saddam Hussein as the horrific murderer and torturer he is, recognition he richly deserves.

Mr. MCCAIN. Mr. President, I express my strong support of Senate Concurrent Resolution 78, which would call on the President of the United States to work toward the establishment of the legal mechanisms, under the aegis of the United Nations, necessary for the prosecution of Iraqi dictator Saddam Hussein for crimes against humanity, including the infliction upon the people of Kuwait and his own Kurdish population of genocidal policies. The resolution further encourages that the President seek the funding required to support this effort.

Senator SPECTER is to be commended for taking the lead in this morally and legally essential exercise in holding Saddam Hussein accountable for a long history of brutality that places him squarely among the worst human rights offenders of the post-World War II era. While none of us are under any illusions about the nature of this individual, I nevertheless urge my colleagues to read the text of this resolution carefully. It is a concise, comprehensive list of human rights abuses and war crimes committed by the Iraqi leader against the neighboring country of Kuwait, which he invaded and upon which imposed a brutal occupation, and against the Kurdish occupation of northern Iraq. It reiterates the degree to which Saddam Hussein has willfully and repeatedly failed to comply with United Nations and other legal mandates pertaining to his treatment of those who have suffered the misfortune of falling under his grip and to the international inspection regimes to which he is subject.

The text of the resolution is self-explanatory, but even that omits mention of the incalculable acts of wanton cruelty Saddam Hussein, and his sons, has committed against the Iraqi people, in addition to actions against the country's Kurdish population. Such a discussion is beyond the purview of a resolution oriented towards holding Saddam accountable for war crimes. I mention this only to ensure that the fate of the Iraqi people is not forgotten. The purpose of S. Con. Res. 78 is to establish the legal framework for further isolating Saddam Hussein diplomatically and for working toward his removal from power. This is a resolution that may seem obvious and elementary in some respects, yet which reflects my colleague from Pennsylvania's astute grasp of the legal imperatives involved in pursuing far-ranging policies designed to bring down a ruthless and belligerent dictator.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Under the previous order, the Senator from Utah, Mr. BENNETT, is recognized to speak for up to 45 minutes.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. BURNS, the Senator from California, Mrs. BOXER, and the Senator from Pennsylvania, Mr. SPECTER, each be recognized for up to 3 minutes apiece, and that the time not count against my 45 minutes; that following the presentations of each of these three Senators, I be allowed to proceed with the 45 minutes as called for in the previous order.

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

Mr. BENNETT. Mr. President, I note the Senator from California is on the floor, and I suggest she be recognized first.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Utah for his kindness and ask unanimous consent that I have 4 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

NOMINATION OF JAMES C. HORMEL

Mrs. BOXER. Mr. President, I rise today to urge the majority leader to schedule a vote on the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. He has my strong support as well as the strong support of Senator FEINSTEIN, who has made an eloquent statement on the Senate floor on his behalf.

James Hormel is a successful businessman, a loving father, and a loving grandfather.

On October 29, 1997 before the Foreign Relations Committee, I introduced James Hormel for the position of Ambassador to Luxembourg. At that hearing, I spoke of his sharp mind, distinguished career and extensive knowledge of diplomacy, international relations and the business world. Like many of my colleagues, I believe that James Hormel was, and still is, clearly qualified for this position.

Almost five months later, this nomination still has not come to the Senate floor for a vote. The full Senate has not even had the opportunity to debate the merits of Mr. Hormel's nomination. This is because a hold has been placed on the nomination by certain Senators—apparently because of James Hormel's sexual orientation.

I say, ''apparently'' because the arguments some have used to oppose Mr. Hormel do not ring true.

The main argument is that Mr. Hormel, through his generous history of giving, has donated funds to certain projects—a library collection and an educational video—that contain controversial content. These are not valid arguments.

First, it is my understanding that many of the books in question, which are found in the San Francisco Public Library, are also in the Library of Congress. Neither Congress nor James Hormel should be responsible for screening the subjects of books found in their libraries.

And, second, James Hormel had absolutely no input into the content of the educational video. If the content of this video is a valid reason for the Senate to place a hold on this nominee, it sets a dangerous precedent.

For instance, what if the next nominee that comes before the Senate has given money to his or her child's high school newspaper. And, what if that newspaper ran a controversial article about a particular Senator. Would the Senate then place a hold on that nomination? I don't think so. The holds are in place because James Hormel is gay.

Mr. President, I believe that the Senate should consider nominees based on their qualifications. If the Senate agrees with me, there should be no controversy over James Hormel's nomination.

James Hormel, of San Francisco, California, graduated from Swarthmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. Mr. Hormel served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives. Other honors include the Golden Gate Business Association's Outstanding Leadership Award, the Silver Spur Award from the San Francisco Planning and Urban Research Association, the Public Service Citation from the University of Chicago Alumni Association, and many, many others.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco

Chamber of Commerce, the Human Rights Campaign Foundation, the San Francisco Symphony and the American Foundation for AIDS Research.

Because of this impressive record, the Senate Foreign Relations Committee approved the nomination of James Hormel by voice vote. And, as a matter of fact, just months before, the full Senate unanimously confirmed James Hormel to serve as a delegate to the U.N. Human Rights Commission.

Mr. President, James Hormel meets all requirements needed to be the ambassador to Luxembourg. If there is any doubt about Mr. Hormel's qualifications, we should have an open debate on the floor so these questions can be answered.

In the end, I believe both this country and Luxembourg will benefit greatly from James Hormel as U.S. Ambassador.

Thank you very much, Mr. President. I yield back the time to Senator BENNETT.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. The Senator from Montana has informed me he does not intend to use the time reserved for him. Not seeing the Senator from Pennsylvania on the floor, I now claim my 45 minutes and will proceed.

The PRESIDING OFFICER. The Senator from Utah.

THE WHITEWATER AND 1996 PRESIDENTIAL CAMPAIGN INVESTIGATIONS

Mr. BENNETT. Mr. President, I am here for two reasons today. First, the Governmental Affairs Committee filed its report last week. I have individual views in that report regarding the scandals surrounding the 1996 Presidential campaign. I said in my individual views that I would focus, in a major floor speech, on what I consider to be the principal issue of that investigation. I am here today to fulfill that responsibility.

Secondly, today I have sent a letter to the Attorney General focusing on what I consider to be the principal problem connected with our investigation. I owe it to her to make a full explanation of why I have sent her that letter.

Now, Mr. President, I am a Member of the Senate who served on the first committee investigating Whitewater activities, chaired by Don Riegle, the Senator from Michigan. I call that Whitewater I.

I served on the second committee investigating the matters relating to Whitewater, chaired by Senator D'AMATO, which I call Whitewater II.

I served on the Governmental Affairs Committee investigating the excesses of the 1996 campaign, which I shall call Thompson.

From those three committees, I have some observations that I think I would like the Members of the Senate to be aware of. I am going to do two things in my presentation. First, I will outline the common threads that have run through all three of those investigations. They give us a pattern of how the Clinton administration reacts to scandal; and, second, I will, in response to the letter I have sent to the Attorney General, focus on the one specific situation that remains unresolved that in my opinion is the most important situation in this whole circumstance.

So let us go to my first task, the identification of the common threads. At the end of Whitewater I, I went back to the office and dictated a memo to myself for historical purposes to help me remember what I had learned out of that situation. I have gone back and reread that memo and share with you now the things I wrote down.

I came to the conclusion that the low-level people who testified before us—that is, people who are fairly far down in the bureaucracy—have good memories, gave us direct answers, and tell the truth as they see it. I found that pattern across the board. On the other hand, the higher level officials had bad memories, gave us evasive answers, and did their best, in my opinion, to shave the truth. As I say, I saw this pattern in the very first Whitewater committee. I saw it repeated again and again through all three experiences.

Let me give you some examples. In Whitewater I, the Resolution Trust Corporation employees, who were involved with investigating this matter, who first noticed the criminal referrals relating to President Clinton's—then Governor Clinton's—business partners, all had good memories, gave us direct answers and told us the truth.

But when we got to a higher level, we found a Treasury Department official who actually tried to convince the committee that he had lied to his own diary. That is, the notes he had taken contemporaneous to the events were wrong and the version he was now giving us before the committee was the correct one.

When we got to the highest level, members of the White House staff, we had the people who could not remember anything.

In Whitewater II, at the lowest level, the Secret Service people, the Park Police, the White House secretaries who worked in the office of the White House general counsel all had clear memories, all told us the truth, all were very direct in their responses.

When we got up to a slightly higher level, reminiscent of the man who lied to his diary, we had a political appointee who could not recognize her own voice when it was played back to her on a tape recording of a conversation she herself had had, saying, ''I'm not sure that's me.''

When we got to the highest level, White House intimates, we had a White House official who said she could not remember being in the White House even though the Secret Service showed she had been there and had been in the family residence portion of the White House for 2 hours on that particular day, and she had no recollection whatsoever of the incident. She did recall making calls of condolence to people with respect to Vince Foster's suicide, but she could not recall any conversations about any other subject during that time period.

Now, when we get to the Thompson committee, at the lowest level, we had briefers from the CIA, we had secretaries at the Department of Commerce, we had a bookkeeper from the Lippo Bank, all of whom had very clear memories—direct answers, believable.

Then we got up to the DNC staffer, he constantly had to have his deposition read back to him when he was in front of the television cameras to remind him that his version now was not the same as his version previously.

When we got to the highest level, the Deputy Chief of Staff to the President of the United States, he said he ''could not recall'' 299 times—one time short of a perfect bowling score.

So, I came to my first conclusion: If you want to know what happened, talk to the people at the lower level, talk to the people whose jobs are not dependent upon White House patronage.

The second common theme comes not from a detailed memo to myself but from an editorial that appeared in the New York Times. This editorial appeared January 22nd of this year. It was not talking about the three investigations that I have described, but it does analyze, better than anything I have seen, the patterns of this administration. It says, quoting from the New York Times:

> This Administration repeatedly forces its supporters to choose between loyalty and respect for the law. Those are Clinton . . . themes established long before the charges that Mr. Clinton had a sexual relationship with a White House intern. . . . In such circumstances in the past, the White House has relied on two principal weapons, stonewalling and attacking. . . .

I would like to take it through the same pattern as the first theme I discovered.

Let us go back to Whitewater I. Admittedly, there was a relatively small amount of stonewalling in Whitewater I. It was mainly memory loss. But there were attacks, attacks on the RTC employees, attacks on their veracity, attacks on their integrity, attacks on the way they did their jobs.

We really saw this pattern in stonewalling and attacking when we got to Whitewater II. Stonewall the subpoena. Insist that you cannot find the notes. Say that that is attorney-client privilege. Then we saw something new that entered in here which I call the ''incompetence defense.'' Constantly we were told the reason they could not produce the information we wanted is that ''a Secretary had misread the subpoena. . . . We didn't know that's what you wanted. . . . That was in the wrong file. . . . We looked in the wrong place. . . . We don't know where

the notes came from.'' Part of the stonewalling pattern was the incompetence defense. ''We are so incompetent down here we can't provide you with anything.''

Attack? Oh, yes, we saw it in Whitewater II—attack witnesses, including, incidentally, Linda Tripp, who was one of the low-level people who appeared before us in Whitewater II and who, in response to the attack she received by virtue of her direct answers, decided she had better start tape recording all of her conversations in order to protect herself. Attack the witnesses, attack the committee staff, and most of all, attack the chairman.

All of us in this Chamber know the tremendous amount of abuse that was heaped upon the head of the committee, AL D'AMATO, by virtue of his chairmanship of that committee. I personally saw it in the following instance. I appeared on the News Hour with Jim Lehrer opposite Anne Lewis, Deputy Director of the Democratic National Committee. She said on that occasion, with great indignation, ''It is no coincidence that AL D'AMATO, the chairman of Bob Dole's election effort, was appointed chairman of the committee to handle this investigation against President Clinton.'' I stepped in and corrected her. I said, ''As a matter of fact, it is coincidence.'' It is the purest coincidence. The individual who made the decision that AL D'AMATO would be the chairman of that investigation was actually George Mitchell, the Democratic majority leader in this Senate, who in the 103d Congress determined it would be the Banking Committee that would handle the Whitewater investigation. George Mitchell didn't realize that the voters would put AL D'AMATO in that position in the 104th Congress. Pure coincidence. I saw Anne Lewis on television the next day after I had given her that additional information saying, ''It is no coincidence'' about AL D'AMATO, and she went on with her charge, her unrelenting attack.

In the Thompson committee, the same pattern. They attacked the witnesses, they attacked the staff, they attacked the chairman, and in this case, they attacked the committee members. I know that because they attacked me. Here was the circumstance. We had a description of Charlie Trie and how he was acting, and one of the members of the committee said he really couldn't understand that action, implying that Charlie Trie should be dismissed as nothing more than a buffoon. I stepped in and said, ''No. I have owned a business in Asia. I have done business in Asia. Charlie Trie's actions are the typical actions of an Asian businessman.'' By that afternoon, the Democratic National Committee issued a press release attacking me as a racist, and within 3 or 4 days, par for the course with their efficiency, there were letters to the editor of my hometown newspaper repeating the charge that I was a racist.

I found it interesting that somewhat later when President Clinton was describing why Charlie Trie acted the way in which he did, he pointed out he was simply responding to the culture that he came out of, the business situation in which he found himself—in other words, a typical Asian businessman. I find it interesting that to the Democratic National Committee when I say it, it is racist; when President Clinton says it, it is exculpatory. In fact, of course, it is neither one.

Stonewall and attack, stonewall and attack, stonewall and attack. We saw it through all three of these investigations. If I may, we are seeing it again with respect to Kenneth Starr and what is going on in the investigation into the President's personal life. Those are the themes that I saw. The second conclusion I add to the first one: The White House will stonewall and attack at every turn. Those who speak up candidly do so at their peril.

Now, let me go to my second task, which is to focus on what I consider to be the most serious unresolved situation in all of this. For this we need to take a little history. We go back to 1977 and to the State of Arkansas. In 1977, Mochtar Riady decided it was time to come to the United States. He found a partner who would help him come into the United States, a man by the name of Jackson Stephens of Little Rock, AR. Now, Mochtar Riady is an ethnic Chinese who was born in Indonesia. He rose from running a bicycle shop to becoming a billionaire. We know on the basis of the IMF debate that is currently going on with respect to Indonesia how one becomes a billionaire in Indonesia. It is being called ''crony capitalism.'' It is characterized by money laundering, insider trading, and a cozy relationship with the Government that usually involves substantial payments to officials of the Government. That is the culture in which Mochtar Riady became a billionaire. We will revisit that in a minute.

As I say, in 1977 Mochtar Riady wanted to come to the United States, and given the fact that his company, his group, called the Lippo Group, is primarily involved in banking, insurance, securities, and property development, it is natural that he should first look to acquire a bank. Jackson Stephens said to him, ''We can help you acquire the National Bank of Georgia from Bert Lance.'' But Mochtar Riady did not move fast enough. There were some Middle East investors who moved in, acquired the National Bank of Georgia, renamed it the Bank of Commerce and Credit International, or BCCI, and it went on to its own history and its own story, and we will leave it at that.

Perhaps disappointed in his inability to acquire the National Bank of Georgia, Mochtar Riady looked elsewhere, and Jack Stephens had an alternative for him in the State of Arkansas. So Mochtar Riady sent his second son and heir, James Riady, to Little Rock, to intern at Stephens & Company where he became acquainted with the then Attorney General of the State of Arkansas, a rising young politician named Bill Clinton. Riady and Stephens went on to joint ventures in Hong Kong and in other deals.

But in 1984, Riady and Stephens jointly took control of the Worthen Bank in Little Rock. James Riady was installed to run the Worthen Bank, and he brought from Hong Kong an experienced international banker to help him, a man by the name of John Huang. Now, immediately the bank ran afoul of Federal regulators. The Comptroller of the Currency accused bank officials of breaking Federal laws that limit insider loans. One reporter put it, ''The Feds imposed controls on insider lending and started to ease the Riadys out of the bank. The pipeline from Worthen to Jakarta would be cut off.'' Forced out of their control of the Worthen Bank, the Riadys moved their operations to California. They took over a small bank, renamed it the Lippo Bank of California, and James Riady and John Huang moved to California to head up the bank.

Now, as occurred in Arkansas, the stewardship of the Lippo Bank of California promptly drew the attention of the regulators. Twice within 4 years it was hit with cease and desist orders from the FDIC. The first one was issued for ''unsafe or unsound banking practices.'' The second was issued for underreporting foreign currency transfers between California accounts and accounts in Hong Kong. The Los Angeles Times has noted, ''Since 1990, Lippo Bank has spent most of its existence under the FDIC cease and desist orders which are uncommon and among the most severe actions an agency can take.''

Now, the Riadys did not stop with banking in California. They branched out into other businesses. We found three of them in the Thompson committee, Hip Hing Holdings, San Jose Holdings, and Toy Center Holdings. There was one common thread of all three, they all lost money.

The most spectacular loser was Hip Hing Holdings. Here is a summary of its financial results. In 1992, it had total income of $38,400. It had expenses exceeding that income of $482,395. They donated, out of that $38,000 in total income, $55,400 to the Democratic National Committee. That has since been returned, having been determined to have been illegal. In 1993, it didn't do any better. Its income went down to $35,000, which brought losses, because their expenses were stable, brought their losses up to $493,000, and this time they donated $32,960 to the Democrats.

The committee determined this was a clear example of money laundering because the $55,400 that came in 1992 was all reimbursed from Jakarta. We asked the bookkeeper of the Hip Hing Holdings how this worked. She said, ''Whenever I needed any money I contacted Jakarta and they sent it.'' Now, John Huang was the president of Hip Hing

Holdings. He was also an officer in every other one of these Lippo corporations that I have described, including the Lippo Bank, the one for which he was qualified by virtue of his background. We asked the Lippo Bank president what John Huang did all day. The president and John Huang had adjoining offices and they shared a single secretary. You would think if anyone would know what John Huang's activities were, it would be the bank president of the Lippo Bank. He responded he had no idea what John Huang did all day. We asked the same question of the bookkeeper; we got the same answer. They didn't know what the president of this company, which was losing half a million a year, and no one seemed to care, was doing with his time.

Well, we know what he was doing with his time. John Huang traveled extensively as the Riadys' principal agent in the United States. Among other places, he went to Little Rock to keep up his contact with then Gov. Bill Clinton. He raised money for Governor Clinton's reelection and he raised money for the campaign for President. The committee determined that in 1992 the Riadys were the largest single contributor to the Democratic National Committee, larger than any union, larger than any Hollywood star, larger than any special interest group connected with the Democratic Party. The No. 1 contributor to the Democratic National Committee was the Riady family.

After the election, John Huang continued traveling the country as the Riadys principal agent in the United States, but he added a new wrinkle to his activities. He started hosting officials of the People's Republic of China, taking them wherever possible to introduce them to members of the Clinton administration.

In one case, he brought a Riady partner with connections to the Chinese intelligence apparatus to meet Vice President GORE. Now, why the People's Republic of China? Why would the Riadys be interested in courting favor with the Chinese? Public sources say the Riadys have more than $1 billion invested in China. We asked the CIA if there were other links between the Riadys and the Chinese. The answers are in S–407, the secret room here in the Capitol, and any Senator who wishes can repair there and see just how close the relationship is between the Riadys and the Chinese. I assure you it is very close.

This is what the committee says: ''The committee has learned from recently acquired information that James and Mochtar Riady have had a long-term relationship with a Chinese intelligence agency. The relationship is based on mutual benefit, with the Riadys receiving assistance in finding business opportunities in exchange for large sums of money and other help''—I said we would revisit crony capitalism. ''Although the relationship appears based on business interests, the committee understands that the Chinese intelligence agency seeks to locate and develop relationships with information collectors, particularly persons with close connections to the U.S. Government.''

Let's go back to 1992. The Riadys, the largest single contributor, what did they want? The answer: they wanted a job in the Clinton administration for John Huang. Now, when his name went to the personnel processors, they assumed, we found out in the committee, that the primary reason for supporting John Huang was he was an Asian American and this was one of President Clinton's diversity appointments. Frankly, the appointment languished. It sat there for a year and a half and then two things happened:

No. 1, Webb Hubbell, Hillary Clinton's former law partner, and President Clinton's close friend, found himself out of a job, out of money, and on his way to jail. No. 2, James Riady went to the White House five times in 1 week. On his last day at the White House, which was June 25, he attended the President's radio address. The White House photographers turned on the videotape. I have seen the videotape of the radio address and of the people who were there. At the end of the radio address, each person there shook hands with the President, had his picture taken, and left. Hanging back until everyone was gone was James Riady and John Huang.

After the radio address was over and the people had cleared the Oval Office, James Riady, John Huang, and Bill Clinton were left alone. At that point, unfortunately, the White House photographer turned off the video camera, so we don't know what happened at that meeting. But this much we do know: On the next business day, Monday, June 27, Webb Hubbell was retained by the Lippo Group for $100,000, and John Huang got a memo from James Riady outlining his severance from Lippo in anticipation of his joining the administration in the Commerce Department. Ultimately, that severance came to nearly $900,000—over 4 years' pay—to an executive who had presided over nothing but losing operations.

Well, as we know, the amounts we have shown of these losses are chump change to a billionaire. The Riadys were not in America to make money. They came to America looking for something other than financial gain from their investments in the United States, and they seemed to have gotten it when John Huang went to the Commerce Department less than a month after that White House meeting. James Riady summarized it very well when he described John Huang as ''my man in the American Government.'' John Huang didn't have just any job. He became the principal Deputy Assistant Secretary for International Economic Policy with access to critical economic information, including classified briefings from the CIA.

What did John Huang do at the Commerce Department? Well, we know from some of those lower level people that he attended a lot of meetings and that he was a very assiduous note taker. He was an information collector. But other than that, his superiors at Commerce said the same thing that his superiors at the Lippo Bank said: ''We really don't know what John Huang did with his time. We really don't know what he did each day.''

Well, we know at least some of the things he did. No. 1, we know he went to the White House 67 times while he was Deputy Assistant Secretary. I know Cabinet officers who would be jealous of the opportunity to go to the White House half that often. No. 2, we know that at least once or twice nearly every week in the entire time he was at the Commerce Department he walked out of his Commerce Department office, went across the street to Stephens Inc's Washington office where he received packages, FAXes, and phone calls; and then with the door closed in an office in that suite, he made phone calls and sent out FAXes. We do not know to whom. We do not know what was in those packages that he received there or why it was essential for him to go there at least once, and often twice, almost every single week for 18 months.

We also know that even though he had received close to $900,000 in severance from the Lippo Group, there was one tie with the Lippo Group that was not severed. They left him with a corporate telephone credit card, and he used that credit card to make over 400 telephone calls to Lippo officials—at least 232 of them to officials of the Lippo Bank. Many of these calls were made on his Commerce Department telephone, using the corporate credit card from the corporation from which, supposedly, he had been severed.

Now, here, therefore, is the structure: You have John Huang in the Commerce Department, in an area of great sensitivity, taking notes and getting briefed by the CIA, and in and out of the White House more often than a Cabinet officer. He is on the phone weekly, or more often, to Lippo executives who have very close ties to Chinese intelligence. If ever there was a conduit that could be used to pass intelligence information from inside the Clinton administration to the Chinese intelligence apparatus, or Lippo, or both, that conduit was this: From the United States Government through the conduit created by John Huang to the Lippo Group or the Chinese Government. Was this what the Riadys hoped for when they paid for all those money-losing corporations? If it is, they certainly had it.

Of course, all of this would disappear if Bill Clinton failed to be reelected in 1996. So, in 1995, it was decided in another Oval Office meeting, attended by James Riady, John Huang, Bruce Lindsey, and President William Clinton, that John Huang would move from

the Commerce Department to the Democratic National Committee. The same apparatus that could have been used to funnel intelligence information out could now be used to funnel dollars in. Now, there was objection in the Democratic National Committee to John Huang because they were afraid he would break the rules, break the law, and embarrass them in his fundraising activities. The President himself overcame those objections, making it clear that he wanted John Huang at the DNC. John Huang went there and he began to raise money. Indeed, did he raise money. Here is the list of John Huang's fundraising capabilities:

In November of 1995, he raised $30,000; in December, $100,000; in February of 1996, $1.1 million; in April of 1996, $140,000; in May of 1996, $600,000; in June of 1996, $90,000; in July of 1996, $700,000. In all, it was over $3 million. He created enormous cash flow for the Democratic National Committee. Unfortunately, it went both ways because almost half of the money that flowed in from John Huang's activities had to flow back out as it was determined to have come from illegal sources.

His most spectacular success was the dinner in February of 1996 when they raised $1.1 million. Here is what President Clinton had to say on that occasion:

> I am virtually overwhelmed by this event tonight. I have known John Huang a very long time. When he told me this event was going to unfold as it has tonight, I wasn't quite sure I believed him. But he has never told me anything that didn't come to pass, an all of you have made it possible.

Unfortunately, a substantial number of the people at the head table at that event could not participate in this tribute to John Huang because they didn't understand English. They were not citizens of the United States, and they weren't quite sure what was going on. But they were sure that money was going in the direction they wanted it to go.

Now, I want to focus on the most famous of John Huang's fundraising activities—the April 29, 1996, fundraiser at the Buddhist Temple that he ran along with Maria Hsia. The amount of money he raised was not the largest amount, but it was the most significant amount. He raised $140,000, most of which had to be returned because the alleged donors were, in fact, reimbursed, dollar for dollar, in a way that is classic money laundering and clearly illegal. I focus on this not because it is the most famous, but because it is the best symbol of what appears to have been going on here. It has the most complete cast of characters. Here we have one event, and representing the Clinton administration was the Vice President, AL GORE; representing the DNC, its chairman, Don Fowler; representing the Lippo Group, John Huang, still carrying a Lippo credit card; and representing Chinese intelligence, Maria Hsia and Ted Sioeng.

I need to talk a minute about Ted Sioeng. There were press reports that indicated he was, in fact, connected with Chinese intelligence. When we were in room 407 getting a confidential briefing in executive session from the Director of the FBI and the Director of the CIA, I asked the question, ''Is there any connection between Ted Sioeng and the intelligence operation of the People's Republic of China?'' The answer I got was, ''We don't know.'' So I asked the question, ''Aren't you interested?'' ''Well, yes.'' I then asked the question, ''Will you find out?'' ''Yes.'' And then I asked the question, ''When you find out, will you share that information with this committee?'' ''Yes.''

The next time we gathered in executive session with the Director of the CIA and the Director of the FBI, this was their opening comment: ''We need to make a correction of our previous statements. It turns out that in response to Senator BENNETT's questions, we went back and checked our files and discovered that we did indeed have information linking Ted Sioeng to the People's Republic of China.''

This was discovered in the CIA files. When they went to find the source of that information in the CIA files, they discovered that their source was the FBI. In fact, it was in both agencies and neither agency Director had known about this. I won't go into that matter further, because Senator SPECTER made a speech about it on the floor castigating the Department of Justice for not doing the very fundamental kind of activities that would have discovered that and prevented their Directors from being so embarrassed before the members of the committee.

It is time to summarize. What do we have here? We have a conduit that runs from the inside of the Clinton administration to the inside of the Chinese intelligence apparatus. It is a conduit through which could flow from the United States to the Chinese classified information about U.S. trade policy and strategy. It is also a conduit through which could flow from the Chinese, or Lippo, to the Democratic National Committee funds to support the reelection of President Clinton. We do know that funds did flow through that conduit from Lippo to the DNC—those funds that I identified that came through Hip Hing Holdings that have had to be returned. We do not know whether funds have come from the Chinese Government, either down through Lippo or directly through the conduit to the Democratic National Committee.

So the key question that must be answered and, in my opinion, still is unresolved after all of these investigations, is: Was this conduit ever used either way for either purpose—the transmission of intelligence information, or the transmission of money?

When I tried to find out by asking direct questions in executive session on this issue, I always get the same answer: ''Senator, we cannot give you that information because it is part of an ongoing criminal investigation.'' Now, on its face, that is an acceptable answer. That says that something is being done about this. Someone of importance in the justice apparatus of the United States is looking into this and pursuing a criminal investigation.

But I want to put that in context. Who should conduct that investigation, the Department of Justice or an independent counsel? When we had word of a scandal in Arkansas prior to Bill Clinton becoming President of the United States, Janet Reno, the Attorney General of the United States, said that is a matter that requires an independent counsel.

When we had a matter when one Indian tribe was accused of influencing a decision relating to the gambling license for a competing Indian tribe, Janet Reno, the Attorney General of the United States, said that is a matter for an independent counsel.

When we had accusations that Henry Cisneros lied to the FBI about the amount of money he paid his mistress prior to his confirmation hearings, Janet Reno, Attorney General of the United States, said that is a matter for an independent counsel.

When we had accusations that Secretary Espy, Secretary of the Agriculture, had taken favors improperly from certain lobbyists, Janet Reno, Attorney General of the United States, said that is a matter for an independent counsel.

When we had information that the President had behaved in an improper way in his personal life, Janet Reno, Attorney General of the United States, turned to Ken Starr and said, ''That's a matter for an independent counsel.'' But on the question of whether or not this conduit was utilized for illegal transfers of money or intelligence information, either way, Janet Reno, Attorney General of the United States, says, ''This one I will investigate myself.'' On this one she has staked the integrity and objectivity of the Department of Justice. If she has staked the integrity and objectivity of the Department of Justice, in my opinion, there must be an accounting of that integrity.

So I have today written the Attorney General a letter. I ask unanimous consent that it appear in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. BENNETT. Mr. President, I make three points in the letter.

First, I point out that it is still time for her to do in this instance what she has done five times before in instances that are, in my opinion, less serious than this one. There is still time to appoint an independent counsel. However, if she persists in refusing to do so, I think she has, at the very minimum, two responsibilities to this Congress.

First, if she uncovers any indication of the passing of improper information through this conduit from the U.S.

Government to either Lippo or the Chinese, or both, she has the responsibility to share that information with the Senate Intelligence Committee, and to share it as soon as she finds it.

Second, if she comes across any indication that there was an illegal transfer of money from either the Lippo Group or the Chinese Government, or both, into the Democratic National Committee, she has the responsibility to share that information with the Governmental Affairs Committee immediately after she finds it. We can always reconvene in S. 407. We can always go into executive session. But she has a responsibility, by virtue of her determination to keep this matter to herself rather than giving it to an independent counsel, to be that responsive and that accountable to this Congress.

I say to her, ''Madam Attorney General: By making the decision to keep this to yourself you have your work cut out for you. In addition to the pattern of poor memory at the highest level, you have a flock of witnesses who have fled the country. You have a flock of witnesses, including members of the White House staff, who have taken the fifth amendment. You have an intricate and almost massive task. And this Senator at least will be watching with great interest to see how you discharge it.''

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, March 13, 1998.

Hon. JANET RENO,
Attorney General of the United States, Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: During its investigation of campaign finance irregularities, the Senate Governmental Affairs Committee uncovered a series of established contacts between the Chinese Government and the Clinton Administration. These contacts could have been used as conduits for the two-way passage of classified information and illegal campaign contributions.

For example, the American Intelligence Community has concluded that the Riady family of Indonesia has had ''a long term relationship with a Chinese intelligence agency''. The Community further concluded that the Chinese intelligence agency ''seeks to locate and develop relationships with information collectors, particularly persons with close connections to the U.S. Government.'' The Committee determined that (1) the Riady family and its associates were the leading source of campaign funds for the Clinton-Gore ticket in 1992, and (2) the Riady family was able to place one of its top officials, John Huang, at the Commerce Department where he had access to sensitive intelligence information. The Committee also concluded that six individuals—John Huang, Charlie Trie, Maria Hsia, Mochtar and James Riady, and Ted Sioeng—have some affiliation to the Chinese Government.

In a number of circumstances, including allegations against Cabinet officers Henry Cisneros, Michael Espy and Bruce Babbitt, you have decided that potential conflicts of interests required the appointment of an Independent Counsel. The Chinese conduit issue raised by the Committee is far more significant to public confidence in the proper functioning of the American Government than any of these cases. Further, the six individuals named by the Committee all have strong links to ''covered persons'' under the Independent Counsel statute. Therefore, I believe that the appointment of such a Counsel is required. I urge you to reconsider your decision not to do so.

However, if you persist in your decision to retain jurisdiction within Justice over these cases, it is incumbent on you to agree to do two things as your investigation proceeds: (1) Inform the Senate Select Committee on Intelligence of possible classified information that may have flowed through the conduit from the Clinton Administration to the Chinese Government. (2) Inform the Governmental Affairs Committee of any illegal campaign funds which may have made its way through the conduit from Chinese sources to Clinton-Gore or the Democratic National Committee.

By refusing to turn this matter over to an Independent Counsel, you have taken upon yourself the responsibility to be thorough, vigorous and timely in your investigation. Given the high level of public and congressional interest in the serious circumstances involved, it is only appropriate that the Congress continue to be kept informed of your progress.

Sincerely,

ROBERT F. BENNETT,
U.S. Senator.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I want to say to my good friend from Utah—I think Members of the Senate already know this—no one, no one in the Senate, has more articulately and persuasively defended the right of American citizens to participate in the political process, which is a constitutional right in this country; no one has more articulately been involved and persuasively been involved in an effort to stop misguided efforts to put the Government in charge of the political speech of individuals and groups, candidates, and parties than has the Senator from Utah.

But what he has done today is provide for the Senate and for the public a clear summary of the illegal activities of the current administration. The Senator from Utah has reminded everyone that it is against the law now for foreigners to contribute to American elections, for money laundering to be engaged in, and for money to be raised on Federal property.

So the Senator from Utah has done far and away the best summary of the activities of this administration going back to 1992 which either crossed the line or skirted the edge and has been lost in the sort of numbers of different occurrences.

So what the Senator from Utah has done is cut through all of this, summarize it, and give the Senate and the American public a clear indication of the sleaze factor that has ranked so high in this administration from the beginning to the end.

So I thank the Senator from Utah. I think it is the most important speech that I have heard in the Senate in many, many years. He has made an important contribution in this area, and I appreciate the opportunity to be here on the Senate floor and to have an opportunity to hear this important speech.

I yield the floor.

Mr. BENNETT. Mr. President, I thank my friend from Kentucky.

Mr. THURMOND. Mr. President, I commend the able Senator from Utah for the valuable information he just provided to the Senate. I am amazed at what has taken place. This information is so valuable that it could be used, and should be used, in further inquiries into this matter.

Mr. BENNETT. I thank my friend from South Carolina. This is high praise coming from a man who served with my father and who has set an ethical standard of which the rest of the Senate can be proud.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Democratic leader.

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

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

THE CONGRESS BOWL

Mr. DASCHLE. Mr. President, lately we have watched, marveled at and cherished several monumental athletic achievements.

A young woman from Idaho, Picabo Street, abbreviates knee surgery recovery to win the gold medal in the Super-G at the Olympic Games in Nagano. John Elway, a 14-year veteran and one of the NFL's premier quarterbacks, leads the underdog Denver Broncos to a victory in Super Bowl XXXII. And, just last weekend, ''The Great One,'' Wayne Gretzky of the New York Rangers, makes history by becoming the first professional hockey player to score 1,000 goals.

Mr. President, in keeping with the competitive spirit and standard of excellence embodied in such athletic feats, I want to acknowledge another noteworthy sporting accomplishment.

A little more than a week ago, on March 1, the Senate pages trounced the House pages, 70 to 35, in the Congress Bowl—a knock-down, drag-out, 8 against 8 battle to the finish. Before a standing room only crowd, the competition was fierce and the play physical in the inaugural meeting of these arch rivals. And, like Picabo Street, John Elway and Wayne Gretsky before them, the Senate athletes demonstrated superior determination, teamwork and skill in cruising to victory.

Congratulations to all who participated in the Congress Bowl—especially the Senate page team of Colin Davis, Ben Dow, Dan Teague, Sina Nazemi, Bird Bourne, Sean Boyle, Mitch

Witherspoon, Brad Wolters and Nick Messina who brought home the win in what promises to be a new and spirited long-term rivalry.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1756 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ILLINOIS NOMINEES: MIKE McCUSKEY AND PAT MURPHY

Mr. DURBIN. Mr. President, I seek recognition to speak to an issue which involves our Executive Calendar.

Since November of last year, there have been two names pending on this calendar of judicial appointees for my home State of Illinois. One is Patrick Murphy, of Marion, IL, to be U.S. District Court Judge for the Southern District. The other is Michael McCuskey, who is seeking the position of District Judge for the Central District of Illinois. It is unusual that these two nominees would have been on the calendar for such a long period of time, and the situation is aggravated by the fact that these vacancies are very serious, creating, in fact, what has been characterized as a judicial emergency.

The Southern District of Illinois has the second oldest judicial vacancy in the Nation. The Southern District, for which Mr. Murphy is seeking this confirmation, has been without this Federal judge for 1,952 days. In the Central District of Illinois, it has been more than 1,000 days since that judgeship has been filled. In fact, the exact number is 1,255 days.

There are four judgeships in the southern district, two vacant. Senator CAROL MOSELEY-BRAUN and I have proposed Mr. Murphy and Judge David Herndon, of Alton, to be named to fill those spots. Mr. Murphy is the only candidate who has reached the calendar to this point, but we are hopeful that Judge Herndon will as well. This 50 percent vacancy rate in one judicial district is much, much higher than the 10 percent vacancy rate which we have experienced around the Nation. In the Central District of Illinois, where I live, the numbers are exactly the same; half of the judges have not been appointed. Of course the obvious question is, What is wrong with these two nominees? Why would they sit on the calendar of the U.S. Senate for over 1,000 days? They clearly must have very serious problems. Exactly the opposite is the case.

These two gentlemen, Mr. Murphy and Judge McCuskey, were nominated by President Clinton on July 31, 1997. They were unanimously recommended by the Judiciary Committee on November 6 of the same year. They have been sitting on this calendar for 127 days with absolutely no one raising questions as to their qualifications for the job.

What happens to a person who finds himself in this predicament? I have talked to many of them. Their lives are changed. The prospect of being appointed to the Federal bench makes life difficult on a professional and personal basis.

Judge McCuskey has a family. He is trying to find a place for his family to live. Think about buying a home and not knowing when you can move into it, and then the fear that if you move too soon, you will disqualify yourself from your previous judgeship. That is what he is facing.

His family is going through a lot of turmoil this week because they had thought surely within 100 days the U.S. Senate would act on this nomination, but it has not happened.

Mr. Murphy is in the private practice of law. We have spoken from time to time. He has important cases representing people from his part of Illinois, and people are wondering: ''Pat Murphy, are you going to be around? Can we count on you? Will you take this case to trial? Should we bring business to your office?''

All of these things weigh heavy on a person who has decided to make this commitment to move forward and ask to be appointed to the Federal bench.

I hope that Members of the Senate, those who will read my remarks and those who hear them, will understand that this type of thing is more than an inconvenience. It is a hardship that we should not impose on two people for whom there is no controversy.

Let's take a look at the Central District of Illinois. There are 162 cases in that district that have been pending for more than 2 years. Imagine if you were to say at some point, because of your business or family concerns or personal needs, that you had to go to court, and then you went into court with an attorney and said, ''How soon will this be resolved?''

And they said, ''At least 2 years.''

''Two years?''

We can do better.

Fifty-five of the cases in the central district have been there for more than 3 years; 30 of the suits are related to civil rights cases, people who feel they have been discriminated against; 21 are civil rights suits; 15 are contract disputes; 9 are personal injury cases; 11 are product liability suits; and 2 are patent cases.

Let me tell you how this works, since I have practiced law in this district. When the day comes for you to go to trial after waiting 2 years, you better hope there isn't some intervening thing or event that ends up postponing it. A friend of mine took a case and, after waiting for 19 months, finally went to trial only to have a death in the family of one of the other attorneys, causing them to postpone the trial date. Then, of course, they were told they would have to wait for at least another year before the case could be tried.

When the Senate fails to do its work and confirm judges, the hardship is imposed on ordinary people in America and they are puzzled: ''Well, why is this the case? Why does it take so long for me to get my day in court?'' Is justice delayed truly justice denied? In many cases, it is. In this situation, unfortunately, the burden is on us, those men and women who sit in this Chamber and have the singular responsibility to confirm Federal judges.

The Southern District of Illinois is another sad story when it comes to the impact of the vacancies. Since 1992, case filings have increased 9 percent. People are still going to the courthouse; 58 cases there have been pending for more than 3 years; 7 have been pending for 10 years. Why is that the case? Because Judge Phil Gilbert, the active Federal judge in this district, with Judge Paul Riley, are working overtime to try to deal with a heavy criminal docket which must be dealt with first under the law and, of course, we want them to, and in trying to deal with that docket, they keep postponing the civil docket. So people wait.

In one of those 10-year-old cases in the southern district, a plaintiff sustained serious neck and back injuries that required him to pay out $15,000 in hospital bills. He was operating a mine shuttle cart that hit a small obstruction. The cart had no shock absorbers, and he suffered a serious injury, and now he waits for his day in court.

When you take a look at the statistics that have been compiled by the administrative office of the U.S. Court System as to the median amount of time that it takes a civil case to come to trial, it tells the story even more graphically.

The Southern District of Illinois has the longest waiting period, 23 months. There are 94 districts nationwide, and the southern district has the 54th longest median time from filing to trial; the central district, 33 months. These numbers are from early last fall. More recent numbers are not going to be encouraging or much different.

We have heard from the judges in both of the districts. Phil Gilbert of the southern district has written to Members of the Senate and said they are getting the job done—and I know he is working hard with Judge Riley—but they badly need additional judges. Those are his words.

Judge Michael Mihm of the central district said that they, too, are working to keep up with the caseload, but definitely feel the pinch. They have had to delay one major civil trial. They are only getting the job done by bringing in other judges from other districts, and, of course, causing problems in those districts in the meantime.

Let me tell you about these two individuals, because I think you will come to realize why they moved through the Judiciary Committee without any controversy and why their still sitting on the calendar is a travesty of justice.

Judge McCuskey was born in Peoria, IL. He is currently a State court judge and for the last 9 years has been serving in that capacity. Before that, for 2

years he was a circuit court judge. Since 1990, he has been a justice for the third district appellate court.

Before going to law school, he worked at a local high school as a history teacher and baseball coach. During law school, he helped pay his bills by working as a security guard. After graduating, he started his own law firm. Since becoming a judge, he has earned a reputation, deservedly, from Democrats, Republicans, as well as Independents, as an outstanding—firm, fair and thorough—jurist.

He is also involved in community work. Mike McCuskey is known throughout the Peoria area for going to local grade schools and reading to children. He emcees the senior citizen activities during the annual county fair.

Then there is Pat Murphy in the Southern District of Illinois. I never met Pat Murphy before he came to the interview process that CAROL MOSELEY-BRAUN and I held. I have to tell you, he just swept us off our feet. He is such an impressive individual.

Pat Murphy was born and raised in Marion, IL, from a very humble family. He served in the Marine Corps in Vietnam. At the age of 17, he enlisted. On almost exactly his 18th birthday, he arrived in Vietnam where he served a tour of duty as an enlisted man in K Company, 3rd Battalion, 1st Marine Corps weapons platoon.

After he got out of the Marine Corps, Pat Murphy decided to go on to get his college degree and law degree with the help of the GI bill.

His parents died, and some of his brothers and sisters were still very young. Pat took on the responsibility of raising his four younger brothers and sisters. As he said to us, ''We ended up raising one another.''

I met Pat's brother Kevin. He is the unit manager and a guard at the Marion Federal Penitentiary.

Pat's story shows extensive legal experience. Since beginning the practice of law, Pat Murphy has tried almost 100 cases. I will tell you, it is hard to find a trial attorney who can say that. He has tried almost 100 cases before a jury; 200 before a judge. He has represented banks, municipalities, school boards, insurers and individuals. He has tried several criminal cases, representing plaintiffs and defendants. In the first year he was eligible, he was elected to the prestigious American College of Trial Attorneys. He has built more than a solid reputation in southern Illinois. He has been building a national reputation.

Isn't this the kind of person we want to serve on the Federal bench? I think it is, and so does the Judiciary Committee in unanimously approving his nomination.

One thing I have to say, though, that shouldn't be left out of Pat Murphy's biography is that he is known throughout Marion and southern Illinois for his unstinting generosity to veterans. He himself served, as I said, in the Marine Corps during Vietnam, and ever since, he has given local veterans pro bono—that is free—representation whenever they walk through the door.

I have heard it said that in southern Illinois, when there is a funeral and burial of a veteran, many times they will see this lawyer come driving up, jump out of the car and stand in reverence at the grave site for his fellow veteran.

Pat Murphy has endeared himself to so many of the people in southern Illinois and would be an excellent choice for Federal judge.

So here we sit 127 days after these two men have their names brought before the Senate for confirmation. There is no objection in the Judiciary Committee, no objection to their qualifications and talents, and yet they wait. With personal hardship, they are waiting patiently for the opportunity to serve the United States of America as Federal district court judges.

They have accepted that responsibility pending our confirmation. Shouldn't the Senate accept its responsibility? Shouldn't we vote out today, or at the latest the first day we can next week, these two men so that they can serve their country as Federal district court judges, so that they can, in some way, address the backlog of cases in the southern and central districts and give people who have been waiting patiently for their day in court an opportunity for a trial?

I hope we respond to this. I say to my colleagues in the U.S. Senate, I am going to continue to raise this issue. I think it is unfair what we are doing to these two individuals. I hope the Senate can move very, very quickly to rectify this injustice.

I yield back the remainder of my time.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to address a problem of significant magnitude. I ask unanimous consent to speak for up to 10 minutes.

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

CHINA'S PROLIFERATION ACTIVITY

Mr. ASHCROFT. Mr. President, I rise today to address a rather disturbing article that appeared not only in the Washington Times but also in the Washington Post, a similar article. The headline in the Times says: ''China in New Nuclear Sales Effort.'' The headline in the Post: ''U.S. Action Stymied China Sale to Iran.''

These articles represent a concern of mine, because they detail China's continuing nuclear proliferation, not just nuclear proliferation, but proliferation to the nation of Iran.

According to these articles, U.S. intelligence discovered secret China-Iran negotiations concerning Chinese transfer of hundreds of tons of anhydrous hydrogen fluoride. Anhydrous hydrogen fluoride is a material used in enriching uranium to weapons grade uranium.

This transfer was scheduled to go to Iran's Isfahan Nuclear Research Center. The Isfahan Center is the principal site of Iran's efforts to manufacture the explosive core of an atomic device, according to the articles.

So what we have here, both in the Washington Post and in the Washington Times, is the chronicling of China's effort to send these kinds of components and processes to Iran in order for Iran, a rogue nation, to enhance its capacity to be involved with atomic weapons of mass destruction.

This revelation of new Chinese efforts to aid Iran's nuclear weapons program is deeply troubling, and it follows solemn commitments from Chinese leaders just last October that China would cut off nuclear assistance to Iran.

What is more troubling to me, however, is the fact that the Clinton administration has overlooked more than a decade of similar promises that have been broken just as quickly and routinely as last October's promise has now been revealed to have been broken on the face of the front pages of this city's newspapers.

This continued course by this administration to simply take at face value assurances consistent with other assurances and, unfortunately, consistent with the disregard for those assurances in terms of policy, causes us to question whether or not we should have been racing into these agreements, and particularly according to China the special standing which we have provided to China based on the events of last October.

It is pretty clear to me that, in spite of the fact that China assured us last October that they were going to be adopting a different posture in regard to nuclear proliferation, their policy and their practice was not altered. Their policy and practice of providing this kind of proliferation to rogue nations remains in place.

It is, unfortunately, not new that the Chinese have broken agreements. I will submit for the RECORD a list of events and times in which the Chinese have said one thing and done another in regard to nuclear proliferation—starting in 1981, 1983, 1984, 1985, 1986, 1987, 1989, 1990, 1991, another incident in 1991, 1994, 1995, 1996, and 1997.

Now, this list, which has been assembled by the Nuclear Control Institute, merely chronicles the habit, the practice, and the policy of China in saying one thing and doing another.

A number of us were stunned last year when the administration said it wanted to elevate the standing of China as it related to nuclear technology. We were stunned because we were aware of this list. We were stunned, thinking that if in the summer of 1997 our own CIA labels China as the world's worst proliferater of weapons of mass destruction, why would we

90 days later want to constitute them as a nuclear cooperator and enter into a nuclear agreement with them that would entitle them to higher levels of information, higher degrees of cooperation with the United States?

I will submit this list for the RECORD. I will not belabor the Senate with all of the documentation here, but I would like the list to be included in the RECORD and the documentation be available to the Senate and to the American people. I ask unanimous consent that it be printed in the RECORD.

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

CHINA'S NON-PROLIFERATION WORDS VS. CHINA'S NUCLEAR PROLIFERATION DEEDS*

[From the Nuclear Control Institute]

Date and what China said—	What China did—
1981—"Like many other peace-loving countries, China does not advocate or encourage nuclear proliferation, and we are emphatically opposed to any production of nuclear weapons by racists and expansionists such as South Africa and Israel."—*Yu Peiwen, head of Chinese delegation to Conference on Disarmament in Geneva, Xinhua, 8/4/81.*	In 1981, China supplies South Africa (at that time not a member of the NPT and pursuing a nuclear weapons program) with 60 tons of unsafeguarded enriched uranium. This enriched uranium may have enabled South Africa to triple weapons-grade uranium output at the Valindaba facility.[1] In 1981, other unsafeguarded Chinese exports include highly enriched uranium, uranium hexaflouride, and heavy water to Argentina, and heavy water to India. Both nations are non-NPT states with nuclear weapons programs at the time.[2]
1983—"China does not encourage or support nuclear proliferation."—*Vice Premier Li Peng, Xinhua, 10/18/83*	In 1983, China contracts with Algeria, then a non-NPT state, to construct a large, unsafeguarded plutonium-production reactor. Construction of the reactor complex began after November 1984—well after China's April 1984 pledge to subject all future nuclear exports to IAEA safeguards, and while China is negotiating a nuclear cooperation agreement with the United States.[3] China also supplies Algeria with large hot cells, which can be used to handle highly radioactive spent fuel to separate plutonium.[4]
1984—"We are critical of the discriminatory treaty on the nonproliferation of nuclear weapons, but we do not advocate or encourage nuclear proliferation. We do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons."—*Premier Zhao Ziyang, White House state dinner on 1/10/84, Xinhua, 1/11/84 (Note: A U.S. official later said that "These were solemn assurances with in fact the force of law," AP, 6/15/84).*	U.S. officials reveal that, in the early 1980s, China provided Pakistan with the design for a nuclear weapon, and probably enough highly enriched uranium (HEU) for one to two bombs.[5]
1985–86—"China has no intention, either at the present or in the future, to help non-nuclear countries develop nuclear weapons."—*Li Peng, Chinese Vice Premier, Xinhua, January 18, 1985.* "The Chinese made it clear to us that when they say they will not assist other countries to develop nuclear weapons, this also applies to all nuclear explosives . . . We are satisfied that the [nonproliferation] policies they have adopted are consistent with our own basic views."—*Ambassador Richard Kennedy, Department of State, Congressional testimony, 10/9/85.* "Discussions with China that have taken place since the initialling of the proposed [nuclear] Agreement have contributed significantly to a shared understanding with China on what it means not to assist other countries to acquire nuclear explosives, and in facilitating China's steps to put all these new policies into place. Thus, ACDA believes that the statements of policy by senior Chinese officials, as clarified by these discussions, represent a clear commitment not to assist a non-nuclear-weapon state in the acquisition of nuclear explosives."—*ACDA, "Nuclear Proliferation Assessment Statement," submitted to Congress on 7/24/85 with the U.S./China Agreement for Cooperation, 7/19/85.* "China is not a party to the NPT, but its stance on the question is clear-cut and above-board . . . it stands for nuclear disarmament and disapproves of nuclear proliferation . . . In recent years, the Chinese Government has more and more, time and again reiterated that China neither advocates nor encourages nuclear proliferation, and its cooperation with other countries in the nuclear field is only for peaceful purposes".—*Ambassador Ho Qian Jiadong, speech given at the Conference on Disarmament in Geneva, 6/27/85 (quoted by Amb. Richard Kennedy in congressional testimony, 7/31/85).*	In addition to covering up its export of the unsafeguarded reactor to Algeria, China secretly sells Pakistan tritium, an element used in the trigger of hydrogen bombs as well as to boost the yield of fission weapons.[6]
1987–89—"China does not advocate or encourage nuclear proliferation, nor does it help other countries develop nuclear weapons."—*Vice Foreign Minister Qian Qichen, Beijing Review, 3/30/87.* "As everyone knows, China does not advocate nor encourage nuclear proliferation. China does not engage in developing or assisting other countries to develop nuclear weapons."—*Foreign Ministry spokesman, Beijing radio, 5/4/89.*	In 1989, China agrees to build a light-water reactor for Pakistan, begins assisting Iran's development of indigenous manufacturing capability for medium-range ballistic missiles, and assists Iraq in the manufacture of samarium-cobalt ring magnets for uranium-enrichment centrifuges.[7]
1990—". . . the Chinese government has consistently supported and participated in the international community's efforts for preventing the proliferation of nuclear weapons."—*Ambassador Hou Zhitong, Xinhua, 4/1/91.*	In September 1990, after Iraq's invasion of Kuwait and the imposition of an international trade embargo, China provides Iraq with lithium hydride, a chemical compound useful in both boosted-fission and thermonuclear (hydrogen) bombs, as well as in ballistic missile fuel.[8]
1991—"The report claiming that China provides medium-range missiles for Pakistan is absolutely groundless. China does not stand for, encourage, or engage itself in nuclear proliferation and does not aid other countries in developing nuclear weapons."—*Foreign ministry spokesman Wu Jianmin, Zhongguo Ximwen She, 4/25/91.*	Sometime around 1991, China provides ballistic missile technology to Syria, including the nuclear-capable M–9 missile. In 1993, a Chinese corporation exports ammonium perchlorate, a missile fuel precursor, to the Iraqi government via a Jordanian purchasing agent.[9] In August 1993, the United States imposes sanctions on China for exporting nuclear-capable M–11 ballistic missiles to Pakistan.
1991—"China has struck no nuclear deals with Iran . . . This inference is preposterous." *Chinese embassy official Chen Guoqing, rebutting a claim that China had sold nuclear technology to Iran, letter to Washington Post, 7/2/91.*	In 1991, China supplies Iran with a research reactor capable of producing plutonium [10] and a calutron, a technology that can be used to enrich uranium to weapons-grade.[11] (Calutrons enriched the uranium in the "Little Boy" bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.)
1994—"China does not engage in proliferation of weapons of mass destruction . . ."—*Foreign Minister Qian Qichen, AP newswire, 10/4/94.*	China supplies a complete nuclear fusion research reactor facility to Iran, and provides technical assistance in making it operational.[12] China, with apparent U.S. acquiescence, agrees to replace France as supplier of low-enriched uranium fuel for India's U.S.-supplied Tarapur reactors. The U.S. cut off supply of LEU soon after India's nuclear explosion of 1974. This LEU supply makes it easier for India to concentrate other nuclear assets on its weapons program.[13]
1995—"China has never transferred or sold any nuclear technology or equipment to Pakistan . . . We therefore hope the U.S. Government will not base its policy-making on hearsay."—*Foreign Ministry Deputy Secretary Shen Guofang, Hong Kong, AFP, 3/26/96 (after discovery of the ring magnet sale to Pakistan).*	In 1995, China exports 5,000 ring magnets to Pakistan. Such magnets are integral components of high-speed gas centrifuges of the type used by Pakistan to enrich uranium to weapons-grade.[14]
1996—". . . We have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between U.S. and Chinese officials."—*Under Secretary of State Peter Tarnoff, congressional testimony, 5/16/96.* "China's position on nuclear proliferation is very clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation."—*Statement by Foreign Ministry spokesman Cui Tiankai, Beijing, Xinhua, 9/15/97.*	In July 1997, a CIA report concludes that, in the second half of 1996, "China was the single most important supplier of equipment and technology for weapons of mass destruction" worldwide.[15] The report also states that, for the period July to December 1996—i.e. after China's May 11, 1996 pledge to the United States not to provide assistance to unsafeguarded nuclear facilities—China was Pakistan's "primary source of nuclear-related equipment and technology . . ."[16]
1997—"The question of assurance does not exist. China and Iran currently do not have any nuclear cooperation . . . We do not sell nuclear weapons to any country or transfer related technology. This is our long-standing position, this policy is targeted at all countries." Foreign Ministry spokesman Shen Guofang, Los Angeles, 11/2/97, Reuters, 11/3/97. "I wish to emphasize once again China has never transferred nuclear weapons or relevant technology to other countries, including Iran . . . China has never done it in the past, we do not do it now, nor will we do it in the future."—*Foreign Ministry spokesman Shen Guofang, Kyodo, 10/21/97.*	According to a CIA report, China is "a key supplier" of nuclear technology to Iran, exporting over $60 million worth annually. Fourteen Chinese nuclear experts are reportedly working at Iranian nuclear facilities.[17]

END NOTES

*China's non-proliferation statements are documented in Rep. Benjamin Gilman, "China's Nuclear Nonproliferation Promises: 1981–1997," *Congressional Record*, November 5, 1997, p. H10073. China's proliferation deeds are documented in Steven Dolley, "China's Record of Proliferation Misbehavior," Nuclear Control Institute, September 29, 1997.

[1] Leonard Spector, *Nuclear Ambitions*, 1990, p. 274; Michael Brenner, "People's Republic of China," in *International Nuclear Trade and Nonproliferation*, Ed. William Potter, 1990, p. 253.

[2] Judith Miller, "U.S. is Holding Up Peking Atom Talks," *New York Times*, September 19, 1982; Brenner, *ibid.*; Gary Milhollin and Gerard White, "A New China Syndrome: Beijing's Atomic Bazaar," *Washington Post*, May 12, 1991, p. C4.

[3] Vipin Gupta, "Algeria's Nuclear Ambitions," *International Defense Review*, #4, 1992, pp. 329–330.

[4] Mark Hibbs, "Move to Block China Certification Doesn't Concern Administration," *Nucleonics Week*, August 7, 1997, p. 11.

[5] Leslie Gelb, "Pakistan Link Perils U.S.-China Nuclear Pact," *New York Times*, June 22, 1984, p. A1; Leonard Spector et al., *Tracking Nuclear Proliferation*, Carnegie Endowment for International Peace, 1995, p. 49.

[6] Milhollin and White, "A New China Syndrome," *op cit.*, p. C4.

[7] "Iraq and the Bomb," *MidEast Markets*, December 11, 1989, p. 130.

[8] Tim Kelsey, "Chinese Arms Dealers Flaunt U.N. Embargo—China Ships Vital Nuclear Cargo to Iraq," *London Sunday Independent*, September 30, 1990, reprinted in *Congressional Record*, October 18, 1990, p. H10531.

[9] *Export Control News*, December 30, 1994, p. 14.

[10] Kenneth Timmerman, "Tehran's A-Bomb Program Shows Startling Progress," *Washington Times*, May 8, 1995. According to Timmerman, China and Iran did not report the 1991 purchase of this reactor to the IAEA.

[11] Marie Colvin, "Secret Iranian Plans for a Nuclear Bomb," *Sunday Times (London)*, July 28, 1991; Russell Watson, "Merchants of Death," *Newsweek*, November 18, 1991, p. 38.

[12] Gary Milhollin, Wisconsin Project, Testimony before the Senate Select Committee on Intelligence, September 18, 1997, p. 8.

[13] Mark Hibbs, "Reported VVER–1000 Sale to India Raises NSG Concern on Safeguards," *Nucleonics Week*, January 12, 1995, p. 1.

[14] Tim Weiner, "Atom Arms Parts Sold to Pakistan by China, U.S. Says," *New York Times*, February 8, 1996, p. A1.

[15] U.S. Central Intelligence Agency, Nonproliferation Center, "The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions," 1997, p. 5. See also Mark Hibbs, "DOD, ACDA Want China Accord Link to Other Weapons Export Limits," *Nucleonics Week*, August 21, 1997, p. 2; Tim Weiner, "China is Top Supplier to Nations Seeking Powerful, Banned Arms," *New York Times*, July 3, 1997, p. A10.

[16] CIA report, "The Acquisition of Technology Relating to Weapons of Mass Destruction," *op cit.*, p. 5.

[17] CIA report, *ibid.*; Con Coughlin, "U.S. Sounds Alarm Over Iran Nuclear Threat," *Sunday Telegraph (London)*, February 23, 1997, p. 24.

Mr. ASHCROFT. Now, this most recent set of incidents, of course, revealed in the Washington Times today, and in the Washington Post as well, and I am sure in other newspapers across the country, was the subject of a special briefing to Members of the U.S. Senate very recently. I was not a part of that briefing and I do not know what was said at the special briefing, but the information that I am including is information from these news sources. I want to make it clear that I would not be breaching any special information provided to the Senate. I was not a party to it. But the information is well known.

What is perhaps in some measure troubling is that the administration sought to portray this episode with China as a success. They say, ''Look what we stopped. Look what we were able to do.'' They say that China responded more swiftly to our complaints this time, that when we caught them red-handed in the process of breaking their word, they were more ready to admit they were breaking their word. To hear administration officials talk, the swiftness of China's response to the exposure of their proliferation activity is grounds for disregarding that the administration was hoodwinked by the Chinese all along.

Well, the inventory since 1981 is sort of the litany, if you will, of the insistent and nagging record of proliferation violation after proliferation violation after proliferation violation upon proliferation violation. These things provided a basis for saying to the administration, we should not trust the Chinese, at least without some record, without some record that proliferation will stop, and yet within days after our CIA labeled the Chinese as the world's worst proliferaters, we in this administration seemed ready to believe their next assurance. And, of course, these newspapers indicate that our belief should have been in their practice and policy of the past, which has been a policy of betrayal and a policy of disregard, not a policy of compliance with agreements relating to nonproliferation of nuclear weapons.

Who knows what other nuclear assistance projects China has in store with Iran or other rogue regimes. Who knows how many such projects we have not detected, have not called their hand on, have not asked them to stop because we did not know about them. We happen to intercept information here.

Given China's past proliferation record, and given that the 1997 CIA report that called China—and I quote—''the most significant supplier of weapons of mass destruction-related goods and technology to foreign countries''—that was a quote; the CIA labeled them that less than a year ago—it is pretty clear that people of good sense would say, maybe we ought to ask that they be compliant, maybe we ought to ask that they observe their agreements for at least a short interval before we endow them with our full trust and confidence.

I opposed President Clinton's decision to begin nuclear cooperation with China based on the CIA report, based on this heritage of denying and breaking these agreements. And now the newspapers of this morning, from both the right and the left, if you will, have said that China was in the process of breaking these agreements currently after China has given its word.

In order for United States-China nuclear cooperation to proceed, the President certified to Congress that China—and this is what he certified—''is not assisting and will not assist any nonnuclear-weapon state, either directly or indirectly, in acquiring nuclear explosive devices or the material and components for such devices.''

The President's haste to make this certification seriously undermined U.S. counterproliferation credibility, credibility that would be desperately needed just a few weeks later in a confrontation with Saddam Hussein over the same issue of the threat of weapons of mass destruction—not a unique issue.

Mr. President, the startling inconsistencies in this administration's policy regarding the proliferation of weapons of mass destruction, these inconsistencies are putting the national security of our country at risk. Secretary of State Madeleine Albright talks about NATO's new central mission as combating the proliferation of weapons of mass destruction. The United States almost went to war last month in the Persian Gulf over the threat of weapons of mass destruction.

We still face the prospect of having to use military force to address the threat posed by Saddam Hussein's weapons of mass destruction. And yet, in spite of all this, the administration's rhetoric on counterproliferation—in spite of the continuing object lesson of Saddam Hussein and the threat posed by his terrorist government—the Clinton administration has entered into a nuclear cooperation agreement with China, the world's worst proliferater of weapons of mass destruction. And we know, as of this week, that China is repudiating the basis of those agreements.

Just as Saddam Hussein has outmaneuvered this administration to keep his weapons of mass destruction in Iraq, China has outmaneuvered this administration to continue to proliferate weapons of mass destruction to Iran. Not only is Beijing continuing to pursue nuclear assistance to Iran, but, according to the CIA, China is a major supplier to Iran of chemical weapons and missiles technology as well.

I call on the President to put a halt to nuclear cooperation with China. The President, in my opinion, has pursued a policy of blind engagement with the Chinese. It is a policy which disregards the facts, the litany of breaches on the part of the Chinese. It disregards the facts of continuing breaches of their agreements by the Chinese who continue to proliferate weapons of mass destruction. In light of the reports on China's continuation of proliferation activity, the proposed United States-China summit meeting in June should be reconsidered.

Mr. President, the decision to begin nuclear cooperation with China was a political one. It was driven by the administration's desire to have a ''meaningful'' meeting, an event strategy. Well, ''meaningful'' events cannot replace substantive foreign policy. We cannot say in one part of the world to Saddam Hussein, ''Well, we'll go to war with you over weapons of mass destruction,'' while we are winking at someone else, saying, ''Well, it's OK if you continue to break your word and proliferate weapons of mass destruction'' to equally dangerous rogue regimes. It undermines America's credibility in combating the proliferation of weapons of mass destruction. It is not worth the photo-op that we get from the Chinese by having a summit if we have to destroy our policy and threaten the security of this globe to do it.

I believe that it is time for us to have a policy, a policy that is unmistakable and clear and a policy that is respected, that weapons of mass destruction are not to be tolerated and that the United States will not extend privileges of nuclear cooperation to those who would take nuclear resources and make them available to rogue nations as weapons of mass destruction.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. ASHCROFT. Mr. President, I yield the floor and thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

CONGRATULATIONS, SENATOR FORD

Mr. GLENN. Mr. President, earlier today Senator DASCHLE, our minority leader, made some remarks in tribute to the longest-serving Senator from Kentucky to serve in the U.S. Senate, and that is WENDELL FORD, our minority whip.

I wanted to add my words of congratulations, in recognition of this person that I believe to be one of our most outstanding U.S. Senators. He is a very dedicated public servant. He is also a good personal friend. He is the senior Senator from Kentucky, WENDELL FORD. I don't think it is any accident that the people of Kentucky have returned WENDELL time after time, one election after another, to where he now has served here almost a quarter of a century.

WENDELL, of course, is a very personable person. He likes people. I think that was evidenced early in his career when I believe he was national president of the Jaycees. Later on, the people of Kentucky, after having elected him Governor for a term, then elected him to the U.S. Senate. He has served them well here over the last nearly

quarter of a century. I had the honor and privilege to serve alongside him for all that time since he came to the Senate. He and I were sworn in at about the same time, and for the first few years we were here, by the luck of the draw, we sat side by side in the Senate Chamber. That was back in the time period when we had many all-night sessions, and you got to know a person pretty well when you sat and shared views with them during some of those extended debates and lengthy all-night sessions.

WENDELL is certainly known for his wit and humor. I remember once we were sitting here about 3:30 or 4 o'clock in the morning and a debate was going on. WENDELL nudged me and said, ''You know, John, the people back home think we are the ones that won.'' I got a kick out of that. We were going through some very troubled times in the U.S. Senate at that time.

The Senate class of 1974 was one that I think was remarkable not only because I happened to be one of those people but because it came in on the tail-end of Watergate. Watergate played an issue in that year's election. But the people we elected that year included a number of outstanding public officials who would continue illustrious public careers, including John Culver, Robert Morgan, Paul Laxalt, James Jake Garn, Gary Hart, and four Senators still serving—myself and Senators FORD, BUMPERS, and LEAHY. With the announced retirements that we have already, Senator LEAHY will be the only representative out of that class of 1974 still remaining at the end of this year.

The distinguished Senator from Kentucky, Senator FORD, has served on the Senate Rules Committee for many years, been chairman and ranking member. He became an expert on disputed elections quite early on in his service, because one of the first issues that that class of 1974 faced in the Senate was the disputed election in New Hampshire between John Durkin and Louis Wyman. In that case, the Senate determined that a new election was necessary. So WENDELL got tossed into that maelstrom of disputed elections very early on. I say that hasn't ended through all these years either, because even during this last year he worked toward a successful solution in the Louisiana election dispute.

I can say without any contradiction that Senator FORD is truly a Senator's Senator. He is rarely on the floor making long speeches and posturing before the camera. That is rare. In fact, he never does that. But his voice is heard. His influence is heard on almost all issues, because the Senate, his fellow Senators on the Democratic side, sought at this time to elect him as our whip, our No. 2 person in the hierarchy of leadership in the Senate.

I think Senator FORD would appreciate the fact, coming from Kentucky—and I have heard him make comments about the horses, and all of his attention to the horses in Kentucky, and the big business that is in Kentucky, and his attention to things like the Kentucky Derby and so on. But he would appreciate it that we know him as a ''workhorse,'' not just as a show horse, here in the U.S. Senate. He is always working behind the scenes for whatever the interests are of the party or his interests for Kentucky. And he has provided strong leadership in his ability as a negotiator and his talents for finding compromise that have served both parties and the Nation extraordinarily well.

He has been in the forefront of many issues during his career in the Senate, including such more recent things in just the last few years as motor-voter legislation, trying to make sure that every person in this country has a maximum opportunity to exercise the right to vote. Lobbying reform and campaign finance reform have been of particular interest in recent years.

Of course, Kentucky is first. I just wish I could say that I have been as tireless an advocate for Ohio as he has been for Kentucky, because even when we have disagreed on things, we find a way to work them out. WENDELL represents Kentucky and the interests of the people of Kentucky first. That comes out all the time. He and I have worked together on matters of mutual interest, including the regional airport in Cincinnati and Department of Energy facilities that are both in Kentucky and in Ohio.

As I mentioned earlier today, Senator FORD's service in the Senate will surpass the length of surface of Alben Barkley, who had previously been the longest-serving Senator from Kentucky. Senator FORD will have served longer than any other Kentuckian in the Senate, including such statesmen as Henry Clay, John Breckenridge, Happy Chandler, and John Sherman Cooper.

I think WENDELL FORD adds an illustrious career that matches any of those other people the great State of Kentucky has sent to the Senate through the years. With WENDELL, you always know where you stand, but he also knows how to disagree without being disagreeable at the same time.

He is known for his wit, humor, and intense discussions. He knows how to break the tension with a little humor, a joke, or something that applies.

I would be remiss if I didn't mention one other thing, and that is his dedication to his family—Jean, his wife, and his children and grandchildren. I remember last August, when other Senators were talking about what trips they were planning, and I asked WENDELL if he was planning to travel, he said, ''Yep; I'm going to travel to Kentucky to go fishing with the grandchildren.'' That is exactly what he did, and I'm sure the grandchildren were the better off for it.

So I'm pleased to join my colleagues in recognition of the long service of Senator WENDELL FORD. He has been a very valued colleague and a personal friend to me in the Senate. His company will truly be one of the things I will miss next year, and I think, most of all, the people of Kentucky are going to miss the kind of leadership he has provided. We are here today not to talk about that, but to recognize that today marks the day when he becomes the longest-serving Senator to ever serve from the State of Kentucky. I want to recognize him for that.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 2646

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 227, H.R. 2646, the education individual retirement accounts bill, and it be considered under the following agreement.

Before I make this request, I do want to say again how much I appreciate all the cooperation we had on the ISTEA, bill. I think it is an example of what we can do when we work together on important legislation in a bipartisan way, and also across the aisle, the bipartisan support we had on the China human rights resolution, and on the resolution naming Saddam Hussein as a war criminal.

This has been a very productive week. I hope we can find a way to do the same thing again next week. I would like for us to find a way to consider in the fairest possible procedure this very important education bill, the Coverdell A+ bill which does include, in addition to the Coverdell A+ provisions with regard to saving for your children's education, a special provision for a prepaid tuition deduction, and for a deduction of graduate education expenses. Those last two items were requested by a bipartisan group. We have other important matters that I believe will be bipartisan, including dealing with NATO enlargement. So I hope we can find a way to come to an agreement on how to proceed on these bills.

So I would like to now go through the agreement that I have been seeking. I understand that Senator DURBIN will have some reaction once I get to the end of this.

Mr. President, I ask unanimous consent that immediately following the reporting of the bill by the clerk, the chairman of the Finance Committee be recognized to send an amendment to the desk reflecting the Finance Committee action on the Coverdell bill. I further ask unanimous consent that following the ascertaining of this consent, Senator DASCHLE be recognized to

offer his alternative amendment—I understand he had been working on a substitute; and I thought it was a good way to start off the debate to have the minority offer their alternative amendment—and that no other amendments be in order prior to a vote on or in relation to the Daschle amendment.

I further ask unanimous consent that it be in order for me to send a cloture motion to the desk to the Finance Committee amendment and that the cloture vote occur on the committee amendment at a time to be determined by the majority leader, after notification and consultation with the minority leader, but not before the vote in relation to the Daschle amendment. So the cloture motion would not even be filed under this request until after the DASCHLE substitute had been considered and dealt with by a vote.

I further ask unanimous consent that the mandatory quorum under rule XXII be waived and that first-degree amendments be filed 1 hour after the cloture vote, with second-degree amendments to be filed within 24 hours of the cloture vote.

Before the Chair puts the question to the Senate, let me summarize this consent, which I believe is fair and provides for an orderly consideration of the education A+ bill.

The agreement, if agreed to, is that the Senate would now begin consideration of this bill. The chairman of the Finance Committee would immediately be recognized to offer the Finance Committee action. Then Senator DASCHLE would offer his substitute, whatever version that he would like to have, of the legislation. We would have an agreed-to period of debate. And then we would have a vote, without any encumbrance, on that amendment. Then following that vote, we would have a cloture vote, and then the time for that would be determined by mutual agreement. If cloture should be invoked, the remainder of the consideration of the bill would be governed under the provisions of Rule XXII. If cloture is not invoked, the bill would be open to further amendments, with no limitation as to time or subject matter.

If this agreement is agreed to by the Senate, I would, of course, give Members ample notification as to when the two votes would occur, those being a vote with respect to the Daschle amendment and the cloture vote.

So I will now yield the floor for the Chair to put the question on this. I urge all my colleagues to agree to this.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I say to the majority leader I thank him for the conversation we had over the last several days about a matter of concern to me and I hope to the Senate.

My objection to your unanimous consent request is not based on the belief we should be doing less business but in the hope we will be able to do a little more—specifically, that the two judges who are pending on the Executive Calendar since November of last year from the State of Illinois, judges I referred to earlier as coming from districts with extraordinary problems because of these vacancies, I hope these judges can be considered, and considered very soon.

I have tried to say to all of my colleagues, Democrats and Republicans, that I stand ready to work with you to move this calendar's agenda as quickly as possible. I hope they will empathize with the challenge that faces us in the Southern and Central Districts of Illinois and that we can call these judges for consideration as quickly as possible.

For that reason, for that reason alone, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I do want to say to the Senator from Illinois, I am very much aware of these two judicial nominations. As I promised I would do yesterday, I did talk to Senators from our side of the aisle that have some objections. It goes back to last year. The Senator knows all the details. I appreciate the fact that he did not object to judges that the administration sent here from Texas earlier this week, and I hope that we can continue to work to see if some agreement can be worked out as to how and when they might be considered.

And I know that the Senator, perhaps, has some objection to us proceeding with the ocean shipping legislation; we have worked out an agreement on how to proceed on that. This is a bill we have been working on for a couple of years, in a bipartisan way, again. Senator BREAUX from Louisiana has been involved; Senator SLADE GORTON of Washington, who has some objections and has an amendment on it; and also, of course, Senator KAY BAILEY HUTCHISON, who is the chairman of the subcommittee.

You have a bill that you have a hold on. Am I clear that you are objecting to proceeding with this agreement because of the hold on the two Illinois judges? Or are you objecting on behalf of the minority leader or the minority? I don't think you want to leave the impression that you are objecting to this bill because of a couple of judicial nominations that have not yet been moved. Is that accurate?

Mr. DURBIN. If the majority leader will yield, I am asking that we schedule as quickly as possible the confirmation of these two judges. I am trying to call the attention of the Senate to the fact that they have been on the calendar since last November. There are extraordinary hardships back in the State of Illinois. I know of no other way, and I have tried every way, to avoid this objection. I do not speak for the minority leader but only as one Senator from the State of Illinois. And I do object.

Mr. LOTT. Mr. President, I regret the objection. I think this agreement is immensely fair and provides for an orderly process, again, for this very important legislation.

American people care about education in this country. When I go around this country and back to my own State, other than being worried about crime and being safe in their schools, having safety in their neighborhood, safety in the schools and education are right at the top. People are saying, Why is elementary and secondary education not working in America? We are spending more and more money, and the grades are going down. Why is higher education in America the best in the world and elementary and secondary ranks something like 19th in the world? They want better quality education, they want more choice in education, they want safer schools, and they want zero tolerance for drugs in schools.

This is the first opportunity this year where we have a chance to really begin to move toward that by allowing people—parents, and grandparents, and people that want to provide for scholarships to deserving children—to give an opportunity to choose a different school or get a computer for an eighth grader or tutoring for a fourth grader. I know it will have bipartisan support. I have to admit that Senator TORRICELLI has been very helpful to the Senator from Georgia in moving this legislation forward.

So as a result of the objection, then, I have no option but to go ahead and move toward the calling of the bill and then filing a cloture motion. I want the American people to know that the objection is to the motion to proceed, not even on the bill, to even proceed with this very, very important education legislation.

I am not sure, really, that I understand why there is this objection. I do think it is unfortunate. But at this point we will start the process, and I will file the cloture motion at this time. I must also note, though, that it does tend to delay legislation. There are those that are going to say, Why doesn't the Congress do more? Well, this is exhibit A, because it has gotten to where in the Senate we have to file cloture to stop a filibuster on almost every bill.

This month, we need to complete this education bill, take up the NATO enlargement legislation, take up a budget resolution so we can get it done before April 15—which is what the law requires, I might add—deal with the supplemental appropriations request for natural disasters in this country, the cost for our defense, and for Bosnia and Iraq, how do we deal with IMF; we have to have, under the law, a vote on the Mexican decertification issue, again with relation to drugs; and we want to get IRS reform done before we leave to go home for the Easter recess. Every time something happens that delays another day, it shoves all of this down the line.

I must add, I am being asked by Senators like MOYNIHAN of New York and

SMITH of New Hampshire to delay the NATO enlargement until at least after the Easter recess or maybe even until June. Any time a Senator of either party makes that kind of request to the majority leader, you have to think about it, you have to take their request in consideration—have they had enough time? Will more time be helpful in the discourse? I personally think we should go forward with the debate. I will give the details why I think that later on, but this delay affects everything else down the line.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. I now move to proceed to H.R. 2646, the Coverdell education bill, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2646, the A+Education Act:

Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

Mr. LOTT. I ask unanimous consent that this cloture vote occur at 12:15 on Tuesday, March 17, and the mandatory quorum under Rule XII be waived.

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

Mr. LOTT. I yield the floor for Members to begin the debate on a motion to proceed.

I thank Senator GLENN for allowing me to complete that action.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is a bit unexpected that the other side is continuing to filibuster a very common sense educational proposal.

We began this odyssey on June 27, 1997, when the Senate passed an amendment offered by myself to create educational savings accounts, and it passed 59–41. Subsequent to that, the President of the United States indicated that he would veto the entire tax relief package of last year if this amendment remained in the bill. We will come to that a bit later. It was then introduced as freestanding legislation, and the other side debated it, filibustered it, and indicated that the filibuster was based entirely on the fact that it had not gone through the committee appropriately. It was a procedural filibuster. So they denied the opportunity to develop the educational savings account at that time. We were unable to break their filibuster, though we received 56 votes, needing 60 to do it. I remember the other side saying it is really not a bad idea; it's just the process.

Well, in this setting of the Congress, this legislation has now gone through the Finance Committee and has been reported to the floor 11–8 on a bipartisan basis. The legislation has been expanded considerably—which I will address in a moment—to meet the thoughts of the other side. Eighty percent of the financial impact of the legislation now, in terms of tax relief, is based on ideas from the other side.

We come today, after finalizing the highway matter, to bring an educational proposal before the Senate, to move on with the work of the Senate, remembering that the House has already passed this. We are confronted with a filibuster. The emperor has no clothes—we have now removed everything that was brought forward by the other side and we are still in a filibuster.

Now, the good Senator from Illinois says that this filibuster deals with two nominees for the judiciary from his State. I take the Senator at his word. But my suspicions are great. I recognize that the other side, despite what was said last year, despite what was done in the Finance Committee, is filibustering these ideas. They are defending the status quo. It's mind-boggling to me, looking at the data that we read almost on a weekly basis here about what is happening, particularly in grades kindergarten through high school, that we would be so ardently defending the status quo and standing in front of and blocking every idea coming forward—even their own ideas.

This filibuster, in a word, is outrageous. It is prolonged far beyond process. It is nothing more than a defense of the status quo. I leave it with that word, Mr. President, ''outrageous''; it is an outrageous attempt to thwart and block these new ideas that are designed to help parents and children and people trying to improve their education as we come into the new century.

Now, Mr. President, let me talk about this idea that the other side can't seem to embrace—at least a good number of them. I must say before I proceed, Mr. President, that Senator TORRICELLI of New Jersey, my principal cosponsor, has been tireless in his work on the other side to promote this commonsense idea of creating education savings accounts for American families. He has been a great ally, fearless in his work of trying to take the case to his colleagues. I just can't praise his work enough. There have been others, such as Senator BREAUX, in the Finance Committee, and Senator LIEBERMAN of Connecticut, and Senator GRAHAM of Florida who have brought meaningful ideas to the proposal that we are trying to bring to the floor to debate. If you listen to the unanimous consent proposal of the majority leader, it could not have been framed in a more balanced way to let the other side make its case and have its votes and then move on to the work of perfecting education savings accounts.

Filibuster is the only response we have gotten.

Filibuster.

Now, the threat of the idea, Mr. President, is last year in the tax bill passed by the Senate, passed by the House, signed by the President in a glorious celebration at the White House—they don't come with much more pomp than the celebration of signing the balanced budget agreement and the tax relief proposal—the first balanced budget in 30 years, the first tax relief in 16 years. Embraced in that tax relief was a proposal that said that a family can save $500 per year and the interest buildup would be protected from taxation, so long as the proceeds in the account are used for higher education costs. It was means tested, which I don't generally subscribe to. It was means tested for taxpayers, as an individual making $95,000 or less, or a couple making $150,000 or less. This IRA of $500 could be used by families that met that criteria.

So our proposal, which passed the Senate and the House and which the President could not accept and is now before us in this legislation, is quite simple. It took the $500 that the family could save every year for college, and we said that we are going to make that larger, we are going to increase it from $500 to $2,000. And, Mr. President, we said we are going to make it applicable to all education needs—not just college, but beginning in kindergarten, first, second, third, right on through high school. The account is made larger so that more money can be saved and more dollars can be made available for college and/or any educational need, kindergarten through high school. That is it. That is what is being filibustered.

This savings account, by moving it to kindergarten through high school, allows vast new resources to be used where we are having the most difficulty. There is no higher education system in the world that competes with ours. It's true that costs are a problem, and these accounts address that. But when you look at kindergarten through high school, we don't stand up all that well to the rest of the world. So this is an attempt to make us, the parents, more able to deal with problems associated in grades kindergarten through high school or, if they want, through college or, if needed, for a disabled student even after that. So we have taken an idea that has been passed by the Senate, passed by the House, signed by the President, and expanded it to do more. And the other side is filibustering that.

There is no difference in the criteria, the means testing, the function of the account. It is just made larger and adds

more utility. It can be used in more places. Mr. President, the cost of this proposal, in the context of our budget, is pretty minuscule. Over 5 years, it allows families to save about $760 million across the Nation. But, Mr. President, it will involve, according to the Tax Committee, about 14 million families. That is almost half the families with children in elementary school years. I wish we could leverage everything like this. Because these families will be able to save this money from taxation, our estimates are that they will, on their own, save in the first 4 years nearly $5 billion for educational purposes at a minimum. Over the next 8 years, it will approach over $10 billion to $12 billion—not one of which is a tax dollar. No board of education had to raise the property tax. The Federal Government didn't have to raise new taxes. No State government did.

These are families coming forward with the incentive that the savings will not be taxed if they are used for the children's education. This massive resource of new money will be coming to help educate America, and we are leveraging this very small amount of tax relief by a multiple of about 15.

Again, Mr. President, you are bringing to the table billions of new dollars voluntarily. They are private dollars. They are very smart dollars. Why do I say ''smart'' dollars? Because these are dollars in parents' checking accounts—parents who understand the unique problem the child is having—if the child does not have a home computer, the account can be used to do that; if the child has a math deficiency, it buys a tutor; if the child cannot get to the after-school program; needs a band uniform, whatever. These accounts can go right to the targeted need. It is hard for public dollars to do that even though public dollars do good things. If the child has dyslexia and needs a special education tutor, these dollars can go right to the unique problem that the child is having.

Mr. President, everybody wins. Most proposals we have here—I know the Presiding Officer is aware of this—take something from over here, and puts it over there. There is a winner and a loser. There are no losers in this proposal. If the child is in public school, they can take advantage of the account. If they are in private schools or religious schools or if they are homeschooled, it does not matter. Every child, no matter where they are being educated, benefits from this account; every child.

As I said, Mr. President, it very quickly assembles billions of new, very intelligent dollars.

In the numbers I am quoting I am not including a unique feature of this account that we do not find in other IRA savings accounts. And it is most important. This legislation allows for there to be sponsors of the account. So Mr. and Mrs. Jones open an education account on the year of the birth of their first child. As they go along, they can put whatever they can afford to save in the account. But so can the grandparents. So can the child's grandparents. So can a next-door neighbor. So can a church. Mr. President, so can an employer, or a labor union, or a benevolent association. Anyone can contribute to these accounts.

So the numbers I have given, which are multibillions of nontax dollars being assembled to help educate America, don't even count what will happen when employers decide they are going to open up a savings account for every child of their employees, and they will match; or a situation where we have a fallen officer and the community is trying to understand what to do with the children who are left. They open a savings account. They built up that community. That community builds up savings for those children to be able to be properly educated. Or, instead of a toy that is going to be discarded after the first 24 hours of infatuation, the grandparent may make a contribution into the grandchild's education savings account.

The ideas are limitless. We can't even contemplate the magnitude of the resources ultimately drawn to this concept and targeted to the particular needs of children. But it will be massive.

Mr. President, one aspect of this concept for which no one can devalue is what happens when an account is opened for a specific child? A light goes on. There is a connection, almost like a massive PTA movement. From that point on, that family will be paying attention to that account. They will be setting aside resources that they otherwise would not have set aside to help their children's education, and they will because they will be thinking about it. They will be thinking about the needs of the child. They will get a regular statement from the financial institution that has the account reminding them constantly of the purpose of the education account, and the grandparent, as I said, or the extended family and neighbors, and community, the church. We have seen many stories of philanthropists trying to help children in inner-city schools. This will be a tool that they will use.

My point is, Mr. President, that every time one of these accounts gets opened there has been a focused decision made to help that child through their education, and the result, therefore, as I said a moment ago, will be 14 million families who use the accounts. But how many other millions of Americans—there is no way to know—will come to these accounts and be connected to them? So vast numbers of Americans will become involved almost like a Liberty bond. I know the Presiding Officer remembers Liberty bonds and the connection that was occurring. You got them at your birthday. It was a patriotic financial commitment. But it had a benefit. It made everybody connect to the cause of the Nation. The Nation has a cause here in education. We have a crisis in kindergarten through high school. We need to start generating many ideas. This is just one, although this is a multibillion-dollar one. But we need many new ideas to start focusing the Nation's attention on making sure that our children are ready to govern the next century.

Mr. President, I have often talked about the essence of American freedom and that it was American freedom that made us the people we are. One of the principal dynamics of American freedom is an educated population. An uneducated people cannot remain free. An uneducated mind cannot enjoy the benefits of American citizenship. Unfortunately, we are seeing too many of our young population whose futures and ability to participate in true American freedom are being stunted, and we as a Congress and people must be more focused on changing these circumstances and making sure that we leave no American child behind. This is an important tool for families. This is an important tool for corporations and other entities to help generate the resources that can be directed at the child's specific problems.

Mr. President, the Finance Committee took the education savings account, and, as I said earlier, expanded it to include other education initiatives that are equally important. They have added relief for qualified State tuition plans. Across the Nation in about 21 States, parents are allowed to purchase contracts that lock in tomorrow's tuition costs at today's prices.

This legislation will make savings in these plans completely tax free when they are drawn down when the child begins college. This is a very important provision, and that will not only help the 21 States who have generated these plans and allow people to decide how to prepare for college education, but the other States will join them, because once this is law more than 21 States will offer these types of plans. Plan holders will face no Federal tax on interest buildup.

The bill also includes employer-provided educational assistance. The legislation extends the inclusion for employers who pay for their employees' tuition through 2002 and expands it to include graduate students beginning in 1998. The inclusion allows employers to pay up to $5,250 per year for educational expenses.

The legislation will also allow school districts and other local government entities to issue up to $15 million in tax-exempt bonds for full construction. This increases the limit by 33 percent from the current $10 million. The legislation also revises the tax treatment of National Health Corps Scholarships so that these scholarships are excluded from gross income.

So, Mr. President, in addition to the education savings account, we are dealing with parents' ability to provide for college education through prepaid State tuition plans. We are helping employers and their employees deal with

continuing education, and we are helping the construction of schools across the country, particularly in small school districts.

These ideas are representative of a very bipartisan effort on both sides of the aisle. I commend and thank each of the Senators on the Finance Committee who made these contributions, particularly Senator BREAUX and Senator GRAHAM.

I said a little earlier before my colleague from New Jersey arrived how much I praise his work and activity on behalf of this effort. I can't say enough about it. It has been tireless. I am prepared, if the Senator from New Jersey is ready, to yield to him at this time.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, I would like to first compliment the Senator from Georgia, Mr. COVERDELL, for his tireless work through these months to bring the Senate to the position of voting on the A+ savings account. I have been his partner in this effort, and something that has genuinely become bipartisan. I am very proud of our efforts.

Mr. President, I begin with a personal view on the debate about education in our country. People have different thoughts and very varied proposals. Many are the reasons, and I could accept much about the alternatives except one thing. I cannot accept, and I do not understand, those who would come to the Senate and argue the state of American education and defend the status quo. American education needs to be addressed, not in the margins but in every fundamental aspect of the delivery of education to our children. Indeed, at a time in American life when so much is working, the economy is performing, Americans feel good about our country and its future, faith on any analysis, the single most compelling problem, the most fundamental dilemma that threatens the American future, quality of life, our economic performance, even our political stability, is the quality of American education.

Recent reports are startling. Forty percent of our students are failing basic science. Forty percent of fourth graders are failing to test at the basic levels of reading comprehension. Of the 21 developed democracies in the world that have achieved an industrial status, America ranks 19th in the testing of our students.

The legislation before the Senate can accomplish many things, but if it only establishes some new funding, if it does no more than establish savings accounts, then it falls far short of my ambitions. My hope about the Coverdell-Torricelli legislation is that it will genuinely confront the entire status quo of how Americans regard education.

It does this in several ways. But, first, what is important to understand about it is that this is not a voucher. Senator COVERDELL and I come together on this legislation, but we come at it from different perspectives, perhaps. Senator COVERDELL supports a voucher on other days and other debates in the Senate. I do not. That may be the best indication for those Senators who are thinking about their positions and how they relate to the voucher issue. I have opposed it because, while I believe in private education and its critical role for America, I do not believe we can afford to divert a single dollar of public education funding to private schools, not because they don't need it, but because the public schools can't afford it. The Coverdell-Torricelli program for A+ savings accounts does not divert a penny of public money into private schools.

This is all new money. But, mostly, it is not government money. The money that would go into these savings accounts and allow people to either provide extra funding for public activities or for their private tuitions is entirely money that belongs to American families, their own money. That is a critical part of this debate. Whether you are an advocate of public education or private education or, as in my case, both, we are talking about new resources for education in America. How can anyone look at the status of American education today, with the failing grades of our students, and oppose a measure that at the end of the day means more funding for education, and not from government, but an avenue for families to contribute themselves? That is the question that every Senator should be asking themselves.

Ironically, some will come to this floor arguing against our proposal because of their concern about public education, not recognizing that not only do we not divert public funds from the public schools, but according to the Joint Committee on Taxation, 75 percent of all the parents who use these A+ savings accounts will be the parents of public school students. It may be the most exciting aspect of the entire program.

With 90 percent of all American students attending public schools, the reality is those schools are not providing many of the services that they provided 20 and 30 years ago. As a student of a public suburban school in northern New Jersey 25 and 30 years ago, our school provided extracurricular activities for athletics, transportation for after-school activities, club activities and access to the technology of the time. In many American suburban school districts those activities no longer exist. Under the A+ savings accounts, parents, from the birth of a child, will be able to put a little money aside every year so their students, in public school, can pay for those activities where local governments no longer provide them.

But one thing more. Public school students today who are struggling with new science and new math, learning a new language, testing the limits of their ability to learn, increasingly need tutors. Indeed, with advanced science today, how many public school high school students can learn some of the advanced sciences without the assistance after school of a tutor? Under our proposal, the money in these A+ savings accounts is available to hire a public schoolteacher or other instructor after school, so students can make up that work and excel in their chosen subject. So, much of this debate may be about private education, but, in a great irony, much of the benefit may be for public school students.

Then the question inevitably turns to private schools. For all of us who through the years have had doubts about vouchers, we are questioning whether this is the better idea. As I said earlier, first, there is no diversion of public funds so there is no argument about taking resources away from public schools that remain inadequately financed. But the question remains about the role of private education generally in American society. It is not some marginalized concern. We are not discussing a few private boarding schools for an elite American financial class. Mr. President, 15 percent of all American students attend a private or parochial school—a Yeshiva, a Catholic school, a private school on any other basis. If those schools did not exist, if we allowed these private schools simply, over time, to deteriorate and close—recognizing that every year 50 to 70 private schools in America close their doors never to open again—if that trend were to continue, it would cost the United States $16 billion a year to build and operate enough public schools to make up the difference. Where is it these students would go? How would we provide the opportunity, at a time when the public schools already face massive construction problems and are inadequately financed?

But, more compelling, maybe—who are these students going to most of these private schools? Are we, indeed, creating a means of families saving money to fund the education of an elite? Not in my State nor New York nor Illinois nor California nor any State where our great urban centers are located. Mr. President, 91 percent of all the students in parochial schools in Camden, NJ, are members of minority groups; 60 to 70 percent of all those who attend parochial schools in New York are Protestants. These schools are filling a role in our urban centers where parents feel they have no other choice. Working-class families in an urban environment who want a decent opportunity for their children look honestly at the public schools and may not feel that they can meet their responsibility to their own children without availing themselves of private schools. More than anything else, this legislation is about giving those middle-income families that chance—save $2,000 a year to have the option of sending their child to a private school.

Yet, the argument continues to be made every day, middle-income families will never be able to afford this opportunity; this will simply be another gift to the wealthy in America. Nothing could be further from the truth. The Joint Committee on Tax estimates that 70 percent of the families who will use a Coverdell-Torricelli A+ savings account, 70 percent, earn less than $75,000 a year. This is a direct benefit to families that are struggling to provide an educational option for their child.

One of the things that excites me the most about this plan is not just that middle-income families can save for their children's education, or the extra quality for the public school child. It is the ability to get families involved again in a child's education. It was not so long ago in America when people lined up to vote in school board elections and aunts and uncles would participate in helping to tutor a child; where grandparents would sit with a child; where a family participated in the educational experience. For a lot of reasons—people working and the demands on their day and their finances—we have lost that part of America. But think about this aspect of the Coverdell-Torricelli A+ savings account: That on a birthday, a holiday, an aunt, an uncle, a grandparent, can take a few dollars and put that money into this savings account to allow a child to continue with his or her education, whether to buy a computer for a public school student or tuition for a private school student. These accounts are a chance for a family to become involved in educating a child. And that is a part of the crisis in education in America—the family has removed itself.

Not so long ago I asked a major labor leader in America, if we pass the Coverdell-Torricelli A+ savings account, how would it impact your union, the members of your unions? He said, ''Simple. The next time we go to contract negotiations I am putting on the table, along with pay increases and health benefits, I want $5 a week, $10 a week in the contract where an employer contributes to a savings account to help my members educate their children.'' Think of it, major corporations who can attract talent and workers by agreeing to put money in these savings accounts—and unions, and professional associations. Every dollar is new money to education in America. And not a dollar is coming from the Federal Treasury or from local governments or taxpayers. It is on a voluntary basis, getting people involved, at every level, back in education.

Yet, I come back to challenging Members of the Senate to think about this not simply in terms of the tuition of the private school student but to think in broader terms. Not so long ago I read in the Washington Post, a high school senior in Maryland was asked about the changing nature of school. Tiffany Johnson replied, ''It is totally impossible to function without a computer now in school. It's a big handicap not to have one at home.''

Most people who think about Coverdell-Torricelli are thinking about private school and tuition. They need to look at this issue again. They need to think about Tiffany Johnson, because 60 percent of all students in America do not have access to a home computer for calculations, research, or word processing. As Tiffany Johnson has attested, in the world in which we live, researching term papers, writing essays without a home computer is going to create two classes of students in America: The students of the families of the upper middle-class and wealthy and professional Americans, who can afford the software and the home computers, and the rest of America that cannot. Mr. President, 60 percent of Americans do not have those computers—except for minority parents. Minority parents, 85 percent of African Americans and Hispanic Americans, do not have access to home computers. We are creating another dividing line in American education.

Under the Coverdell-Torricelli A+ savings accounts, that money is not only available for extracurricular activities of public school students, not only for tutoring public school students, transportation of public school students, tuition of private school students, uniforms for public or private school students, it is available for home computers for public and private school students.

What will we be doing, taxing the money of American families who are trying to buy a home computer for their child to be competitive in school? These savings accounts allow that money without the Federal Government taking its share of taxation.

Mr. President, I say to Members of the Senate, I have not been in this institution long, but in the time I have been here, I have heard compelling arguments based on realistic assessments of American life for different proposals. Rarely have I been more persuaded of a compelling need with an overwhelming argument to address a national problem. This is not the end of the education debate in America; it is the compelling issue of our time.

Education remains the great question about whether or not we preserve our standard of living and the America that we have known and come to value and cherish. This debate will have to be followed with the question of, How are we going to rebuild the two-thirds of American schools that are crumbling around us, raise the compensation of American teachers who can no longer afford to remain in the profession that they love and where they are needed? How will we continue to finance access to higher education for middle-income families who are being separated from their ambitions?

This is a debate that will consume not simply this Senate but the next Congress and Congresses to come, but this is a beginning and it is a valuable contribution. I want to see the Coverdell-Torricelli A+ savings accounts enacted, but I want something more; I want it to be bipartisan; I want the vote to be overwhelming.

My party has been privileged through most of the last 30 years, from the financing of higher education to support for public education, to have been in the leadership of every fight for quality education in America.

I say with all deference to my colleagues across the aisle, through much of that time, we were not often challenged for that leadership. Education has been the province of the Democratic Party for a long time. It is good for America that Democrats and Republicans will now compete for the leadership in education. But on this proposal, to finance savings accounts to bring American families back into the financing of their own education, to allow American families to participate in the tutoring, the technology, the uniforms, the extra school activities, and in the paying of private school tuitions, in this matter there should be no competition, because for this plan we can be arm in arm.

I am honored to have joined with Senator COVERDELL in offering this proposal, that it bears both of our names. I look forward to its enactment.

With this proposal, we can do something right about the problem of education in America. We have been discouraged; we have complained; we have agonized too long. Let us deal with this fundamental crisis in the quality of secondary education by enacting the Coverdell-Torricelli proposal.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, while Senator TORRICELLI is still here, I want to pose a couple questions.

Those who have objected to the proposal have essentially made two cases: One, that this would benefit upper-income individuals. While the Senator is here, I want to point out—I know he will agree—that the criteria for the education savings account are identical to the education savings account for higher education that we passed and that the President has signed—same means testing, the same concept of directing, as the Senator alluded to, 70 to 75 percent of the funds to those making $75,000 or less.

But the key point is we have already passed a savings account. It is just that it is only for $500 and only for college. We have taken the same account and expanded it to $2,000 and kindergarten through high school or disabled student after-college. I am perplexed that, having passed this and signed it and celebrated it, we are still hearing arguments that this would somehow enrich the rich. I wonder if the Senator might comment.

Mr. TORRICELLI. Mr. President, there is always a desire of a Member of the Senate to be philosophically consistent, so I think the question bears some scrutiny. Members of the Senate

have previously voted for Hope scholarships and student loan programs in this country, which also have caps on who is eligible to participate. The caps the Senate has previously provided are identical to what is in the Coverdell-Torricelli proposal. There is a two-income, $60,000 cap.

So when the Joint Committee on Taxation tells us that 70 percent of all these benefits will go to families that earn $75,000 and less, the reason is that there is a cap in the provision that ensures the principal benefits are going to middle-income families, to working families. It was designed to accomplish that end.

But there is another philosophical consistency with people. I have people raise with me all the time a legitimate concern whether the Government is funding private education. As I pointed out, every dollar of this is the family's money, it is not Government's money. But Members of the Senate who voted previously for savings accounts for higher education have faced this question. I have never heard a Member of the Senate rise on this floor and say, ''Well, I'm for savings accounts for colleges, but I don't want it for Notre Dame or Harvard.''

Mr. COVERDELL. Georgetown.

Mr. TORRICELLI. Or Georgetown—whether a religious affiliated school or private education; that these should be for private education only. I have never heard a Member of the Senate say that. To my judgment, it has never happened. The reason is, it would be illogical, it would be foolish. And so it would here. This is being done on the same basis. This is available for public school students and private school students with people's own money. So I think there is a philosophical consistency with the college program.

Mr. COVERDELL. My last question—and the Senator has already hit on the point—and that is, if you will read some of the material from the opponents, you will think this is legislation exclusively designed to deal with private schools. As the Senator pointed out, 70 percent of the families using the accounts have children in public schools. Billions and billions of dollars will end up enriching students' ability to function in public schools. It is almost as if they would like to leave that part of the equation out.

Mr. TORRICELLI. Indeed, if I had to identify financially my own expectation about the largest single recipient of this funding, I suspect there is a chance it would be public schoolteachers who do the tutoring after school, who will be hired by families with money from these accounts to help students with math and science. They, dollar for dollar, may be the largest recipients.

One point I did not make, and the Senator from Georgia may have made earlier, is even if Members of the Senate do not agree with us about this need for funding secondary schools, they should recognize that every dollar in these accounts at the end of the 12th grade can be transferred into a college account. This allows families to get a head start in saving money for college.

So, if you voted last year for these accounts for college, this is a chance to expand them considerably to make that money available. On that basis alone, Members should feel comfortable in voting for the proposal.

Mr. COVERDELL. I thank the Senator from New Jersey, again, for his tireless work on behalf of this commonsense proposal.

PRIVILEGE OF THE FLOOR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the following list of staff from the Joint Committee on Taxation be granted privileges of the floor during the pendency of H.R. 2646. I send the list to the desk.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, for the last hour we have heard from myself and others, Senator TORRICELLI, about the massive benefits that would come to American families if we enact and make possible the tool of an education savings account for families to use for their children, no matter where they go to school, public, private, home, whether it is kindergarten through college or after if the student is disabled. Anybody watching this just has to wonder, well, why in the world are we in a filibuster?

How can an idea like this be thwarted, tacks thrown on the road in front of it? Why are we in a filibuster? Who would oppose it? It has been described as a win-win situation. As I said, any child, in any condition, and any family dealing with those conditions can benefit.

So why the opposition? Well, they said, the money is going to get in somebody's hands who does not need it. They are too wealthy. We have heard that around here for the last quarter of a century. I just want to remind everybody that the criteria that governs this savings account is identical, the same, no deviation from the one the President signed at the White House last year.

Both sides of the aisle—Republicans, Democrats; House, Senate and President—have all sanctioned, certified, that we should have a savings account for college costs. We said the number will be $500 per year. Then we means tested it to make sure that it was pushed into middle income and down.

Well, we have taken that account and we have said, instead of $500, we will let them save up to $2,000. Instead, of just 4 years of college, they can use it kindergarten through college. After all, the problem we have is in kindergarten through high school. Everything else we left the same. It still pushes the resources to the utilization and benefit of the middle class or lower. We know that 75 percent of all these funds will go to help those families.

So it is a mischievous argument to divert attention. It is a misrepresentation. It is not so. It is identical to what we have already embraced as the appropriate governing criteria for an education savings account and celebrated with enormous glory at the White House last fall.

I also add, Mr. President, that all of this money is generated because we give minimal tax relief to anybody who puts it in a savings account. Over the next 5 years, it is $760 million—over 5 years—of tax relief. I wish we could do this in a lot of different areas. That $760 million causes American families, 14 million of them, to put about $5 billion in savings accounts. That is a 15–1 leverage. Don't we wish we could do that in many, many arenas?

By offering that limited incentive, Americans come forward and redirect their own money, put it into savings accounts to help educate their children—a massive amount of funds generated by this limited effort on our behalf. It is just incredible to see the resulting activity that occurs by creating this savings account.

So that argument gets buried pretty quickly. It is a little hard to argue that you thought that was just such a great idea and you had protected it for the middle class and less last year, and then take the same criteria and say, well, somehow it is different this year. It isn't.

Then, Mr. President, the other side would like everybody to think this is an instrument for people who are in a private school or a religious school, that the entire purpose of these savings accounts is for people outside the public school system.

The NEA has written a letter to everybody that says that. I would expect more of them, because it just isn't so. As we have said, 70 percent of the families using the accounts will be using them to help children in public schools. Only 30 percent will be helping children in private schools.

The grand aggregate of the money, if we only focus on kindergarten through high school, is about split, about half these resources—again private; these are private dollars, not tax dollars—will be going to help students do better in public schools, and about half of it will be helping students in private.

Why isn't it still divided 70–30? It is because they tend to consume, in the private school, most of the money for tuition. It is more expensive. So their savings accounts probably are larger and they have to spend it more quickly and in larger sums. But, still, about half, about $2.5 billion, in 4 years, rushes to public schools and about $2.5 billion for private. At the end of the day who is the beneficiary? American children.

We are going to divert money from public schools, they say. No. These are private dollars. These are not tax dollars—after-tax savings, after-tax savings—all private dollars. Anybody who

sends a child to private school is paying for public school through the property taxes. There is no money diverted.

Now, what is the real story? Because it isn't any of this other it cannot substantiate. The real opposition is that some families, in the big picture statistically insignificant, but some families will open a savings account and will make a decision to use the account to pay for tuition in a private school. Some parents will do that, and that is the rub.

That is the reason the President said last year, ''I'll veto the tax bill if this idea is in it.'' That is the reason, when we brought this bill to the floor last year, the other side filibustered it. And that is the reason we cannot even get to this bill today, because the other side is filibustering it, because some handful of families, using their own money, would make a decision that they need to put their child in a different school.

And, Heaven forbid, Washington has to stand in their way with a roadblock, a filibuster. By trying to keep those few families, whoever they would be, from doing that, they would snatch $2.5 billion out of helping children in public schools, they would snatch $2.5 billion away from families trying to help their children in private or home schools.

They would cause 14 million savings accounts never to open. They would deny all those corporations that could contribute to the accounts, all those parents and grandparents, all the matching ideas that would participate in these accounts, they would disallow it, stop it.

Millions of families will be denied, 20 million-plus children will not have the benefit of this redirection of family resources, thousands of public school teachers will not become tutors, hundreds of thousands of home computers will not show up in the home, inner city schools where they only have 15 percent of the population with home computers will stay 15 percent instead of going up because we have generated a pool of money to buy those computers. And they will have done it in the name of keeping a handful of families from making a decision that they want to move from one school to another.

That, Mr. President, is what this filibuster is all about. It is outrageous. Unbelievably, unfortunately, if they are ultimately successful, the mountains of good where everybody succeeds and wins will be packed away in some closet on some shelf over that thread of concern. It shows you, Mr. President, the depth of despair of the status quo, that they would come to this point and deny all that good over that single point.

MOTION TO PROCEED WITHDRAWN

Mr. President, I now withdraw the motion to proceed to H.R. 2646.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 12, 1998, the federal debt stood at $5,529,750,398,747.62 (Five trillion, five hundred twenty-nine billion, seven hundred fifty million, three hundred ninety-eight thousand, seven hundred forty-seven dollars and sixty-two cents).

One year ago, March 12, 1997, the federal debt stood at $5,361,483,000,000 (Five trillion, three hundred sixty-one billion, four hundred eighty-three million).

Five years ago, March 12, 1993, the federal debt stood at $4,211,673,000,000 (Four trillion, two hundred eleven billion, six hundred seventy-three million).

Twenty-five years ago, March 12, 1973, the federal debt stood at $455,864,000,000 (Four hundred fifty-five billion, eight hundred sixty-four million) which reflects a debt increase of more than $5 trillion—$5,073,886,398,747.62 (Five trillion, seventy-three billion, eight hundred eighty-six million, three hundred ninety-eight thousand, seven hundred forty-seven dollars and sixty-two cents) during the past 25 years.

THE HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

S. 1754, the Health Professions Education Partnerships Act of 1998, was introduced on March 12, 1998, but was not available for printing. The text of the bill is as follows:

S. 1754

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 ''Health Professions Education Partnerships Act of 1998''.

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

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 designated health professions schools described in subsection (c) 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; and

''(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.

''(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 less than $24,000,000—

''(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 exceed $30,000,000, 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, 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) at any health professions school, 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) UNDERGRADUATE ASSISTANCE.—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 '', general internal medicine or general pediatrics'' after ''family medicine'';

(iv) in paragraphs (3) and (4), by inserting ''(including geriatrics) after ''family medicine'';

(v) in paragraph (3), by striking ''and'' at the end thereof;

(vi) 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, an 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) have a degree in internal medicine, family practice, or behavioral or mental health science;

''(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. RURAL INTERDISCIPLINARY TRAINING GRANTS.

''(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.

''(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 763; and

(6) by inserting such section after section 762.

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 manner that takes into account age, gender, 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 gender, 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) PROFESSION 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.''.

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 title may be cited as the ''Nursing Education and Practice Improvement Act of 1998''.

SEC. 122. PURPOSE.

It is the purpose of this title 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 gender, 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.

''(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 practice 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 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 appropriated 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 PRACTICE NURSES

''SEC. 811. ADVANCED PRACTICE 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 practice nursing education and practice; and

''(2) traineeships for individuals in advanced practice nursing programs.

''(b) DEFINITION OF ADVANCED PRACTICE NURSES.—For purposes of this section, the term 'advanced practice 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 practice 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 nursing practice 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 practice 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, preentry 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—AUTHORIZATION OF APPROPRIATIONS

''SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out sections 811, 821, and 831, $65,000,000 for fiscal year 1998, and such sums as may be necessary in each of the fiscal years 1999 through 2002.

''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, and secondary education, and from representatives of advanced practice 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 338D of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

''(g) 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) COLLECTION FROM ESTATES.—Section 714 of the Public Health Service Act (42 U.S.C. 292m) is amended by adding at the end the following new sentence: ''Notwithstanding the first sentence, the Secretary may, in the case of a borrower who dies, collect any remaining unpaid balance owed to the lender, the holder of the loan, or the Federal Government from the borrower's estate.''.

(d) 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. REAUTHORIZATION.

(a) LOAN PROGRAM.—Section 702(a) of the Public Health Service Act (42 U.S.C. 292a(a)) is amended—

(1) by striking ''$350,000,000'' and all that follows through ''1995'' and inserting ''$350,000,000 for fiscal year 1998, $375,000,000 for fiscal year 1999, and $425,000,000 for each of the fiscal years 2000 through 2002'';

(2) by striking ''obtained prior loans insured under this subpart'' and inserting ''obtained loans insured under this subpart in fiscal year 2002 or in prior fiscal years'';

(3) by adding at the end thereof the following new sentence: ''The Secretary may establish guidelines and procedures that lenders must follow in distributing funds under this subpart.''; and

(4) by striking ''September 30, 1998'' and inserting ''September 30, 2005''.

(b) 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 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.—

''(A) IN GENERAL.—In making awards of grants, cooperative agreements, or contracts under this section or section 338A, 338C, 340A, 404, or 724, or part B of title VII, the Secretary, acting as appropriate through the Deputy Assistant Secretary or the Administrator of the Health Resources and Services Administration, shall ensure that such awards are equitably allocated with respect to the various racial and minority populations.

''(B) REQUIREMENTS.—With respect to grants, cooperative agreements, and contracts that are available under the sections specified in subparagraph (A), the Secretary shall—

''(i) carry out activities to inform entities, as appropriate, that the entities may be eligible for awards of such assistance;

''(ii) provide technical assistance to such entities in the process of preparing and submitting applications for the awards in accordance with the policies of the Secretary regarding such application; and

''(iii) inform populations, as appropriate, that members of the populations may be eligible to receive services or otherwise participate in the activities carried out with such awards.

''(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 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.

''(2) NATIONAL CENTER FOR HEALTH STATISTICS.—For the purpose of enabling the National Center for Health Statistics to collect data on Hispanics and major Hispanic subpopulation groups, American Indians, and to develop special area population studies on major Asian American and Pacific Islander populations, there are authorized to be appropriated $1,000,000 for fiscal year 1998, such sums as may be necessary for each of the fiscal years 1999 through 2002.''.

(b) 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.

(a) IN GENERAL.—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 ''$20,000,000''.

(b) REPEAL.—Effective on October 1, 2002, section 338J of the Public Health Service Act is repealed.

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;

(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 ''nonprivate'' and inserting ''private''.

(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) 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, gender, 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 ''2004''.

SEC. 405. PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES REGARDING TUBERCULOSIS.

Section 317E(g)(1) of the Public Health Service Act (42 U.S.C. 247b-6(g)(1)) is amended—

(1) in subparagraph (A), by striking ''1998'' and inserting ''2004''; and

(2) in subparagraph (B), by striking ''$50,000,000'' and inserting ''25 percent''.

SEC. 406. CERTAIN AUTHORITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act is amended by inserting after section 317H the following section:

''MISCELLANEOUS AUTHORITIES REGARDING CENTERS FOR DISEASE CONTROL AND PREVENTION

''SEC. 317I. The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and 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, establish such technical and scientific peer review groups and scientific program advisory committees as are needed to carry out the functions of such Centers and appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of such peer review groups. Not more than one-fourth of the members of any such group shall be officers or employees of the United States.''.

(b) EFFECTIVE DATE.—This section is deemed to have taken effect July 1, 1995.

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. 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. 410. 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. 411. 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. 412. 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. 413. 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. 414. 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. 415. 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 paragraph (1), by striking ''and the Commonwealth of Puerto Rico'' and inserting '', the Commonwealth of Puerto Rico, the Virgin Islands, and Guam''; and

(2) in paragraph (2), by striking ''the Virgin Islands, Guam''.

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 a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

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. REED (for himself, Mrs. BOXER, and Mr. CHAFEE):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met; to the Committee on Finance.

By Mr. DASCHLE:

S. 1756. A bill to name the education center under construction at Fort Campbell, Kentucky, after Wendell H. Ford; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. D'AMATO):

S. 1757. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. LEAHY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. CRAIG, Mr. COCHRAN, Mr. DEWINE, Mr. GLENN, Mr. HARKIN, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Mr. KEMPTHORNE, Mr. LEVIN, Mr. MOYNIHAN, and Mr. MURKOWSKI):

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. CAMPBELL, Mr. MCCAIN, Mr. ABRAHAM, Mr. DOMENICI, Mr. GRASSLEY, and Mrs. HUTCHISON):

S. 1759. A bill to grant a Federal charter to the American GI Forum of the United States; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1760. A bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mrs. BOXER, and Mr. CHAFEE):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to disallow tax deductions for advertising, promotional, and marketing expenses relating to tobacco product use unless certain advertising requirements are met; to the Committee on Finance.

THE CHILDREN'S HEALTH PRESERVATION AND TOBACCO ADVERTISING COMPLIANCE ACT

Mr. REED. Mr. President, I rise today to formally introduce legislation that would amend the Internal Revenue Code to deny tobacco companies any tax deduction for their advertising and promotional expenses when those ads are aimed at America's most impressionable group, children.

This bill addresses a key element in our ongoing public debate on tobacco: the industry's ceaseless efforts to market to children. My legislation can stand on its own, or can easily be incorporated into a comprehensive tobacco bill. With or without congressional action on the state attorney generals' tobacco settlement, it is time for Congress to put a stop to the tobacco industry's practice of luring children into untimely disease and death.

I am pleased to be joined today in introducing this legislation with Senators BOXER and CHAFEE, and I urge the rest of my colleagues to join us in this effort to protect America's children.

Mr. President, I ask unanimous consent that the full 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. 1755

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 ''Children's Health Preservation and Tobacco Advertising Compliance Act''.

SEC. 2. DISALLOWANCE OF TAX DEDUCTIONS FOR CERTAIN ADVERTISING, PROMOTION, AND MARKETING EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following:

''SEC. 280I. DISALLOWANCE OF DEDUCTION FOR CERTAIN TOBACCO ADVERTISING, PROMOTION, AND MARKETING EXPENSES.

''(a) IN GENERAL.—No deduction shall be allowed under this chapter for any taxable year for any expenditure relating to advertising, promoting, or marketing tobacco products if such advertising, promoting, or marketing, or such expenditure is prohibited under the following subsections.

''(b) PROHIBITION OF CERTAIN ADVERTISING.—

''(1) PROHIBITION ON OUTDOOR ADVERTISING.—

''(A) IN GENERAL.—No manufacturer, distributor, or retailer may use any form of outdoor tobacco product advertising, including billboards, posters, or placards.

''(B) STADIA AND ARENAS.—Except as otherwise provided in this section, a manufacturer, distributor, or retailer shall not advertise tobacco products in any arena or stadium where athletic, musical, artistic, or other social or cultural events or activities occur.

''(2) PROHIBITION ON USE OF HUMAN IMAGES AND CARTOONS.—No manufacturer, distributor, or retailer may use a human image or a cartoon character or cartoon-type character in its advertising, labeling, or promotional material with respect to a tobacco product.

''(3) PROHIBITION ON ADVERTISING ON THE INTERNET.—No manufacturer, distributor, or retailer may use the Internet to advertise tobacco products unless such an advertisement is inaccessible in or from the United States.

''(4) PROHIBITION ON POINT OF SALE ADVERTISING.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, no manufacturer, distributor, or retailer may use point of sale advertising of tobacco products.

''(B) ADULT ONLY STORES AND TOBACCO OUTLETS.—Subparagraph (A) shall not apply to point of sale advertising at adult only stores and tobacco outlets.

''(C) PERMISSIBLE ADVERTISING.—

''(i) IN GENERAL.—Each manufacturer of tobacco products may display not more than 2 separate point of sale advertisements in or at each location at which tobacco products are offered for sale.

''(ii) RETAILERS.—No manufacturer, distributor, or retailer may enter into any arrangement with a retailer to limit the ability of the retailer to display any form of permissible point of sale advertisement or promotional material originating with another manufacturer, distributor, or retailer.

''(D) LIMITATIONS.—

''(i) IN GENERAL.—A point of sale advertisement permitted under this paragraph shall be comprised of a display area that is not larger than 576 square inches (either individually or in the aggregate) and shall consist only of black letters on a white background or other recognized typographical marks. Such advertisement shall not be attached to nor located within 2 feet of any fixture on which candy is displayed for sale.

''(ii) AUDIO AND VIDEO FORMATS.—Audio and video advertisements otherwise permitted under this section may be distributed to individuals who are 18 years of age or older at point of sale but may not be played or viewed at such point of sale.

''(iii) DISPLAY FIXTURES.—Display fixtures in the form of signs consisting of brand name and price and not larger than 2 inches in height are permitted.

''(c) ADDITIONAL RESTRICTIONS.—

''(1) RESTRICTION ON PRODUCT NAMES.—A manufacturer shall not use a trade or brand name of a nontobacco product as the trade or brand name for a cigarette or smokeless tobacco product, except for a tobacco product whose trade or brand name was on both a tobacco product and a nontobacco product that were sold in the United States on January 1, 1998.

''(2) ADVERTISING LIMIT ACTIONS.—

''(A) IN GENERAL.—A manufacturer, distributor, or retailer may in accordance with this section, disseminate or cause to be disseminated advertising or labeling which bears a tobacco product brand name (alone or on conjunction with any other word) or any other indicia of tobacco product identification only in newspapers, in magazines, in periodicals or other publications (whether periodic or limited distribution), on billboards, posters and placards in accordance with subsection (b)(1), in nonpoint of sale promotional material (including direct mail), in point-of-sale promotional material, and in audio or video formats delivered at a point-of-sale.

''(B) LIMITATION.—A manufacturer, distributor, or retailer that intends to disseminate, or to cause to be disseminated, advertising or labeling for a tobacco product in a medium that is not described in subparagraph (A) shall notify the Secretary of Health and Human Services not less than 30 days prior to the date on which such medium is to be used. Such notice shall describe the medium and discuss the extent to which the advertising or labeling may be seen by individuals who are under 18 years of age.

''(C) ACTION BY SECRETARY.—Not later than 30 days after the date on which the Secretary receives a notice under subparagraph (B), the Secretary shall make a determination with respect to the action to be taken concerning such notice.

''(3) RESTRICTION ON PLACEMENT IN ENTERTAINMENT MEDIA.—No payment shall be made by any manufacturer, distributor, or retailer for the placement of any tobacco product or tobacco product package or advertisement—

''(A) as a prop in any television program or motion picture produced for viewing by the general public; or

''(B) in a video or on a video game machine.

''(4) RESTRICTIONS ON GLAMORIZATION OF TOBACCO PRODUCTS.—No direct or indirect payment shall be made, or consideration given, by any manufacturer, distributor, or retailer to any entity for the purpose of promoting the image or use of a tobacco product through print, film or broadcast media that appeals to individuals under 18 years of age or through a live performance by an entertainment artist that appeals to such individuals.

''(d) FORMAT AND CONTENT REQUIREMENTS FOR LABELING AND ADVERTISING.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each manufacturer, distributor, or retailer advertising or causing to be advertised, disseminating or causing to be disseminated, any labeling or advertising for a tobacco product shall use only black text on a white background.

''(2) CERTAIN ADVERTISING EXCEPTED.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to advertising—

''(i) in any facility where vending machines and self-service displays are located if the advertising involved—

''(I) is not visible from outside of the facility; and

''(II) is affixed to a wall or fixture in the facility;

''(ii) that appears in any publication (whether periodic or limited distribution) that is an adult publication.

''(B) ADULT PUBLICATION.—For purposes of subparagraph (A)(ii), the term 'adult publication' means a newspaper, magazine, periodical, or other publication—

''(i) whose readers under 18 years of age constitute 15 percent or less of the total readership as measured by competent and reliable survey evidence; and

''(ii) that is read by fewer than 2,000,000 individuals who are under 18 years of age as measured by competent and reliable survey evidence.

''(3) AUDIO OR VIDEO FORMATS.—Each manufacturer, distributor or retailer advertising or causing to be advertised any advertising for a tobacco product in an audio or video format shall comply with the following:

''(A) With respect to an audio format, the advertising shall be limited to words only with no music or sound effects.

''(B) With respect to a video format, the advertising shall be limited to static black text only on a white background. Any audio with the video advertising shall be limited to words only with no music or sound effects.

''(e) BAN ON NON-TOBACCO ITEMS AND SERVICES, CONTESTS AND GAMES OF CHANCE, AND SPONSORSHIP OF EVENTS.—

''(1) BAN ON ALL NON-TOBACCO MERCHANDISE.—No manufacturer, importer, distributor, or retailer shall market, license, distribute, sell or cause to be marketed, licensed, distributed or sold any item (other than tobacco products) or service, which bears the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identifiable to those used for any brand of tobacco products.

''(2) GIFTS, CONTESTS, AND LOTTERIES.—No manufacturer, distributor, or retailer shall offer or cause to be offered to any person purchasing tobacco products any gift or item (other than a tobacco product) in consideration of the purchase of such products, or to any person in consideration of furnishing evidence, such as credits, proofs-of-purchase, or coupons, of such a purchase.

''(3) SPONSORSHIP.—

''(A) IN GENERAL.—No manufacturer, distributor, or retailer shall sponsor or cause to be sponsored any athletic, musical, artistic or other social or cultural event, or any entry or team in any event, in which the brand name (alone or in conjunction with any other word), logo, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identical to those used for tobacco products is used.

''(B) USE OF CORPORATE NAME.—A manufacturer, distributor, or retailer may sponsor or cause to be sponsored any athletic, musical, artistic, or other social or cultural event in the name of the corporation which manufactures the tobacco product if—

''(i) both the corporate name and the corporation were registered and in use in the United States prior to January 1, 1995; and

''(ii) the corporate name does not include any brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia or product identification identical or similar to, or identifiable with, those used for any brand of tobacco products.

''(f) DEFINITIONS.—For purposes of this section—

''(1) IN GENERAL.—Any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702.

''(2) BRAND.—The term 'brand' means a variety of a tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, or packaging.

''(3) DISTRIBUTOR.—The term 'distributor' means any person who furthers the distribution of tobacco products, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Such term shall not include common carriers.

''(4) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind in which tobacco products are offered for sale, sold, or otherwise distributed to consumers.

''(5) POINT OF SALE.—The term 'point of sale' means any location at which an individual can purchase or otherwise obtain tobacco products for personal consumption.

''(6) POINT OF SALE ADVERTISING.—The term 'point of sale advertising' means all printed or graphical materials bearing the brand name (alone or in conjunction with any other word), logo, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification similar or identical to those used for tobacco products, which, when used for its intended purpose, can reasonably be anticipated to be seen by customers at a location at which tobacco products are offered for sale.

''(7) RETAILER.—The term 'retailer' means any person who sells tobacco products to individuals for personal consumption, or who operates a facility where vending machines or self-service displays are located.

''(8) VIDEO.—The term 'video' means an audiovisual work produced for viewing by the general public, such as a television program, a motion picture, a music video, and the audiovisual display of a video game.

''(9) VIDEO GAME.—The term 'video game' means any electronic amusement device that utilizes a computer, microprocessor, or similar electronic circuitry and its own cathode ray tube, or is designed to be used with a television set or a monitor, that interacts with the user of the device.''.

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following:

''Sec. 280I. Disallowance of deduction for certain tobacco advertising, promotion, and marketing expenses.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. DASCHLE:

S. 1756. A bill to name the education center under construction at Fort Campbell, Kentucky, after WENDELL H. FORD; to the Committee on Armed Services.

THE WENDELL H. FORD EDUCATION CENTER DESIGNATION ACT OF 1998

Mr. DASCHLE. Mr. President, I would like to call to the Senate's attention an impressive milestone that a member of this body will reach this weekend. On Saturday the senior Senator from Kentucky, my friend and Democratic Whip, WENDELL FORD, will have served the state of Kentucky in the Senate for the 8,478th day. He will become the longest-serving Senator in Kentucky history.

While I suspect that Senator FORD might be more concerned this weekend about how his beloved Kentucky Wildcats will fare in the NCAA basketball tournament than about achieving any personal record, I hope he will allow me a few minutes to recognize this tremendous achievement.

It gives me great personal satisfaction to see Senator FORD cap his distinguished Senate career by reaching this milestone. It is also appropriate that Senator FORD does so by surpassing the length of service of another great Senator from Kentucky, the former Democratic Leader and then Vice President of the United States, Alben Barkley.

WENDELL FORD began his Senate service back in December 1974. In 23-plus years, he has made his mark in the Senate in an extraordinary number of ways: as a tenacious fighter for the people of Kentucky, as a skilled parliamentarian and orator, as a leader and faithful soldier of his party, and as a genuinely warm, funny, and down-to-earth human being.

Perhaps the Almanac of American Politics best described his political tenacity when it said that Senator FORD's ''fierce determination to champion Kentuckians' interests seems rooted in a sense that they are little guys who are victims or targets of big selfish guys elsewhere—that they are as humble as FORD's own economic background.'' Indeed, anyone who has engaged Senator FORD in the legislative arena knows that he is deeply rooted in the Kentucky soil from which he sprang.

He has been a thoroughly tireless defender of Kentucky's working families, from 60,000 tobacco growers on small farms across the state to the coal miners in Appalachia's hills and hollows. WENDELL FORD surely deserves one of the highest compliments one can give a Senator: that he has never forgotten where he came from.

Though I can think of no one more tenacious in defense of his constituents, I can also think of no Senator more loyal to his party, 2 traits that are sometimes difficult to reconcile.

WENDELL FORD has served his party in a variety of ways: as chairman of the Democratic Senatorial Campaign Committee; as chairman and ranking member of the Senate Rules Committee; as chairman and ranking member of the Commerce Subcommittee on Aviation; and, since 1991, assistant Senate Democratic Leader and Whip.

His friendship and counsel to me during my tenure as Senate Democratic leader have been invaluable. I could not imagine learning the many facets of this job without Senator FORD at my side. WENDELL FORD represents the best of the Senate's old school. He is someone who reveres the traditions and rules that are the foundation of the Senate. He is also someone who values the courtesy, humor, and personal bonds that give the Senate its life and its sense of common purpose.

Mr. President, the state of Kentucky has sent a number of talented men to this chamber. Men like Albert ''Happy'' Chandler, Earle C. Clements, John Sherman Cooper, and certainly the legendary Henry Clay come to mind. It is a high honor that WENDELL FORD stands next to these great Kentuckians in service to their state. But it is perhaps most appropriate that Senator FORD surpassed the tenure of former Senator Alben Barkley. Like Senator FORD, Alben Barkley had roots in the soil, born on a small tobacco farm in Kentucky.

Like Senator FORD, Alben Barkley served his state and country in a range of positions, from county judge, to Congressman, Senator, then Vice President of the United States. And like Senator FORD, he was in the Senate leadership in both the Majority and Minority, serving as Leader in both capacities.

Tested by the loss of the Senate majority in the mid-1940s, Senator Barkley turned adversity to his advantage. In 1948, a poll of journalists in Colliers magazine recognized Minority Leader Barkley as the most effective member of the Senate. This was remarkable, since 10 years earlier, a similar poll had left him completely off the list of the 10 most effective members even though he was Majority Leader.

In recognition of his effectiveness, one journalist commented that ''under conditions that would have caused a less determined man to walk out and rest, he continued to work for his country through his party.'' Another said that ''by his wisdom, humor, and moderation, plus his devotion to the system, he has strengthened the concept of party responsibility.'' More appropriate words could not be spoken about Senator FORD, either.

We can only hope that Senator FORD may also look to one other example set by Alben Barkley. Senator Barkley became Vice President Barkley in 1948. He served in that capacity for 1 term. Not content to accept a permanent retirement after leaving the Vice Presidency, however, Barkley ran again for the Senate in 1954 and won, returning to his beloved Senate. Maybe Senator FORD will keep that in the back of his mind.

But taking Senator FORD at his word—that he will be leaving the Senate for good at the end of this year—his staff and I have tried to settle on a fitting tribute to the longest-serving Senator in Kentucky history. A tribute that will symbolize for every Kentuckian the enduring commitment to their well being that WENDELL FORD has shown.

Today I am introducing a bill to name the school under construction in Fort Campbell, Kentucky, the ''Wendell H. Ford Education Center.'' The Wendell H. Ford Education Center will assume its name the day Senator FORD leaves the Senate. I hope the students who enter its halls will fully appreciate the contributions of WENDELL H. FORD and the remarkable way in which he has led his colleagues, his State, and his country in the difficult challenges we have faced in the past 25 years.

Like many in Kentucky, many in this chamber are familiar with one of Senator FORD's trademark greetings, ''How are all you lucky people doing?'' This is sometimes abbreviated to simply, ''Hey, Lucky!'' Truly, all of us who have served with Senator FORD have been extremely lucky. He will be missed by a lot of people around here when he retires at the end of this Congress.

But today, we all should all take a moment to congratulate and thank Senator WENDELL FORD on his record-breaking service to the people of Kentucky, the United States Senate, and the country.

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. 1756

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

SECTION 1. NAMING OF EDUCATION CENTER AT FORT CAMPBELL, KENTUCKY.

(a) NAME.—The education center under construction at Fort Campbell, Kentucky, shall be known and designated as the ''Wendell H. Ford Education Center''. Any reference to such center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Wendell H. Ford Education Center.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on January 3, 1999, or the first day on which Wendell H. Ford ceases to be a Senator.

Mr. REID. Mr. President, WENDELL H. FORD tomorrow will surpass the tenure for all Senators from the State of Kentucky as having served the longest period of time. WENDELL FORD is Kentucky through and through—born in Daviess County, KY, went to the University of Kentucky, served in the U.S. Army during the Second World War. WENDELL FORD is someone who has contributed to this body second to none. I rise today to join with others in recognizing the contributions of one of the Senate's finest Members and someone I consider a friend.

As I have said, Mr. President, on March 14 Senator WENDELL FORD will become Kentucky's longest-serving Senator, surpassing the tenure of the legendary Alben Barkley. Senator FORD will have served 8,478 days in the Senate from the State of Kentucky.

In preparing these remarks, we were looking through the Courier-Journal, an editorial which said:

Senator Wendell Ford likes to refer to himself as a dumb country boy with dirt between his toes.

Don't believe that for a second.

The newspaper goes on to say that it was a long road from our colleague's hometown of Yellow Creek, KY, to Capitol Hill and an even longer one from the job of Senator to the Senate's assistant leader to the Senate's whip.

It goes on:

Only a smart, disciplined person could negotiate such passages without losing touch with who he really is.

The newspaper concludes by saying:

Senator Ford has done that.

That is, he has negotiated these difficult passages and he has not lost touch with the people of the State of Kentucky.

Those of us who know WENDELL FORD can attest to his honor and to his sincerity. His rise from the Kentucky State Senate to Lieutenant Governor to the 49th Governor of the Commonwealth of Kentucky to now a U.S. Senator and the assistant leader of the Senate has never distracted the person WENDELL FORD from the man he is—his own man, someone who has never forgotten his roots.

In our Senate Democratic leadership meetings, Senator FORD is one who can always bring the discussion back to where we should be. His commonsense approach to legislation and politics is refreshing to me and should be reassuring not only to the people of Kentucky but to this country.

WENDELL FORD can be compassionate because, Mr. President, he is a compassionate man. He can be very tough because, Mr. President, he is a tough man. He can be very sincere because he is, Mr. President, a sincere man. WENDELL FORD has in his quiver many arrows. Yes, compassion, toughness, and sincerity, but I think the arrow that he carries around that we all rely on is the wisdom that has developed in the person of WENDELL FORD.

WENDELL FORD is truly one of the Senate's great talents, but one of his great talents is in the finest traditions of the Senate Chamber: his mastery of the negotiation of compromise. He is able to do this because he is respected, he is trusted, and, as I already indicated, he is honorable.

This Senate will be lesser when WENDELL FORD returns to his native Kentucky, but his quarter century of service to his State and to the Nation will stand as a legacy to be remembered and honored.

Mr. President, I am grateful to have served with WENDELL FORD. My wife Landra and I appreciate Jean, his lovely wife, and their—WENDELL's and Jean's—love of their family and their love of the Senate family. I personally honor his wisdom, his humor, and his compassion. In an age of cynicism, I really appreciate WENDELL FORD's down-home sincerity. It has inspired me. And it should inspire us all.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have enjoyed the remarks by those on the other side of the aisle on behalf of Senator FORD of Kentucky. And indeed, he has been a very large figure here in the U.S. Senate for many, many years. It is very appropriate that he has been honored by his side of the aisle.

Mr. KENNEDY. Mr. President, it is a privilege to pay tribute today to our outstanding colleague from Kentucky, WENDELL FORD, as he reaches an historic milestone and becomes the longest serving Senator in the history of the Commonwealth of Kentucky.

Our colleague's service to Kentucky, to the Senate, and to the nation has been outstanding through all these years, and it continues to be outstanding today. As our Whip since 1990, he is an essential part of the Senate's leadership team and deserves a great deal of the credit for the legislative achievements of our Party and of the Senate as a whole.

As a legislator, our colleague has consistently earned high marks for his brilliant service to Kentucky and the country. He has earned the respect of all of us on both sides of the aisle for his skill and warm sense of humor in debate, and for his leadership on a wide range of issues, especially in areas such as aviation, education, telecommunications, the environment, election reform, and the many issues of vital importance to Kentucky and to all of rural America.

I recall that a Ford Fellow Scholarship Fund was established last year in Kentucky in his honor, and I am sure that in the years ahead, the Ford Fellows will carry on the high standards that our colleague has so consistently set for excellence in education.

All of us regret that our highly regarded colleague has chosen not to seek re-election to the Senate this fall. It is no accident that he is the longest-serving Senator in the history of his state. The stratospheric victory margins he has compiled in his many election successes during his brilliant career show that his seat in the Senate is secure against any challenge, and are the highest possible tribute to the respect and affection in which he is held in his state.

That long-standing success is no easy achievement. I'm reminded of the famous lines by Kentucky's Irish poet, James Mulligan:

The moonlight falls the softest in Kentucky;
The bluegrass waves the bluest;
The songbirds are the sweetest;
The thoroughbreds are the finest;
The landscape is the grandest—
And politics the damnedest in Kentucky.

I know that the people of Kentucky will miss Senator FORD in the Senate, and so will all of us in this body. We're proud of his leadership and honored by his statesmanship, but most of all, we're grateful for his friendship.

By Ms. SNOWE (for herself and Mr. D'AMATO):

S. 1757. A bill to amend the Public Health Service Act to extend the program of research on breast cancer; to the Committee on Labor and Human Resources.

THE BREAST CANCER RESEARCH EXTENSION ACT OF 1998

Ms. SNOWE. Mr. President, I rise today to introduce legislation which will authorize breast cancer research funding at a record level.

Over the past seven years, Congress has demonstrated an increased commitment to the fight against breast cancer. Back in 1991, less than $100 million dollars was spent on breast cancer research. Since then, Congress has steadily increased this allocation. These increases have stimulated new and exciting research that has begun to unravel the mysteries of this devastating disease and is moving us closer to a cure. Today, we must send a message through our authorization level to scientists and research policy makers that we are committed to continued funding for this important research.

This increase in funding is necessary because breast cancer has reached crisis levels in America. In 1998, it is estimated that 178,700 new cases of breast cancer will be diagnosed in this country, and 43,500 women will die from this disease. Breast cancer is the most common form of cancer and the second leading cause of cancer deaths among American women. Today, over 2.6 million American women are living with this disease. In my home state of Maine, it is the most commonly-diagnosed cancer among women, representing more than 30 percent of all new cancers in Maine women.

In addition to these enormous human costs, breast cancer also exacts a heavy financial toll—over $6 billion of our health care dollars are spent on breast cancer annually.

Today, however, there is cause for hope. Recent scientific progress made in the fight to conquer breast cancer is encouraging. Researchers have isolated the genes responsible for inherited breast cancer, and are beginning to understand the mechanism of the cancer cell itself. It is imperative that we capitalize upon these advances by continuing to support the scientists investigating this disease and their innovative research.

For this reason, my bill increases the FY99 funding authorization level for breast cancer research to $650 million. This level represents the funding level scientists believe is necessary to make progress against this disease. It also reflects the 11 percent increase that the Administration requested for NIH funding. This increased funding will contribute substantially toward solving the mysteries surrounding breast cancer. Our continued investment will save countless lives and health care dollars, and prevent undue suffering in millions of American women and families.

On behalf of the 2.6 million women living with breast cancer, I urge my colleagues to support this important bill.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. CHAFEE, Mr. LEAHY, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. CRAIG, Mr. COCHRAN, Mr. DEWINE, Mr. GLENN, Mr. HARKIN, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KERREY, Mr. KERRY, Mr. KEMPTHORNE, Mr. LEVIN, Mr. MOYNIHAN, and Mr. MURKOWSKI):

S. 1758. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on Foreign Relations.

THE TROPICAL FOREST CONSERVATION ACT OF 1998

Mr. LUGAR. Mr. President, along with Senators BIDEN, CHAFEE and LEAHY, I am today introducing the Tropical Forest Conservation Act of 1998, a bill to protect outstanding tropical forests in developing countries through Debt for Nature Swaps. We are joined in this effort by Senators ABRAHAM, AKAKA, ALLARD, COCHRAN, CRAIG, DEWINE, GLENN, HARKIN, INHOFE, JEFFORDS, JOHNSON, KEMPTHORNE, KERREY, KERRY, LEVIN, MOYNIHAN, and MURKOWSKI.

The Tropical Forest Conservation Act builds upon the success of President Bush's Enterprise for the Americas Initiative (EAI) and extends the debt reduction portion of that initiative to the protection of tropical forests in lower and middle income developing countries outside of Latin America and the Caribbean.

Under the EAI, $154 million has been devoted to environmental protection and child survival in Argentina, Bolivia, Chile, Colombia, El Salvador, Jamaica and Uruguay. One of the novel features of the EAI has been the linkage between debt reduction and the generation of local funds for the environmental protection and child survival. Whereas the U.S. receives dollar payments for the remaining principal payments after debt reduction, interest streams on the remaining debt are channeled into these local funds.

The first Debt for Nature bill enacted into law was the ''Debt for Nature Exchange'' provision of the International Finance and Development Act of 1989. Under the authority of the BIDEN LUGAR bill, the U.S. Agency for International Development has established environmental endowment funds in Costa Rica, Honduras, Indonesia, Jamaica, Madagascar, Mexico, Panama, and the Philippines. By committing $ 95 million of its own funds, US AID has leveraged an additional $51 million. This is an effective use of scarce federal conservation dollars.

The Tropical Forest Conservation Act of 1998 is a companion bill to H.R. 2870, coauthored by Representatives ROB PORTMAN (R.-Ohio), JOHN KASICH (R- Ohio) and LEE HAMILTON (R.-Indiana), which was recently ordered to be reported by the House International Relations Committee.

The Tropical Forest Conservation Act of 1998 would authorize the use of three ''debt for nature'' mechanisms to protect outstanding tropical forests in lower and middle income developing countries.

Under the Buy Back option, an eligible country would be able to buy back its debt at its asset value in exchange for its willingness to place an additional forty percent of this value in local currency in a tropical forest fund. Suppose, for example, that the asset value of the country's debt was fifty cents on the dollar. In return for being allowed to buy back its debt at its asset value, the developing country would have to agree to place forty percent of that value, or twenty cents, into a fund to protect its tropical forests.

Under this option, there would be no cost to the United States Government since the debt is being bought back at its value as determined under the Federal Credit Reform Act of 1990.

Second, the bill authorizes a Debt Swap option under which a nonfederal individual or organization would be able to engage in Debt for Nature Swaps with lower income developing nations. These purchasers would work with the United States government, but would use their own funds to assist these developing countries to reduce or buy back their bilateral debt owed to the United States Government in return for their placing local currencies in a tropical forest fund.

Under this second option, there would also be no cost to the United States Government because the financial assistance involved would come from nongovernmental or private entities.

Third, the bill authorizes a debt reduction mechanism based upon the Enterprise for the Americas Initiative. Under the EAI Model, the developing country is allowed to place the interest on the reduced debt instrument in a tropical forest fund to be administered by a tropical forest board within that country.

When the third option is exercised, the bill authorizes appropriations to compensate the United States Treasury for the reduction in the revenue stream which occurs. However, as in the case of the EAI, these funds would be effectively leveraged because the amounts placed by a eligible country in its tropical forest fund would exceed the amount of revenues foregone by the United States Treasury. For example, in the case of the EAI, $90 million in U.S. funds resulted in $154 million being placed by the Latin American and Caribbean countries in these local funds.

The Tropical Forest Conservation Act applies to concessional loans made under the Foreign Assistance Act of 1961 and credits granted under the Agricultural Trade and Assistance Act of 1954. It is consistent with established Treasury Department debt reduction practices as well as with the Federal Credit Reform Act of 1990.

The bill authorizes $50 million in FY 99, $125 million in FY 2000 and $225 million in FY 2001, subject to appropriations.

Within each developing country, the tropical forest fund would be administered by a commission representing a majority of local nongovernmental, community development and scientific and academic organizations, representatives of the host government and a representative of the United States Government.

The tropical forest fund could be used to provide grants for the following purposes:

(1) to preserve, maintain or restore the tropical forest of the beneficiary country through establishing parks and reserves;

(2) to develop and implement scientifically sound systems of natural resource management;

(3) to provide training programs to strengthen conservation institutions and the scientific, technical and managerial capacities of individuals and organizations involved in conservation;

(4) to provide for restoration, protection and sustainable use of diverse animal and plant species;

(5) to mitigate greenhouse gases in the atmosphere;

(6) to develop and support individuals living in or near a tropical forest, including the cultures of such individuals.

Oversight of this program would be accomplished through expanding the existing Enterprise for the Americas Board by two federal and two nongovernmental representatives so that the Board would be composed of fifteen members, eight of whom would represent federal agencies involved in the protection, restoration and sustainable use of tropical forests and seven of whom would represent nongovernmental organizations and experts engaged in these activities.

This legislation provides an incentive for the lower income developing nations to repay their debt owed to the United States. Government. It protects outstanding tropical forests throughout the world. And it stretches the limited federal dollars which are available to assist in this effort, therefor making an effective use of international environmental assistance.

I ask unanimous consent that a copy of the bill be printed in the RECORD. I urge my colleagues to join in this effort.

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

S. 1758

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

SECTION 1. DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

''PART V—DEBT REDUCTION FOR DEVELOPING COUNTRIES WITH TROPICAL FORESTS

''SEC. 801. SHORT TITLE.

''This part may be cited as the 'Tropical Forest Conservation Act of 1998'.

''SEC. 802. FINDINGS AND PURPOSES.

''(a) FINDINGS.—The Congress finds the following:

''(1) It is the established policy of the United States to support and seek protection of tropical forests around the world.

''(2) Tropical forests provide a wide range of benefits to humankind by—

''(A) harboring a major share of the Earth's biological and terrestrial resources, which are the basis for developing pharmaceutical products and revitalizing agricultural crops;

''(B) playing a critical role as carbon sinks in reducing greenhouse gases in the atmosphere, thus moderating potential global climate change; and

''(C) regulating hydrological cycles on which far-flung agricultural and coastal resources depend.

''(3) International negotiations and assistance programs to conserve forest resources have proliferated over the past decade, but the rapid rate of tropical deforestation continues unabated.

''(4) Developing countries with urgent needs for investment and capital for development have allocated a significant amount of their forests to logging concessions.

''(5) Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests.

''(6) Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical forests.

''(b) PURPOSES.—The purposes of this part are—

''(1) to recognize the values received by United States citizens from protection of tropical forests;

''(2) to facilitate greater protection of tropical forests (and to give priority to protecting tropical forests with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

''(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and their associated values; and

''(4) to rechannel existing resources to facilitate the protection of tropical forests.

"SEC. 803. DEFINITIONS.

''As used in this part:

''(1) ADMINISTERING BODY.—The term 'administering body' means the entity provided for in section 809(c).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(3) BENEFICIARY COUNTRY.—The term 'beneficiary country' means an eligible country with respect to which the authority of section 806(a)(1), section 807(a)(1), or paragraph (1) or (2) of section 808(a) is exercised.

''(4) BOARD.—The term 'Board' means the board referred to in section 811.

''(5) DEVELOPING COUNTRY WITH A TROPICAL FOREST.—The term 'developing country with a tropical forest' means—

''(A)(i) a country that has a per capita income of $725 or less in 1994 United States dollars (commonly referred to as 'low-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

''(ii) a country that has a per capita income of more than $725 but less than $8,956 in 1994 United States dollars (commonly referred to as 'middle-income country'), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

''(B) a country that contains at least one tropical forest that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests left, on a continental or global scale.

''(6) ELIGIBLE COUNTRY.—The term 'eligible country' means a country designated by the President in accordance with section 805.

''(7) TROPICAL FOREST AGREEMENT.—The term 'Tropical Forest Agreement' or 'Agreement' means a Tropical Forest Agreement provided for in section 809.

''(8) TROPICAL FOREST FACILITY.—The term 'Tropical Forest Facility' or 'Facility' means the Tropical Forest Facility established in the Department of the Treasury by section 804.

''(9) TROPICAL FOREST FUND.—The term 'Tropical Forest Fund' or 'Fund' means a Tropical Forest Fund provided for in section 810.

"SEC. 804. ESTABLISHMENT OF THE FACILITY.

''There is established in the Department of the Treasury an entity to be known as the 'Tropical Forest Facility' for the purpose of providing for the administration of debt reduction in accordance with this part.

"SEC. 805. ELIGIBILITY FOR BENEFITS.

''(a) IN GENERAL.—To be eligible for benefits from the Facility under this part, a country shall be a developing country with a tropical forest—

''(1) whose government meets the requirements applicable to Latin American or Caribbean countries under paragraphs (1) through (5) and (7) of section 703(a) of this Act; and

''(2) that has put in place major investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank, World Bank-supported investment reforms, or other measures, as appropriate.

''(b) ELIGIBILITY DETERMINATIONS.—

''(1) IN GENERAL.—Consistent with subsection (a), the President shall determine whether a country is eligible to receive benefits under this part.

''(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees of his intention to designate a country as an eligible country at least 15 days in advance of any formal determination.

"SEC. 806. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CONCESSIONAL LOANS UNDER THE FOREIGN ASSISTANCE ACT OF 1961.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of concessional loans made to an eligible country by the United States under part I of this Act, chapter 4 of part II of this Act, or predecessor foreign economic assistance legislation.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

''(A) $25,000,000 for fiscal year 1999;

''(B) $75,000,000 for fiscal year 2000; and

''(C) $100,000,000 for fiscal year 2001.

''(3) CERTAIN PROHIBITIONS INAPPLICABLE.—

''(A) IN GENERAL.—A reduction of debt pursuant to this section shall not be considered assistance for purposes of any provision of law limiting assistance to a country.

''(B) ADDITIONAL REQUIREMENT.—The authority of this section may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the agency primarily responsible for administering part I of this Act of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation for the country shall be established relating to the agreement, and the agency primarily responsible for administering part I of this Act shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 704(a)(1) of this Act:

''(1) The provisions relating to repayment of principal under section 705 of this Act.

''(2) The provisions relating to interest on new obligations under section 706 of this Act.

"SEC. 807. REDUCTION OF DEBT OWED TO THE UNITED STATES AS A RESULT OF CREDITS EXTENDED UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) AUTHORITY.—Notwithstanding any other provision of law, the President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1998, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to a country eligible for benefits from the Facility.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to this section, there are authorized to be appropriated to the President—

''(A) $25,000,000 for fiscal year 1999;

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

''(C) $50,000,000 for fiscal year 2001.

''(b) IMPLEMENTATION OF DEBT REDUCTION.—

''(1) IN GENERAL.—Any debt reduction pursuant to subsection (a) shall be accomplished at the direction of the Facility by the exchange of a new obligation for obligations of the type referred to in subsection (a) outstanding as of the date specified in subsection (a)(1).

''(2) EXCHANGE OF OBLIGATIONS.—

''(A) IN GENERAL.—The Facility shall notify the Commodity Credit Corporation of an agreement entered into under paragraph (1) with an eligible country to exchange a new obligation for outstanding obligations.

''(B) ADDITIONAL REQUIREMENT.—At the direction of the Facility, the old obligations that are the subject of the agreement shall be canceled and a new debt obligation shall be established for the country relating to the agreement, and the Commodity Credit Corporation shall make an adjustment in its accounts to reflect the debt reduction.

''(c) ADDITIONAL TERMS AND CONDITIONS.—The following additional terms and conditions shall apply to the reduction of debt under subsection (a)(1) in the same manner as such terms and conditions apply to the reduction of debt under section 604(a)(1) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738c):

''(1) The provisions relating to repayment of principal under section 605 of such Act.

''(2) The provisions relating to interest on new obligations under section 606 of such Act.

"SEC. 808. AUTHORITY TO ENGAGE IN DEBT-FOR-NATURE SWAPS AND DEBT BUYBACKS.

''(a) LOANS AND CREDITS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

''(1) DEBT-FOR-NATURE SWAPS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser described in subparagraph (B) any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible purchaser described in subparagraph (B), reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt-for-nature swap to support eligible activities described in section 809(d).

''(B) ELIGIBLE PURCHASER DESCRIBED.—A loan or credit may be sold, reduced, or canceled under subparagraph (A) only to a purchaser who presents plans satisfactory to the President for using the loan or credit for the purpose of engaging in debt-for-nature swaps to support eligible activities described in section 809(d).

''(C) CONSULTATION REQUIREMENT.—Before the sale under subparagraph (A) to any eligible purchaser described in subparagraph (B), or any reduction or cancellation under such subparagraph (A), of any loan or credit made to an eligible country, the President shall consult with the country concerning the amount of loans or credits to be sold, reduced, or canceled and their uses for debt-

for-nature swaps to support eligible activities described in section 809(d).

''(D) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) for the reduction of any debt pursuant to subparagraph (A), amounts authorized to appropriated under sections 806(a)(2) and 807(a)(2) shall be made available for such reduction of debt pursuant to subparagraph (A).

''(2) DEBT BUYBACKS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible country any concessional loans described in section 806(a)(1) or any credits described in section 807(a)(1), or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 809(d).

''(3) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—The Facility shall notify the administrator of the agency primarily responsible for administering part I of this Act or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

''(B) ADDITIONAL REQUIREMENT.—Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

''(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

''SEC. 809. TROPICAL FOREST AGREEMENT.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Tropical Forest Agreement with any eligible country concerning the operation and use of the Fund for that country.

''(2) CONSULTATION.—In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 811.

''(b) CONTENTS OF AGREEMENT.—The requirements contained in section 708(b) of this Act (relating to contents of an agreement) shall apply to a Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

''(c) ADMINISTERING BODY.—

''(1) IN GENERAL.—Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

''(2) COMPOSITION.—

''(A) IN GENERAL.—The administering body shall consist of—

''(i) one or more individuals appointed by the United States Government;

''(ii) one or more individuals appointed by the government of the beneficiary country; and

''(iii) individuals who represent a broad range of—

''(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

''(II) local community development nongovernmental organizations of the beneficiary country; and

''(III) scientific or academic organizations or institutions of the beneficiary country.

''(B) ADDITIONAL REQUIREMENT.—A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

''(3) RESPONSIBILITIES.—The requirements contained in section 708(c)(3) of this Act (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 708(c)(1) of this Act.

''(d) ELIGIBLE ACTIVITIES.—Amounts deposited in a Fund shall be used to provide grants to preserve, maintain, and restore the tropical forests in the beneficiary country, including one or more of the following activities:

''(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

''(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

''(3) Training programs to strengthen conservation institutions and increase scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

''(4) Restoration, protection, or sustainable use of diverse animal and plant species.

''(5) Mitigation of greenhouse gases in the atmosphere.

''(6) Development and support of the livelihoods of individuals living in or near a tropical forest, including the cultures of such individuals, in a manner consistent with protecting such tropical forest.

''(e) GRANT RECIPIENTS.—

''(1) IN GENERAL.—Grants made from a Fund shall be made to—

''(A) nongovernmental environmental, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

''(B) other appropriate local or regional entities of, or active in, the beneficiary country; and

''(C) in exceptional circumstances, the government of the beneficiary country.

''(2) PRIORITY.—In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

''(f) REVIEW OF LARGER GRANTS.—Any grant of more than $100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.

''(g) ELIGIBILITY CRITERIA.—In the event that a country ceases to meet the eligibility requirements set forth in section 805(a), as determined by the President pursuant to section 805(b), then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 805(a).

''SEC. 810. TROPICAL FOREST FUND.

''(a) ESTABLISHMENT.—Each beneficiary country that enters into a Tropical Forest Agreement under section 809 shall be required to establish a Tropical Forest Fund to receive payments of interest on new obligations undertaken by the beneficiary country under this part.

''(b) REQUIREMENTS RELATING TO OPERATION OF FUND.—The following terms and conditions shall apply to the Fund in the same manner as such terms as conditions apply to an Enterprise for the Americas Fund under section 707 of this Act:

''(1) The provision relating to deposits under subsection (b) of such section.

''(2) The provision relating to investments under subsection (c) of such section.

''(3) The provision relating to disbursements under subsection (d) of such section.

''SEC. 811. BOARD.

''(a) ENTERPRISE FOR THE AMERICAS BOARD.—The Enterprise for the Americas Board established under section 610(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(a)) shall, in addition to carrying out the responsibilities of the Board under section 610(c) of such Act, carry out the duties described in subsection (c) of this section for the purposes of this part.

''(b) ADDITIONAL MEMBERSHIP.—

''(1) IN GENERAL.—The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

''(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

''(B) Two representatives from private nongovernmental environmental, scientific, and academic organizations with experience and expertise in preservation, maintenance, and restoration of tropical forests.

''(2) CHAIRPERSON.—Notwithstanding section 610(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1738i(b)(2)), the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President from among the representatives appointed under section 610(b)(1)(A) of such Act or paragraph (1)(A) of this subsection.

''(c) DUTIES.—The duties described in this subsection are as follows:

''(1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.

''(2) Ensure, in consultation with—

''(A) the government of the beneficiary country,

''(B) nongovernmental organizations of the beneficiary country,

''(C) nongovernmental organizations of the region (if appropriate),

''(D) environmental, scientific, and academic leaders of the beneficiary country, and

''(E) environmental, scientific, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

''(3) Review the programs, operations, and fiscal audits of each administering body.

''SEC. 812. CONSULTATIONS WITH THE CONGRESS.

''The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this part and the eligibility of countries for benefits from the Facility under this part.

''SEC. 813. ANNUAL REPORTS TO THE CONGRESS.

''(a) IN GENERAL.—Not later than December 31 of each fiscal year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

''(1) a description of the activities undertaken by the Facility during the previous fiscal year;

''(2) a description of any Agreement entered into under this part;

''(3) a report on any Funds that have been established under this part and on the operations of such Funds; and

''(4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this part.

''(b) SUPPLEMENTAL VIEWS IN ANNUAL REPORT.—Not later than December 15 of each fiscal year, each member of the Board shall be entitled to receive a copy of the report required under subsection (a). Each member of the Board may prepare and submit supplemental views to the President on the implementation of this part by December 31 for inclusion in the annual report when it is transmitted to Congress pursuant to this section.''.

Mr. BIDEN. Mr. President, I am pleased to join today with my good friend, the distinguished senior Senator from Indiana, to introduce important legislation that will benefit all Americans by helping— in important ways—both our global environment and our global economy.

I first became interested in this issue almost ten years ago, when the world's attention was focused on an international debt crisis, much of it centered in Latin American countries. At that same time, we were beginning to understand the crucial role that tropical rainforests—all over the world—play in our own lives here in the United States.

Tropical rainforests are among the most complex and fundamental components of our planet's ecology. These natural wonders affect the global climate through their influence on rainfall patterns, which in turn makes them the sources of some of the world's greatest rivers, which in its turn affects farmlands and coastal fisheries all over the world.

Tropical rainforests are also the richest environments for all forms of life—they harbor the greatest biodiversity of any ecosystem. With increasing frequency, we find there the chemicals that go into new medicines, more robust food crops, and other direct economic applications of the rainforests' riches.

We may picture rainforests as among the most primitive environments—with climate and wildlife left over from the beginnings of time. But it is only now, with the accelerating integration of the global economy and the realization that burning fossil fuels can alter our planets weather, that we recognize that rainforests must be preserved if we want to protect our modern way of life.

The accumulation of over one hundred years of man-made greenhouse gases from the industrial world is now joined by the increasing emissions of industrializing nations, accelerating the threat of global climate change. Rainforests absorb the carbon dioxide that can change our climate, and that would change every assumption we have about how what our future will be.

But these crucially important rainforests are under increasing threat from fundamental trends in our international economy. As the nations whose borders contain important rainforests take their place in the world market, they face increasing incentives to turn their rainforests into cash crops—cutting them for lumber, clearing them for croplands—trading the long-term global benefits of rainforests for short-term needs.

Not just the lumber and agricultural markets offer short-term local gains in exchange for long-term global costs. The explosion of international capital flows has brought the benefits and dangers of debt to many nations with rainforests. To manage debt owed to nations such as the United States, these nations turn to their rainforests for quick cash. However appropriate their borrowing may be—who among us here does not use debt to finance a house, a car, an education?—that choice has consequences for the whole planet.

So we have the convergence of two important global trends—the cutting of rainforests, and the spread of international debt.

Ten years ago, when these trends were at a much earlier stage, I brought the idea of debt-for-nature swaps to Senator LUGAR, who agreed that we faced a classic public policy problem: short-term, local incentives to engage in behavior that has long-term, global costs. That is why we introduced the first legislation that facilitated debt-for-nature swaps. That legislation was signed into law in 1989.

The following year, we made debt-for-nature swaps part of President Bush's Enterprise for the Americas Act. Since then, $154 million in developing country debt has been restructured into environmental protection programs in Latin America.

The legislation I am introducing here today, with Senator LUGAR, Senator CHAFEE, Senator LEAHY, and my other distinguished colleagues, will expand the techniques of debt-for-nature exchanges to meet a wider variety of financial situations, and will include qualified countries in every part of the world.

In essence, we arrange for the repayment of sovereign debt owed by qualfied countries to the United States, in exchange for their commitment to use the savings to establish local trust funds to protect their rainforests. We gain the environmental protection that would otherwise not occur, they reduce their foreign exchange and debt burdens. It's a classic win-win deal.

Two of the options allow us to transform debt owed to the United States into funds to protect the world's rainforests at no cost to the Treasury. The third option, for the poorest nations of the world, provides funds to subsidize the debt exchange—and the rainforest protection—that they could not otherwise afford.

As we watch with concern the developments in Asia, Mr. President, we see the importance of far-sighted, creative debt management programs for developing economies. The accumulation of unmanageable debt burdens threatens both the stability of the international economy and the health of our planet's ecology.

At the margin, but in important ways, the legislation we are introducing today addresses both of those concerns, and weakens the link between the burden of developing country debt and the wasting of our rainforests.

I am pleased to see that the House companion to this legislation is already moving in the International Relations Committee. I look forward to working with Senator LUGAR and all my colleagues on both sides of the aisle here in the Senate.

Mr. CHAFEE. Mr. President, I am pleased to be here today with my distinguished colleagues to introduce the Tropical Forest Conservation Act of 1998. This bipartisan legislation addresses one of the most important global environmental issues today—the protection and preservation of tropical rain forests.

Since 1950 the world has lost as much as half of its tropical forests, and the destruction is continuing unabated. The most comprehensive survey of global deforestation estimated that, last year alone, we lost more than 30 million acres of tropical rain forest—an area the size of the State of Washington. This is a devastating loss because of the potential biological impacts deforestation can have both regionally and globally.

Tropical forests contain the world's richest stores of biological diversity, and their health is essential for life on Earth. Scientists estimate that more than 50 percent of the Earth's terrestrial biological diversity is contained within these forests, which account for less than 2 percent of the planet's land surface. Almost 40 percent of all terrestrial plants and at least 25 percent of terrestrial vertebrate species are endemic to these areas. That is, they are found no where else on Earth. Consider that in the Tropical Andes region alone, there are 320 species of endemic birds, 558 species of endemic reptiles and amphibians, and 20,000 species of endemic plants. Moreover, many of these species are found only in a small area of the forests. And as the forests are destroyed, Mr. President, the species are permanently lost through extinction.

Tropical forests also function as carbon ''sinks,'' storing greenhouse gasses that could otherwise contribute to global climate change. While there are still many scientific uncertainties related to climate change, it is undeniable that atmospheric carbon dioxide levels are rising rapidly. A significant number of scientists believe that humans have already influenced our global climate. In order to lessen the risks associated with this change, such as sea level rise, extreme weather conditions, and higher average temperatures, it is important that the United

States join with other nations to take preventative action. Protecting our tropical rain forests, and thus preserving their vital function of reducing greenhouse gases in the atmosphere, is one such action.

These forests are important to human health in other ways. They harbor many of the biological resources that are used in life-saving medicines, and provide the genetic sources to revitalize agricultural crops that supply most of the world's food. They significantly affect rainfall, and therefore the health of crops and coastal resources worldwide.

Many of the world's tropical forests are located in developing countries that, since the international debt crisis of the 1970s, have been unable to repay loans to foreign lenders. These countries are in need of hard currency, and to come up with cash, they have resorted to exploiting their natural resources with little regard for environmental planning. Vast areas of tropical forests are destroyed each year for logging, agriculture and livestock operations. This trend will continue as debt continues to mount.

Mr. President, the Tropical Forest Conservation Act would help turn the tide against this deforestation. This legislation builds upon President Bush's Enterprise for the Americas Initiative, or EAI. EAI created a system by which Latin American and Carribean governments could restructure some of their official debt to the United States, while channeling local currency into funds to support environmental and child development programs.

Using so-called ''debt-for-nature swaps,'' EAI restructured bilateral debt to provide $154 million to environmental trust funds in Latin America. Under these swaps, a nation's debt is modified, rescheduled, or written off, in return for the borrower nation's commitment of its own currency towards local conservation. The legislation before us today would utilize this same principle, but would focus exclusively on tropical forest conservation and extend eligibility to include countries in Africa and Asia.

The Tropical Forest Conservation Act would authorize $325 million over three years to be used for debt-for-nature swaps with developing countries that have forests with the greatest biodiversity and the highest risk of threat. The bill assists countries with tropical forests that are globally outstanding in terms of their biodiversity, and applies to any lesser developed country with tropical forests and qualified U.S. debt. The authorized amount would be used to compensate the Treasury Department for any revenues lost due to the restructuring of outstanding debt.

This legislation gives the President authority to reduce debt owed to the United States as a result of any credit extended through specific loan programs. In exchange, the developing countries would establish funds in their local currency to preserve and restore tropical forests. To ensure accountability, funds shall be administered and overseen by U.S. Government officials, environmental nongovernmental organizations active in the beneficiary country, and scientific or academic organizations.

To qualify for assistance, countries must meet the criteria established by Congress under EAI, including that the government must be democratically elected, has not provided support for acts of international terrorism, is not failing to cooperate on international narcotics control matters, and does not participate in a consistent pattern of gross violations of internationally recognized human rights.

Mr. President, I believe this is an important bill that, if passed, will go a long way to helping protect some of the world's most ecologically sensitive and vital areas. The Tropical Forest Conservation Act promotes debt reduction, investment reforms, community based conservation, and sustainable use of the environment. It has the support of numerous environmental organizations, including Conservation International, the Nature Conservancy, and the World Wildlife Fund. I urge my colleagues here in the Senate to support the legislation as well.

Mr. LEAHY. Mr. President, I am pleased to join Senators LUGAR, BIDEN, and CHAFEE in introducing the ''Tropical Forest Conservation Act of 1998.'' This legislation embodies a motto we take to heart in Vermont: ''Act Locally, Think Globally.'' From our campaign to ban landmines, Vermonters again learned the power of this maxim.

Vermonters understand the social, economic and environmental impacts of deforestation. We started this century with 75 percent of Vermont forestland cleared for agriculture. Today, more than 80 percent of Vermont is forested. Rebuilding our forests and the Vermont tradition of living close to the land has helped Vermonters recognize that our healthy forests are a valued legacy which holds the key to achieving prosperity. This is the purpose of the Tropical Forest Conservation Act of 1998.

The Tropical Forest Conservation Act will authorize more than $350 million over three years to enable developing countries to restructure their debt and use the new resources to protect their tropical forests. The Tropical Forest Conservation Act of 1998 gives each country the power to protect its own resources without having to risk the health of its forests.

Many developing countries have resorted to rapid development, including clear-cutting and slash-and-burn stripping of tropical forests, as ways to try to escape their debts. These forests contain a majority of the Earth's biological resources which provide the ingredients for many lifesaving medicines as well as providing us with the genetic sources to maintain healthy agricultural crops.

Protection of these tropical forests also gives us with an opportunity to address one of the most critical global environmental issues facing us in the next century—global climate change. These forests serve important carbon sinks which store greenhouse gases and help regulate global temperatures.

If we are going to reap these benefits though, we have to let nature do its work. This requires creative approaches to offer incentives to these developing countries to conserve forest resources for theirs, and our, children and grandchildren. The Tropical Forest Conservation Act will help stem the rapid rate of deforestation and degradation of these sensitive ecosystems.

As a Vermonter, I respect the importance of forests and the tough decisions which often have to be made in order to preserve them. I believe that this bill will make those tough decisions easier for countries which possess some of our world's most precious resources—tropical forests.

By Mr. HATCH (for himself, Mr. CAMPBELL, Mr. MCCAIN, Mr. ABRAHAM, Mr. DOMENICI, Mr. GRASSLEY, and Mrs. HUTCHISON):

S. 1759. A bill to grant a Federal charter to the American GI Forum of the United States; to the Committee on the Judiciary.

THE AMERICAN G.I. FORUM FEDERAL CHARTER ACT OF 1998

Mr. HATCH. Mr. President, I rise today, on behalf of myself and a number of my colleagues—Senators CAMPBELL, MCCAIN, ABRAHAM, DOMENICI, GRASSLEY, and HUTCHISON—to introduce a bill to grant a federal charter to the American GI Forum a National Veterans Family Organization.

The American GI Forum, a nonprofit Section 501(c)(4) corporation, was founded on March 26, 1948, in Corpus Christi, Texas by the late Dr. Hector P. Garcia, a medical doctor who was an Army veteran of World War II, and other visionary Mexican American veterans. This year, 1998, the American GI Forum will celebrate its 50th Year of service to our Nation's veterans and their families. Then, as now, the American GI Forum is dedicated to addressing issues affecting Hispanic veterans and their families.

As the American GI Forum enters its 50th Year, we believe it is fitting to secure passage of this important legislation which would recognize and grant the American GI Forum a federal charter. A federal charter is an honorary recognition that does not convey any special status or authority. However, within the veterans community a federal charter is deemed to be recognition of a national veterans organization's commitment and service to our nation's veterans. Also, other entities sometimes distinguish between Veterans Service Organizations which are congressionally-chartered and those which are not. For example, the web

page of the House Committee on Veterans' Affairs separately lists ''Congressionally-Chartered Veterans Service Organizations'' and ''Other Veterans Service organizations and Military Associations'' (http://www.house.gov/va/vetlinks.htm).

A congressional charter would prove an appropriate tribute to the selfless sacrifices and tireless work of their beloved Founder, Dr. Garcia, and the countless Hispanic Americans who have answered and continue to answer America's call to fight for and defend the freedom of all Americans. Having earned the highest number of medals of honor per capita, Hispanic Americans have a distinguished record of valor and patriotism.

Today, the American GI Forum has more than 500 chapters in the United States and Puerto Rico. Though predominately Hispanic, the AGIF is open to all veterans and their families. The organization is comprised of three elements—the Veterans Forum, the Women's Forum, and the Youth Forum. On a local level, American GI Forum chapters function under a regional and/or a state structure. The elected officers of each state organization serve as members of the National Board of Directors. The National Commander and other National officers are elected at our National Convention and are also members of the National Board of Directors.

The patriotism of this community, and their willingness to make daily sacrifices and even the ultimate sacrifice to preserve the freedoms we all enjoy is inspiring, and deserves our support, recognition and gratitude. On behalf of my colleagues and myself, I urge you to join us in sponsoring this legislation to grant a federal charter to this deserving organization.

By Mr. LEVIN:

S. 1760. A bill to amend the National Sea Grant College Program Act to clarify the term Great Lakes; to the Committee on Commerce, Science, and Transportation.

GREAT LAKES LEGISLATION

Mr. LEVIN. 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. 1760

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

After every place in the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.) where the term Great Lakes appears insert: ''and Lake Champlain.''

Strike section 203(5) of the National Sea Grant College Program Act (33 U.S.C. 1122) and renumber the following paragraphs accordingly.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 1194

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1305

At the request of Mr. GRAMM, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1305, a bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1391

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1391, a bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba.

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1391, supra.

S. 1605

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1605, a bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1711

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1711, a bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty tax, to increase the income levels for the 15 and 28 percent tax brackets, to provide a 1-year holding period for long-term capital gains, to index capital assets for inflation, to reduce the highest estate tax rate to 28 percent, and for other purposes.

S. 1737

At the request of Mr. MACK, the names of the Senator from Colorado (Mr. ALLARD), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

SENATE CONCURRENT RESOLUTION 78

At the request of Mr. SPECTER, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of Senate Concurrent Resolution 78, a concurrent resolution relating to the indictment and prosecution of Saddam Hussein for war crimes and other crimes against humanity.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Concurrent Resolution 78, supra.

AMENDMENT NO. 1397

At the request of Mr. BYRD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of amendment No. 1397 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

ADDITIONAL STATEMENTS

WOMEN'S HEALTH RESEARCH AND PREVENTION AMENDMENTS OF 1998

• Mr. DODD. Mr. President, I wish to express my support for S. 1722, ''The Women's Health Research and Prevention Amendments of 1998.'' I commend Senator FRIST for his introduction of this legislation and am pleased to join him as a co-sponsor.

Women's health programs administered by the National Institutes of Health and the Centers for Disease Control and Prevention play a critical role in ensuring that the extraordinary scientific advances of our nation don't sit on the shelf, but are actually used to improve lives.

The last few years have brought astonishing new developments in women's health research. Medical researchers have now located the genetic mutations that predispose women to certain types of breast cancer—knowledge that may lead to more effective

treatment of this devastating disease. And through the CDC, a recent initiative focused on the prevention and early detection of breast and cervical cancer is already saving lives. In just the year since this program was begun in Connecticut, over 19,000 women received free screening for breast cancer—and 15 cases were caught early while they were still treatable. Over 1,000 women were checked for cervical cancer—and 8 cases were detected.

We've taken a number of important steps toward improving women's health, but we must continue to support and sustain these programs if we are to truly reap the benefits of our initial investments. This bill clearly is a good start.

I am concerned that some critical areas of women's health have been omitted from the bill. We would be remiss if issues so important to women's health, such as sexually transmitted diseases and reproductive health were neglected. However, I know that Senator FRIST has indicated his willingness to continue the dialogue and to work with members of the Labor Committee to include these programs prior to markup.

This legislation is the continuation of a commitment that we have made to women and our nation and makes a sound and intelligent investment in the long term health of this country. I again offer my support and urge swift consideration of this bill.●

NATIONAL EYE DONOR MONTH

● Mr. DEWINE. Mr. President, this month—March 1998—is National Eye Donor Month. The purpose of National Eye Donor Month is simple: It is to alert each and every American family to the terrific opportunity each of us has to make a difference in someone else's life.

Many Americans don't realize that they have it in their power to give somebody else the ability to see. But it's true. If you declare now that after your passing, you want your eyes to be donated to an eye bank, your eyes can become someone else's gift of sight.

Mr. President, this is a great opportunity. Indeed, it is a great responsibility—one that all of us should take very, very seriously.

According to the most recent statistics, over 4,000 Americans are waiting for a corneal transplant—an operation that can restore the gift of sight. These Americans could have this operation today—if only there were enough donated eyes available.

The purpose of National Eye Donor Month is to remind Americans that we can make those corneas available. Every year, thousands of Americans donate their eyes to eye banks. In 1996, over 87,000 eyes were donated—and over 43,000 transplants were performed.

Now, these numbers need some explaining. That seems like a pretty substantial disparity. But there's a good reason for it—a very strict screening process that keeps out those who test positive with HIV, those who have hepatitis, and those with unhealthy cells on their corneas.

Those are just a few of the reasons why many corneas are unsuitable for transplantation. But the corneas from these donors are used. They are used in other very important ways. They are used for research and surgical training, and other medical education.

It's because of this screening process that I just described that eye transplant operations have such an incredible success rate—over 90 percent.

This screening process and this rate of success, however, require a greater number of donations. If we could increase the number of eyes donated to eye banks, we could take care of the 4,545 patients who are still waiting for corneal transplants today, as well as the 40,000 people who join their ranks every year.

Mr. President, as I said, this kind of surgery really works. In the 37 years since the founding of the Eye Bank Association of America, EBBA-member eye banks have made possible over half a million corneal transplants.

But there simply aren't enough eye donors. The only solution is public education—making the American people aware of what we can do to help out.

That's what National Eye Donor Month is all about. This month, let's recommit ourselves—as a nation—to giving the gift of sight to our fellow citizens.●

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT, S. 1173

● Mr. DURBIN. Mr. President, on Thursday the Senate overwhelmingly approved reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA). I want to take this opportunity to explain the benefits of this legislation for the State of Illinois.

First, let me offer my congratulations and also say thank you to Senators CHAFEE and BAUCUS for their extraordinary work in bringing this bill to the floor and shepherding it through in record time. The final product, S. 1173, reflects their diligent work and profound understanding of our nation's diverse transportation needs.

Illinois is a vitally important link in our nation's transportation system. My colleague, Senator CAROL MOSELEY-BRAUN, who has helped lead an important effort to improve this bill to reflect Illinois' needs, has referred to the State as the ''Transportation Hub of the Nation.'' I couldn't agree more.

Illinois has the third largest Interstate system in the nation. It is a critical freight transfer point. The Chicago area boasts of the nation's largest intermodal hub. Illinois is also a passenger and freight rail hub. The State's ports handle the third largest amount of domestic waterborne traffic. Illinois' rivers are the fourth busiest in the nation. The Chicago Transit Authority operates the nation's second largest public transportation system. And, of course, O'Hare International Airport is the busiest in the world.

Unfortunately, Illinois' urban roads have been rated as the second worst in the nation. And, the six-county Chicago region is considered the fifth most congested area in the U.S.

This ISTEA reauthorization is a good first step toward improving the conditions of Illinois' roads and bridges, properly funding mass transit in Chicago and downstate, alleviating congestion, and addressing highway safety and the environment.

The bill provides $173 billion over six years for highway, highway safety, and other surface transportation programs. Illinois can expect to receive more than $5.3 billion over six years from the highway formula, as well as from the high density and the bonus programs. That's a 29 percent increase or $1.2 billion more than the ISTEA of 1991. Major reconstruction and rehabilitation projects like Downtown Chicago's Wacker Drive and the Stevenson Expressway (I–55) will be able to move forward thanks, in large part, to this legislation.

Mass transit funding is vitally important to the Chicago area as well as to so many downstate communities. It helps alleviate congestion and provides access to thousands of Illinoisans everyday. Under the Banking Committee title, Illinois can expect to receive $2.1 billion over six years. A 40 percent increase or $600 million more than the 1991 ISTEA. These important transit dollars will help the Chicago Transit Authority rehabilitate several lines, the METRA and PACE systems in Northeastern Illinois expand and improve their service areas, the Metro Link light rail system in St. Clair County complete an Illinois extension, and transit authorities throughout the state purchase and upgrade bus and bus facilities.

The Senate bill also preserves and expands some important environmental and enhancement programs, for example the Congestion Mitigation and Air Quality (CMAQ) program and bicycle pedestrian facilities. CMAQ's goal is to help states meet their air quality conformity requirements as prescribed by the Clean Air Act. S. 1173 increases funding for CMAQ by 18 percent. Illinois can expect more than $1 billion over six years under the program. S. 1173 also provides for increases in funds for transportation enhancement activities, such as bicycle pedestrian facilities and historic preservation.

This bill also contains a number of highway safety provisions. One of the most notable is the .08 amendment. Thanks to the efforts of Senators LAUTENBERG and DEWINE, S. 1173 contains a provision that would lower the legal blood-alcohol concentration level for drivers to .08. It's a law that Illinois has had on the books since July 1997. The provision could save as many as 600 lives a year.

Finally, the Senate ISTEA bill extends the current excise tax exemption for an important Illinois product—corn-based, renewable ethanol fuel—to 2007. Farmers and the ethanol industry must be able to plan for the future. Extending the incentive will allow them to do so.

Mr. President, the Senate's action on ISTEA sets the stage for Congress to uphold its obligation to reauthorize these vitally important transportation programs before they expire again later this spring. I look forward to working with my colleagues to ensure that our nation's transportation needs are properly met.●

REMEMBERING SENATOR ABRAHAM RIBICOFF

● Mr. THOMPSON. Mr. President, I want to take this opportunity to talk about a man who served the people of Connecticut and America with dignity, honor and great style. Abraham Ribicoff spent most of his life in the public service. Before he became a Senator in 1962, he was a Congressman, the Governor of Connecticut, and the Secretary of Health, Education, and Welfare in the Kennedy administration. He was a true leader in the Senate on many issues and his style of leadership and public service will be greatly missed.

During his time in the Senate, Senator Ribicoff served on the Government Operations Committee, which was renamed the Governmental Affairs Committee during his tenure. He began his service on the committee on February 25, 1963 and served as Chairman from 1977 to 1980.

As Chairman, Senator Ribicoff oversaw the passage of many initiatives we now take for granted in the government. One such bill was the Civil Service Reform Act of 1978, which was the first substantive reform of the Federal civil service in nearly 100 years. He also helped to enact the Ethics in Government Act, which mandates public disclosure for high-ranking officials in the three branches of the Federal Government. He navigated to passage legislation that created Inspectors General in each of the major federal agencies to serve as public watchdogs to combat waste, fraud and abuse in federal programs.

During his tenure as Chairman of the Committee, Senator Ribicoff also oversaw the implementation of legislation that established a permanent, Cabinet-level Department of Energy in the executive branch. By doing so, all of the federal government's major energy programs were brought together in one place, including those programs relating to economic regulation of energy supply systems. He also worked closely with Senator GLENN to help enact the Nuclear Non-Proliferation Act, which established a more effective framework for international cooperation to meet the energy needs of nations. It also ensured that the worldwide development of peaceful nuclear activities and the export by any nation of nuclear materials, equipment, and nuclear technology intended for the use in peaceful nuclear activities did not contribute to proliferation of weapons of mass destruction.

An area in which Senator Ribicoff and I shared a great interest is that of federal regulation and how to make it more effective, and at the same time, less burdensome. On July 26, 1975, Senate Resolution 71, introduced by Senator Ribicoff and Senator GLENN, was agreed to by the Committee. This resolution authorized a study of Federal regulatory agencies to be undertaken jointly by the Committee on Commerce and the Committee on Government Operations. The first two of these studies which the Committee on Government Operations compiled were entitled ''Study on Federal Regulation: The Regulatory Appointment Process,'' and ''Study on Federal Regulation: Congressional Oversight of Executive Agencies.'' These two studies set the groundwork for the regulatory reform work that the committee undertook at that time and which we continue to pursue today.

I want to acknowledge Senator Ribicoff for having the foresight, some twenty years ago, to examine the regulatory process. As I have found out this is not an easy task, but well worth the effort. While Senator Ribicoff's leadership and public service will be greatly missed, it is my hope that we can carry on his pioneering work and establish a better and smarter regulatory process.●

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 1998

● Mr. WELLSTONE. Mr. President, I ask that the text of S. 1636, a bill to provide benefits to domestic partners of Federal employees, be printed in the RECORD.

The text of the bill follows:

S. 1636

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Domestic Partnership Benefits and Obligations Act of 1998''.

SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—A domestic partner of an employee shall be entitled to benefits available to and obligations imposed upon a spouse of an employee.

(b) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits under this Act, an employee shall file an affidavit of eligibility for benefits with the Office of Personnel Management certifying that the employee and the domestic partner of the employee—

(1) are each other's sole domestic partner and intend to remain so indefinitely;

(2) have a common residence, and intend to continue the arrangement;

(3) are at least 18 years of age and mentally competent to consent to contract;

(4) share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) are not married to or domestic partners with anyone else;

(6) understand that willful falsification of information within the affidavit may lead to disciplinary action, including termination of employment, and the recovery of the cost of benefits received related to such falsification; and

(7) are same sex domestic partners, and not related in a way that, if the 2 were of opposite sex, would prohibit legal marriage in the State in which they reside.

(c) DISSOLUTION OF PARTNERSHIP.—

(1) IN GENERAL.—An employee or domestic partner of an employee who obtains benefits under this Act shall file a statement of dissolution of the domestic partnership with the Office of Personnel Management not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership.

(2) DEATH OF EMPLOYEE.—In a case in which an employee dies, the domestic partner of the employee at the time of death shall be deemed a spouse of the employee for the purpose of receiving benefits under this Act.

(3) OTHER DISSOLUTION OF PARTNERSHIP.—

(A) IN GENERAL.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any benefits received by the domestic partner as a result of this Act shall terminate.

(B) EXCEPTION.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any health benefits received by the domestic partner as a result of this Act shall continue for a period of 60 days after the date of the dissolution of the partnership. The domestic partner shall pay for such benefits in the same manner that a former spouse would pay for such benefits under section 8905a of title 5, United States Code.

(d) SUBSEQUENT PARTNERSHIPS.—If an employee files a statement of dissolution of partnership under subsection (c)(1), the employee may file a certification of eligibility under subsection (b) relating to another partner—

(1) not earlier than 180 days after the date of filing such statement of dissolution, if such dissolution did not result from the death of a partner; or

(2) on any date after the filing of such statement of dissolution, if such dissolution resulted from the death of a partner.

(e) CONFIDENTIALITY.—Any information submitted to the Office of Personnel Management under subsection (b) shall be used solely for the purpose of certifying an individual's eligibility for benefits under subsection (a).

(f) DEFINITIONS.—In this Act:

(1) DOMESTIC PARTNER.—The term ''domestic partner'' means an adult person living with, but not married to, another adult person in a committed, intimate relationship.

(2) BENEFITS.—The term ''benefits'' means—

(A) any benefit under the civil service retirement system under chapter 83 of title 5, United States Code, including any benefit from participation in the thrift savings plan under subchapter III of chapter 84 of such title;

(B) any benefit under the Federal employees' retirement system under chapter 84 of title 5, United States Code;

(C) life insurance benefits under chapter 87 of title 5, United States Code;

(D) health insurance benefits under chapter 89 of title 5, United States Code; and

(E) compensation for work injuries under chapter 81 of title 5, United States Code.

(3) EMPLOYEE.—

(A) With respect to Civil Service Retirement, the term ''employee'' shall have the

meaning given such term in section 8331(1) of title 5, United States Code.

(B) With respect to Federal Employees' Retirement, the term ''employee'' shall have the meaning given such term in section 8401(11) of title 5, United States Code.

(C) With respect to life insurance, the term ''employee'' shall have the meaning given such term in section 8701(a) of title 5, United States Code.

(D) With respect to health insurance, the term ''employee'' shall have the meaning given such term in section 8901 of title 5, United States Code.

(E) With respect to compensation for work injuries, the term ''employee'' shall have the meaning given such term in section 8101(1) of title 5, United States Code.

(4) OBLIGATIONS.—The term ''obligations'' means any duties or responsibilities that would be incurred by the spouse of an employee.

SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED FRINGE BENEFITS TO DOMESTIC PARTNERS.

Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employer to accident and health plans) is amended by adding at the end the following new subsection:

''(d) TREATMENT OF DOMESTIC PARTNERS.—The provisions of section 2 of the Domestic Partnership Benefits and Obligations Act of 1998 shall apply to employees and domestic partners of employees for purposes of this section and any other benefit which is not includible in the gross income of employees by reason of an express provision of this chapter.''.

SEC. 4. FUNDING.

It is the sense of Congress that any funds necessary for the implementation of this Act should be funded from reductions in unnecessary tax benefits available only to large corporations and individuals who are in the maximum tax bracket.●

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

● Mr. KOHL. Mr. President, I rise to discuss the Senate reauthorization of the Intermodal Surface Transportation Efficiency Act (ISTEA), the so-called ''ISTEA II'' bill that we've been debating for the past couple of weeks and that was approved yesterday. I thank the managers of the bill and their staff for the hard work and long hours they put in, as well as their attempts to face the very difficult task of balancing the transportation needs of the fifty states.

First, let me say that we all agree that maintaining, developing and improving our roads, bridges and transit systems is vital to our economy and our way of life. Transportation development has and will play a crucial role in the growth of this country. And the Senate reaffirmed that importance by approving significantly increased funding levels. That part of the equation, I strongly support. From the beginning, I believed we needed to do more and the Senate bill does do more, including an increase of approximately $130 million for Wisconsin highways and significant increases for transit systems as well.

That said, the other part of the equation, and the reason for which I ultimately opposed the legislation, is the issue of percentage share of total program dollars. My state of Wisconsin is one of the 20 or so donor states whose taxpayers pay more in gas tax revenues than they receive in Federal transportation funds. And one of the top issues that Wisconsinites from all across the state and from all walks of life stressed to me was the need to improve Wisconsin's share. That was certainly not the only issue, nonetheless, it is a very basic issue of fairness that we have faced every time we have sat down to write a highway bill.

And this year, perhaps more than any other, we had an historic chance to correct the donor state problem since the bill includes significant new resources. However, while this bill improves many states' shares, it actually decreases Wisconsin's share. Under the original ISTEA, my state realized an average return of 92 percent on our gas tax contributions over the life of bill. Under the Senate bill, Wisconsin would only be guaranteed a 91 percent return. Because this bill is more generous overall, Wisconsin's overall funding will go up, but on the share side, we are worse off under this bill than when we started.

Mr. President, I am pleased that additional transportation resources will be available to my state. I am also pleased that this bill maintains the principle of a strong Federal partnership, balances resources between the many different modes of transportation and continues important environmental programs. However, in the end, I felt that a vote in favor of this bill was a vote to continue an unfair system for another six years. The taxpayers of Wisconsin deserve better.●

TRIBUTE TO THE HINDU NEW YEAR

● Mr. LAUTENBERG. Mr. President, I rise to congratulate the New Jersey Arya Samaj Mandir as it celebrates the Hindu New Year. The New Jersey Arya Samaj Mandir was incorporated to serve the religious, educational, and cultural needs of the Arya and Hindu immigrant population in New Jersey, demonstrating my state's rich and diverse heritage.

My colleagues may know that the Hindu New Year, called Holi, occurs at the advent of spring and is a time when Hindus focus on the joys of the new season and the passing of the cold, harsh winter. The day also marks a time to emphasize reconciliation, forgiveness, unity, and tolerance. I am glad to be able to contribute to this celebration as New Jersey's Arya and Hindu population gathers with family and friends to mark the coming of spring and another New Year.

Hindus in our country have contributed a great deal to America's heritage. The strength of our country is built upon the melding of its many languages, customs, and traditions, including those of the Hindu community. Our diversity is a strength. It is important that we celebrate the contribution that Hindu Americans have made to American society.●

MICHIGAN'S NCAA TOURNAMENT BIDS

● Mr. LEVIN. Mr. President, I rise to acknowledge a great athletic achievement in the state of Michigan. On this past Sunday evening, the NCAA selection committee announced the 64 best college teams in America to go head-to-head in the NCAA Men's Basketball Tournament. Among this field of 64, five teams from the state of Michigan are included in the ''March Madness'' frenzy, making Michigan the most represented state in the tournament. These teams are Eastern Michigan University, Michigan State University, University of Detroit Mercy, University of Michigan and Western Michigan University. This is first time in Michigan history that five teams from the state have been in the NCAA tournament at the same time.

In their wisdom, the selection committee recognized that there are many excellent basketball programs and extraordinary talent within the state of Michigan. Not only have the two traditional Michigan powerhouse teams, Michigan State University and the University of Michigan, proven that they are among the nation's elite teams, but some smaller basketball programs have also made their mark on this season by winning some key games and finishing strong within their respective conferences.

Michigan State University ended an impressive season by tying with the University of Illinois for the Big Ten regular Season title, while the University of Michigan finished an equally impressive season by winning the first ever Big Ten Conference tournament. Both of these teams are highly seeded within their respective regions. Western Michigan finished tied for first place in the Mid-American Conference and received an at-large NCAA bid, which is their second ever NCAA berth. Eastern Michigan finished strong by winning the Mid-American Conference tournament and was pitted against Michigan State in the first round of the tournament. The University of Detroit Mercy was the Mid-Western Collegiate Conference regular season champion and also received an at-large bid to the tournament.

I am looking forward to the next few weeks to see who will be crowned NCAA National Champion. While these great teams from Michigan fight it out to see who will be crowned National Champion, one thing remains clear: this has been a great year for Michigan basketball and I dare to say, the best has yet to come. Go Michiganders!!!●

ORDER FOR RECORD TO REMAIN OPEN

Mr. COVERDELL. Mr. President, I ask unanimous consent that the RECORD remain open until 2 p.m. today

for the introduction of bills and statements.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 541, 542, 543, 544, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

CORPORATION FOR PUBLIC BROADCASTING

Winter D. Horton, Jr., of Utah, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

Christy Carpenter, of California, to be a Member of the Board of Directors of the of the Corporation for Public Broadcasting for a term expiring January 31, 2002.

COAST GUARD

The following-named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) Joseph J. McClelland, Jr., 0000
Rear Adm. (lh) John L. Parker, 0000
Rear Adm. (lh) Paul J. Pluta, 0000
Rear Adm. (lh) Thad W. Allen, 0000

The following-named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. David S. Belz, 0000
Capt. James S. Carmichael, 0000
Capt. Roy J. Casto, 0000
Capt. James A. Kinghorn, 0000
Capt. Erroll M. Brown, 0000

IN THE COAST GUARD, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Coast Guard nominations beginning Cdr. Claudio R. Azzaro, and ending Cdr. Jerry J. Saulter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of November 6, 1997

Coast Guard nominations beginning Stephen W. Rochon, and ending Louis M. Farrell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998

Coast Guard nomination of Robert L. Clarke, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998

Coast Guard nomination of Kerstin B. Rhinehart, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998

Coast Guard nomination of Maury M. Mcfadden, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 29, 1998

Coast Guard nominations beginning William J. Shelton, and ending Keith O. Pelletier, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998

National Oceanic and Atmospheric Administration nominations beginning James A. Illg, and ending Jennifer D. Garte which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of March 3, 1998

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF FREDERICA A. MASSIAH-JACKSON

Mr. COVERDELL. Mr. President, as in executive session, I ask unanimous consent that following the tentatively scheduled 5:30 p.m. rollcall vote or votes on Monday, March 16, Senator SPECTER be recognized to speak in support of the Massiah-Jackson nomination. I further ask unanimous consent that at 9 a.m. on Tuesday, the Senate resume the nomination and there be 2 additional hours under the control of Senator SPECTER, with 1 hour 15 minutes under the control of Senator HATCH or his designee, and the vote occur on or in relation to the nomination at 2:15 p.m. on Tuesday, March 17, 1998, notwithstanding rule XXII.

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

ORDERS FOR MONDAY, MARCH 16, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. on Monday, March 16, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate begin a period for the transaction of morning business until 12 noon, with the time equally divided between the majority leader and Senator BAUCUS.

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

PROGRAM

Mr. COVERDELL. At the hour of 12 noon on Monday, the Senate will begin consideration of the nomination of Frederica Massiah-Jackson to be a U.S. district judge, under a previous order.

On Monday, during the day, there will be up to 6 hours for debate on her nomination, with additional time on Monday night and Tuesday morning. The vote in relation to her nomination will occur at 2:15 p.m. on Tuesday, March 17.

It is my hope that the Senate can clear for consideration on Monday a resolution relative to Kosovo, with a rollcall vote occurring at approximately 5:30 p.m. Also, the Senate could consider Executive Calendar nominations, resulting in an additional rollcall vote on Monday.

On Tuesday, March 17, the Senate will debate the Massiah-Jackson nomination in the morning and conduct a rollcall vote on the cloture motion relative to the motion to proceed on the education ''A+'' bill at 12:15 p.m. Following our traditional recess for the party caucuses on Tuesday at 2:15 p.m, the Senate will conduct a rollcall vote relative to the Massiah-Jackson nomination.

Therefore, one or more votes will occur on Monday at approximately 5:30 p.m, and during the day on Monday the Senate will debate the U.S. district judge nomination. On Tuesday morning, the Senate will continue the debate on the nomination and will suspend that debate at 12:15 p.m. to conduct a cloture vote on the motion to proceed to the education ''A+'' bill. The vote relative to the nomination will occur at 2:15 p.m. on Tuesday. Therefore, the Senate will begin voting approximately 5:30 p.m. on Monday and has two scheduled votes on Tuesday, one at 12:15 p.m. and one at 2:15 p.m.

ADJOURNMENT UNTIL 11 A.M, MONDAY, MARCH 16, 1998

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, March 16, 1998, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 1998:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

VIVIAN LOWERY DERRYCK, OF OHIO, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE JOHN F. HICKS, SR.

EXECUTIVE OFFICE OF THE PRESIDENT

G. EDWARD DESEVE, OF PENNSYLVANIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE JOHN A. KOSKINEN.

DEPARTMENT OF JUSTICE

JAMES K. ROBINSON, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JO ANN HARRIS, RESIGNED.

DEPARTMENT OF DEFENSE

MAHLON APGAR IV, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE ROBERT M. WALKER.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. CARLTON W. FULFORD, JR., 0000.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED AND AS A PERMANENT PROFESSOR, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333(B) AND 9336(A):

To be colonel

RITA A. CAMPBELL, 0000.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RONALD V. DUNCAN, 0000
CHARLES W. EDWDARDS, JR., 0000
RONALD R. KENYON, 0000
DOUGLAS E. LEE, 0000
DOUGLAS B. MC CULLOUGH, 0000
JAMES S. PARK, 0000
LYNN H. WITTERS, 0000

CONFIRMATIONS

Executive nominations confirmed by the Senate March 13, 1998:

CORPORATION FOR PUBLIC BROADCASTING

WINTER D. HORTON, JR., OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002.

CHRISTY CARPENTER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH)JOSEPH J. MC CLELLAND, JR., 0000.
REAR ADM. (LH)JOHN L. PARKER, 0000.
REAR ADM. (LH)PAUL J. PLUTA, 0000.
REAR ADM. (LH)THAD W. ALLEN, 0000.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. DAVID S. BELZ, 0000.
CAPT. JAMES S. CARMICHAEL, 0000.
CAPT. ROY J. CASTO, 0000.
CAPT. JAMES A. KINGHORN, 0000.
CAPT. ERROLL M. BROWN, 0000.

COAST GUARD NOMINATIONS BEGINNING CLAUDIO R. AZZARO, AND ENDING JERRY J. SAULTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 6, 1997.

COAST GUARD NOMINATIONS BEGINNING STEPHEN W. ROCHON, AND ENDING LOUIS M. FARRELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

COAST GUARD NOMINATION OF ROBERT L. CLARKE, JR., WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATION OF KERSTIN B. RHINEHART, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATION OF MAURY M. MC FADDEN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 29, 1998.

COAST GUARD NOMINATIONS BEGINNING WILLIAM J. SHELTON, AND ENDING KEITH O. PELLETIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 3, 1998.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING JAMES A. ILLG, AND ENDING JENNIFER D. GARTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 1998.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 13, 1998, withdrawing from further Senate consideration the following nomination:

SOCIAL SECURITY ADMINISTRATION

JANE G. GOULD, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 2, 1997.