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Senate

(Legislative day of Friday, October 2, 1998)

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

PRAYER

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

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

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

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

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

NOTICE

If the 105th Congress adjourns sine die on or before October 16, 1998, a final issue of the Congressional Record for the 105th Congress will be published on October 28, 1998, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through October 27. The final issue will be dated October 28, 1998, and will be delivered on Thursday, October 29.

If the 105th Congress does not adjourn until a later date in 1998, the final issue will be printed at a date to be announced.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Records@Reporters''.

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By order of the Joint Committee on Printing.

JOHN W. WARNER, *Chairman.*

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

REQUIRING THE COMMISSIONER OF SOCIAL SECURITY TO TAKE CERTAIN ACTIONS

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

AMENDMENT NO. 3822

(Purpose: To provide a complete substitute)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

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

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

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

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

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

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

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

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

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

(5) the Secretary of the Treasury.

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

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

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

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

(1) analyze available data to determine—

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

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

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

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

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

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

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

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

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

Mr. LUGAR. Mr. President, I rise today to support S. 1733, as amended, a bill to combat fraud and waste in the food stamp program. This bill will do two things. First, it will require food stamp offices to match food stamp files with Social Security data to identify overpayments to deceased food stamp participants. Second, it will require the Secretary of the U.S. Department of Agriculture to explore data on the development of a national database to identify overpayments resulting from individuals receiving benefits in two or more states at the same time and implement other program interstate requirements.

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

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

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

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

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

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

Mr. President, the welfare reform bill required states to guard against fraud

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

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

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

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

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

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

The amendment (No. 3822) was agreed to.

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

NATIVE AMERICAN PROGRAMS ACT AMENDMENTS OF 1999

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

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

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

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

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

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

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

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

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

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

MISSISSIPPI SIOUX TRIBES JUDGMENT FUND DISTRIBUTION ACT OF 1998

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

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

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

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

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

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

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

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

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

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

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

SEC. 4. DISTRIBUTION OF FUNDS TO TRIBES.

(a) IN GENERAL.—

(1) AMOUNT DISTRIBUTED.—

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

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

(i) the funds described in section 3; minus

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

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

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

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

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

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

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

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

SEC. 5. USE OF DISTRIBUTED FUNDS.

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

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

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

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

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

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

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

(B) the amount of attorneys' fees paid by a covered Indian tribe under this paragraph with

funds distributed under section 4 shall not exceed 10 percent of the amount distributed to that Indian tribe under that section;

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

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

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

(d) WITHDRAWAL OF FUNDS BY COVERED TRIBES.—

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

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

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

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

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

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

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

SEC. 7. DISTRIBUTION OF FUNDS TO LINEAL DESCENDANTS.

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

(b) ADJUSTMENTS.—

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

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

(i) .0277; multiplied by

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

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

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

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

(1) the 1909 Sisseton and Wahpeton annuity roll;

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

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

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

(d) CONFORMING AMENDMENTS.—

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

(A) in the matter preceding the table—

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

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

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

(2) ROLL.—Section 201(b) of Public Law 92–555 (25 U.S.C. 1300d–3(b)) is amended by striking ''The Secretary'' and inserting ''Subject to the Mississippi Sioux Tribes Judgment Fund Distribution Act of 1998, the Secretary''.

SEC. 8. JURISDICTION; PROCEDURE.

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

(1) defend the validity of those distributions; or

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

(b) JURISDICTION AND VENUE.—

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

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

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

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

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

(e) SPECIAL RULE.—

(1) FINAL JUDGMENT FOR LINEAL DESCENDANTS.—

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

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

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

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

(2) FINAL JUDGMENT FOR COVERED INDIAN TRIBES.—

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

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

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

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

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

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

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

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

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

DENIAL OF BENEFITS TO DEVELOPING COUNTRIES THAT VIOLATE INTELLECTUAL PROPERTY RIGHTS

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

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

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

AMENDMENT NO. 3823

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

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

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

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

The amendment (No. 3823) was agreed to.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 124

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

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

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

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

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

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

SEC. 102. PURPOSES.

The purposes of this title are—

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

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

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

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

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

SEC. 103. DEFINITIONS.

In this title:

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

(2) DEGRADED ESTUARY HABITAT.—The term ''degraded estuary habitat'' means estuary

habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.

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

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

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

(4) ESTUARY HABITAT.—

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

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

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

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

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

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

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

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

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

(v) other activities that improve estuary habitat.

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

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

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

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

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

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

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

(B) reflects a community-based planning process.

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

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

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

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

(b) MEMBERSHIP.—

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

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

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

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

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

(d) COLLABORATIVE COUNCIL PROCEDURES.—

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

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

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

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

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

(A) conduct a review of—

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

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

(B) develop a set of proposals for—

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

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

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

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

(A) the contributions of estuary habitat to—

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

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

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

(iv) outdoor recreation; and

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

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

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

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

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

(b) PROJECT APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) INTERIM ACTIONS.—

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

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

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

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

(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the official responsible for the

political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

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

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

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

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

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

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

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

(1) the requirements of this title; and

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

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

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

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

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

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

(b) REPORT.—

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

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

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

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

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

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

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

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

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

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

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

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

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

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

SEC. 111. NATIONAL ESTUARY PROGRAM.

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

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

SEC. 112. GENERAL PROVISIONS.

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

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

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

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

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

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

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

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

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

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

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

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

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

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

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

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

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

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

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

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

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

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

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

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

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

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

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

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

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

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

''(2) FEDERAL SHARE.—

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

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

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

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

''(e) IMPLEMENTATION GRANTS.—

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

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

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

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

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

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

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

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

''(f) COMPLIANCE OF FEDERAL FACILITIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

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

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

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

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

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

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

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

(A) State or Federal parks or refuges;

(B) historic seaports;

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

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

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

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

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

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

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry

out this section $3,000,000 for each of fiscal years 1999 through 2003.

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

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

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

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

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

SEC. 204. LONG ISLAND SOUND.

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

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

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

AMENDMENT NO. 3824

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

The amendment is as follows:

At the appropriate place, insert the following:

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

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

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

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

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

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

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

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

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

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

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

In addition to the provisions pertaining to our Nation's estuaries, today's version of S. 1222 also includes provisions of a bill introduced by Senator FAIRCLOTH, S. 1219, the Pfisteria Research Act. Earlier this year in the Indian River Lagoon area, the estuary system had several outbreaks of pfisteria-like disease. This was attributed by some to be caused by outbreak of toxic organisms due to increased nutrient loading in the estuary waters. In 1996, a ''red tide'' caused by algal bloom was believed to have caused the death of 151 manatees off the southwest coast of Florida. The research program

included in today's version of S. 1222 authorizes research into the eradication or control of pfisteria and other toxins—an action that will provide vital information that may be used to prevent future occurrences of aquatic toxin outbreaks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Monitoring and evaluation is a key provision of the bill. The Under Secretary of Oceans and Atmosphere will maintain a data base of restoration projects to ensure that available information will be continually incorporated into habitat restoration projects. In addition to maintaining a database, the Council will publish a report to Congress detailing the progress made under the act. This report will allow for an assessment of the successes and failures of current management strategies, with the goal of continually improving restoration efforts.

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

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

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

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

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

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

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

The amendment (No. 3824) was agreed to.

The committee substitute, as amended, was agreed to.

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

S. 1222

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

TITLE I—ESTUARY HABITAT RESTORATION

SEC. 101. FINDINGS.

Congress finds that—

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

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

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

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

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

SEC. 102. PURPOSES.

The purposes of this title are—

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

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

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

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

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

SEC. 103. DEFINITIONS.

In this title:

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

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

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

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

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

(4) ESTUARY HABITAT.—

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

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

(5) ESTUARY HABITAT RESTORATION ACTIVITY.—

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

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

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

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

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

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

(v) other activities that improve estuary habitat.

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

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

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

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

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

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

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

(B) reflects a community-based planning process.

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

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

SEC. 104. ESTABLISHMENT OF COLLABORATIVE COUNCIL.

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

(b) MEMBERSHIP.—

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

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

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

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

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

(d) COLLABORATIVE COUNCIL PROCEDURES.—

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

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

SEC. 105. DUTIES OF COLLABORATIVE COUNCIL.

(a) ESTUARY HABITAT RESTORATION STRATEGY.—

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

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

(A) conduct a review of—

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

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

(B) develop a set of proposals for—

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

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

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

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

(A) the contributions of estuary habitat to—

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

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

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

(iv) outdoor recreation; and

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

(B) the estimated historic losses, estimated current rate of loss, and extent of the

threat of future loss or degradation of each type of estuary habitat; and

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

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

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

(b) PROJECT APPLICATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) INTERIM ACTIONS.—

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

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

(d) COOPERATION OF NON-FEDERAL PARTNERS.—

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

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

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

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

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

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

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

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

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

(1) the requirements of this title; and

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

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

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

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

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

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

(b) REPORT.—

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

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

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

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

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

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

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

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

SEC. 108. COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING.

In carrying out this title, the Collaborative Council may—

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

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

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

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

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

SEC. 111. NATIONAL ESTUARY PROGRAM.

(a) GRANTS FOR COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section

320(g)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)(2)) is amended by inserting ''and implementation'' after ''development''.

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

SEC. 112. GENERAL PROVISIONS.

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

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

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

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

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

(d) FEDERAL AGENCY FACILITIES AND PERSONNEL.—

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

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

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

TITLE II—CHESAPEAKE BAY AND OTHER REGIONAL INITIATIVES

SEC. 201. CHESAPEAKE BAY.

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

''SEC. 117. CHESAPEAKE BAY.

''(a) DEFINITIONS.—In this section:

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

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

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

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

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

''(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

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

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

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

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

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

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

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

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

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

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

''(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

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

''(2) FEDERAL SHARE.—

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

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

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

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

''(e) IMPLEMENTATION GRANTS.—

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

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

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

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

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

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

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

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

''(f) COMPLIANCE OF FEDERAL FACILITIES.—

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

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

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

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

''(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen

and phosphorus entering the main stem Chesapeake Bay;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 202. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS.

(a) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—

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

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

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

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

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

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

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

(A) State or Federal parks or refuges;

(B) historic seaports;

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

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

(b) CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.—

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 204. LONG ISLAND SOUND.

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE WHITE HOUSE IS SPENDING THE SURPLUS

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

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

In other words, the White House has now come to the Hill to ask for upwards of $20 billion worth of surplus

spending that is now emergency spending, that isn't called surplus and, therefore, doesn't count against application to the trust funds of Social Security.

Now, while the President's legions are up here in negotiations over in Speaker NEWT GINGRICH's office, the President is still out on the stump accusing Republicans of wanting to spend the surplus. The President has effectively, by Democrat action here on the floor, denied the taxpayers a reasonable tax cut this year. And while there are some necessary moneys to be spent in surplus spending for emergencies—such as disaster-related emergencies, the emergency of the commodity price crises in agriculture—nobody has denied that that wasn't surplus money and that in fact we are spending a little bit of that surplus, a very small amount of that surplus, to address some very real national needs. But no Republican has even tried to suggest that the surplus isn't the surplus until we have spent all of it, or a portion of it, and that what is left over becomes the surplus.

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

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

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

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

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

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

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

With those comments, I yield the floor.

MORNING BUSINESS

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

EDUCATION

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

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

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

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

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

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

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

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

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

As I see it where we are today is not in disagreement over the importance of education or the investment in education, but rather a very different philosophical approach in the best way to provide assistance. As a staunch believer in State and local control of education it is my firm belief that the assistance we provide to our State and local educational agencies must be given with the maximum amount of flexibility.

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT 1

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

IMPROVING STUDENT ACHIEVEMENT—IS REDUCING CLASS SIZE THE ANSWER?

(By Eric A. Hanushek)

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

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

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

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

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

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

THE BIPARTISAN RUSH TO REDUCE CLASS SIZES

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

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

THE CLINTON-PROPOSAL

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

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

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

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

THE EVIDENCE ON CLASS SIZE[2]

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

1. The United States has extensive experience with class-size reduction and it has not worked. Between 1950–95, pupil-teacher ratios fell by 35 percent, from about 27-to-1 to about 17-to-1 overall. These reductions have been an important component of the dramatic increases in school spending that have occurred over this period. Table 1 shows the pattern of pupil-teacher ratios, teacher attributes, and real spending per pupil since 1960. The one-third fall in pupil-teacher ratios is a significant contributor to the near tripling in real spending per student in average daily attendance (ADA). (The table further shows that other teacher attributes—i.e., advanced degrees and experience—also grew significantly.)

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

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

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

One common explanation for why the lower pupil-teacher ratio hasn't resulted in increased overall performance is that more students are now designated as special education students, whose classes are much smaller than regular ones. About 12.5 percent of students are now identified as having disabilities covered under special education legislation (up 8 percent at the introduction of programs in the late 1970s). Indeed, the federal and state mandates for the education of handicapped students have placed significant requirements on hiring staff and providing extensive services. On average, these students cost somewhat more than twice that of those undergoing regular instruction. While these programs could account for as much as a *COM041*third of the increased intensity of teachers over the 1980s, substantial reductions in class size have been directed at regular class room instruction as well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nonetheless, the STAR evidence pertains to a one-third reduction in class sizes, a reduction approximately equal to the overall decline in the pupil-teacher ratio between 1950 and today. As we have seen, that reduction has not led to overall improvement in student achievement.

INTERPRETING THE EVIDENCE ON CLASS SIZE

None of this says that smaller classes never matter. The class size evidence refers to the normal ranges observed in schools—roughly between 15 and 40 studens per class. A class of 100 would likely produce different effects than a class of five, but such a comparison is irrelevant for purposes of the

broad policies currently being considered. Indeed, the micro-evidence, which shows instances where differences in pupil-teacher ratios appear important, suggests just the opposite. All things being equal, teachers are probably more effective with fewer students because they can devote more attention to each child. But all things are not equal. Existing teachers may well not adjust their classroom behavior with fewer children in the classroom, and new teachers hired to staff the additional smaller classes may not be as good as existing teachers. There may be situations—of specific teachers, specific groups of students, and specific subject matters—where the huge expense of smaller classes may be very beneficial for student achievement. At the same time, there are other situation where a large scale class-size reduction policy could take away from other education priorities and result in stagnant or worse student achievement.

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

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

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

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

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

TEACHER QUALITY, NOT QUANTITY

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

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

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

SUPERIOR APPROACHES

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

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

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

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

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

INVESTING IN SCHOOLS

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

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

ENDNOTES

[1] Pupil-teacher ratios differ from class size for a variety of reasons including the provision of specialized instruction (as with special education), the use of teachers in supervisory and administrative roles,

and the contractual classroom obligations of teachers. Nonetheless, even though we have little longitudinal data for class sizes, average class size will tend to move with pupil-teacher ratios.

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

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

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

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

[6]Ibid.

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

EXHIBIT 2

MICROMANAGEMENT BY LEGISLATORS IS MOCKERY OF REAL SCHOOL REFORM

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

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

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

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

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

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

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

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

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

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

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

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

Mr. ENZI. Thank you, Mr. President.

EIA COST ESTIMATES ON GLOBAL WARMING

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

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

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

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

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

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

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

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

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

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

How about fuel oil? That is something our friends in the Northeast worry about. The White House says, ''Don't worry, it will only go up to about $1.17 a gallon.'' The Energy Information Administration says it will go up to $1.90 a gallon. Who do you want to believe? The administration's low numbers or the administration's high numbers? You are the one paying the bill; which one would you trust?

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

The two tricks they use are electricity deregulation and emissions trading. That is how they make it seem to cost less, even though I thought we wanted to deregulate electricity to save the people back home money. What we are going to do is deregulate it and use that money to pay for the global warming treaty. I guess now we

need to go back and tell them that the money is already spent if we deregulate, and it has to be deregulated because we have to spend the money. That seems to happen a lot around here.

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

WESTERN HEMISPHERE DRUG ELIMINATION ACT

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

The August 1998 National Survey of Drug Abuse report by the Substance Abuse and Mental Health Administration lists the following disturbing facts: One, in 1997, 13.9 million Americans age 12 and over cited themselves as ''current users'' of elicit drugs, a 7 percent increase over 1996's figure of 13 million Americans. That translates to nearly a million new users of drugs each year.

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

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

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

All of this, though, begs the question: What are we doing wrong? Clearly there is no one, simple answer. However, one thing is clear: our overall drug strategy is no longer balanced; it is imbalanced. To be effective, our national drug strategy must have a

strong commitment in the following three areas. One is demand reduction, which consists of prevention, treatment and education programs. These are, of course, administered by all levels of government: Federal level, State level, and the local community as well as nonprofit and other private organizations. The second component is domestic law enforcement which, again, has to be provided by all three levels of government. And finally, No. 3, international eradication and international interdiction efforts, which is the sole responsibility of the Federal Government, our sole responsibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

To make Operation Frontier Lance work ultimately required that we borrow a few ships and helicopters from operations elsewhere in the Caribbean. Because of our scarce resources, frankly, we had to rob Peter to pay Paul, as they say. But these operations produced amazing results. The 6-month operation in Puerto Rico resulted in the seizure of more than 32,000 pounds of cocaine and 120 arrests. The 3-month operation in Haiti resulted in 2,990 pounds of cocaine seized and 22 arrests.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Our new bill provides flexibility for the agencies to determine and acquire the assets best needed for their respective drug interdiction missions. It also provides more flexibility for the administration in providing needed resources to Latin American countries.

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

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

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

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

I recognize that even as we finally are beginning to balance our budget, we still have to exercise fiscal responsibility. I believe effective drug interdiction is not only good social policy, it is sound fiscal policy as well. It is important to note that seizing or destroying a ton of cocaine in source or

transit areas is more cost-effective than trying to seize the same quantity of drugs at the point of sale. But more important, are the short and long term costs if we do not act to reverse the tragic rise in drug use by our children.

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

We did it before and we succeeded.

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

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

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

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

Now, Mr. President, the Senator from Delaware, Mr. BIDEN, actually was here before I was, which does not mean anything under the Senate rules, but we have to live and let live here, and he has to catch a train at 2 p.m. So I ask unanimous consent that I may retain the floor, but that in the meantime the Senator from Delaware, Mr. BIDEN, be recognized for not to exceed——

Mr. BIDEN. Twenty.

Mr. BYRD. Not to exceed 20 minutes, and that I then be recognized for not to exceed 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. The distinguished Senator from Oregon is also here. I wonder—and the reason I am asking is I have been asked by a Senator on the other side, Mr. GRAMM, to try to get 30 minutes locked in for him. May I ask the distinguished Senator from Oregon how much time he would require?

Mr. WYDEN. Mr. President, I thank the Senator from West Virginia. I would, at the appropriate time, ask unanimous consent to speak for up to 15 minutes. I certainly understand there were Senators here before me, and I am happy to wait until after the Senator from West Virginia and the Senator from Delaware are finished.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the completion of my remarks, the distinguished Senator from Oregon be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Texas, Mr. GRAMM, for not to exceed 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DEWINE. Mr. President, I may have to object at this point. It is my understanding that there are speakers coming over on our side. Maybe we can work an arrangement out to alternate back and forth.

Mr. BYRD. Mr. President, I didn't object to the Senator asking for his time.

Mr. DEWINE. Mr. President, if I could make a suggestion that we have the three Senators who are on the floor now, lock that time in, but with the understanding that, beyond that, we would then begin to go back and forth.

Mr. BYRD. Mr. President, if the Senator knows of a Senator who wishes to speak, that is one thing. I know Senator GRAMM wants to speak for 30 minutes. He inquired through a staff person as to whether or not I would make the request for him. I hope the Senator will not object to Mr. GRAMM following the Senator from Oregon.

Mr. DEWINE. Mr. President, I will not object.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

THE SITUATION IN KOSOVO

Mr. BIDEN. Mr. President, let me begin by thanking the distinguished Senator from West Virginia for allowing me to go first. Mr. President, the reason I didn't say anything initially is because I hoped to be able to still make my commitment in Delaware and hear the Senator from West Virginia. I mean that sincerely. It is rare for the Senator from West Virginia ever to take the floor if he does not have a serious piece of business to conduct. He is going to speak on the same subject I am speaking to. I will not get to hear his speech, but I am sure I will read it in the RECORD.

Mr. President, I had originally intended today to introduce a resolution authorizing United States airstrikes against Yugoslavia in connection with the Kosovo crisis because I believe our Constitution requires the President to come to us for that authority. I have decided, however, not to offer the resolution because of recent developments, not on the constitutional front, but recent developments on the ground. The reality is that we are about to go out of session, and my ability to get a vote on this issue is problematic, at best.

Instead, I rise to discuss the implications for U.S. policy regarding the agreement on Kosovo worked out 2 days ago by Ambassador Richard Holbrooke with Yugoslav President Slobodan Milosevic, after more than a week of intensive negotiations.

I might note that it seems at every important point in our history we have diplomats and elected officials who rise to the occasion to meet the needs of the Nation. I would like to suggest that Richard Holbrooke is the right man, at the right time, at the right spot. I compliment him. We are fortunate to have his diplomatic skills available to this Nation at this moment.

On Monday, NATO's 16 member nations voted unanimously for what they call an ACTORD. That is military terminology for an activation order, which allowed the Supreme Allied Commander in Europe, U.S. General Wes Clark, to order airstrikes, which reportedly would begin with cruise missiles and escalate to a phased bombing campaign that would move beyond Kosovo.

Because this action order was taken, I believe, and only because of this, our negotiator, Mr. Holbrooke, was able to get an agreement from Mr. Milosevic, the criminal President of the Republic of Yugoslavia, to agree to certain of NATO's demands. In response, the alliance has postponed launching the airstrikes, which have been authorized for 4 days, in order to assess whether or not he, Mr. Milosevic, will comply. I assure you that he will not comply if he believes we are not serious about using significant force. The cruise missiles are now on immediate standby; B–52s stand ready on the runway equipped with cruise missiles to move if Milosevic fails to meet his commitments. The cruise missiles are now in immediate standby until Friday evening, U.S. eastern daylight time.

In addition, more than 400 allied aircraft, the majority of them American, remain available for a phased air campaign, should that later become necessary.

Mr. President, let me give my assessment right up front. As I said, I believe that Ambassador Holbrooke has done a good job. The agreement he negotiated in Belgrade is a good one, as long as we can be sure that if Milosevic does not keep his word, NATO air power will be used against the Yugoslav military and security forces.

I must tell you, as the senior member in the minority on the Foreign Relations Committee, I have mixed emotions about Milosevic's having agreed. I believe he only understands force. I believe that he is the problem. I believe that, ultimately, force will have to be used. And, quite frankly, I wish we had just used this force.

Mr. President, this agreement has, at least temporarily, averted NATO airstrikes against Yugoslavia, which, as I indicated, I strongly support. I support them recognizing that they would have endangered the lives of American military personnel, which I do not take

lightly. But we must honestly and forthrightly point out to the American people that although the risk was low for high casualties, it was high for some casualties. No one wants war, and this agreement may, in fact, begin to lay the foundation for a political settlement of the crisis in Kosovo. We must understand, though, that war has not been permanently averted in Kosovo.

I would like to review the substance of the agreement negotiated, whose broad outlines are clear, but whose details understandably remain to be hammered out over the next several days. Milosevic, according to the agreement, must take several steps:

First, he must maintain a cease-fire and scale back the presence of both the special police, the so-called MUP, and of the Yugoslav Army, or VJ, to February 1998 levels, dropping the regular army presence from 18,000 to 12,500 and the MUP from 11,000 to 6,500. I, and others, I am sure, including Ambassador Holbrooke, would have liked to have seen it taken back further. But I acknowledge that this was what was possible.

Second, Milosevic must sign an agreement with the Organization for Security and Cooperation in Europe—the so-called OSCE—to allow up to 2,000 ''compliance verifiers'' full access on the ground in Kosovo to make sure that Milosevic is keeping his promises.

Third, Milosevic must sign an agreement with NATO to allow unarmed aircraft to fly over Kosovo to verify compliance with the cease-fire.

Fourth, he must begin serious negotiations with the Kosovars by November 2, with a goal of giving Kosovo at least autonomy within Serbia.

Fifth, he must allow complete access for humanitarian organizations to deliver assistance to the hundreds of thousands of internally displaced persons within Kosovo. These are the people you see on television, huddled in tents in the middle of fields and out in the forests.

I believe it is unrealistic to think that Milosevic can draw down the special police and the Army units in Kosovo to February levels by the time the Serb-Kosovar negotiations begin on November 2, but he will have to have shown substantial movement in that direction by that time.

Within a day or two, we can expect a statement by Milosevic proposing a timetable for negotiations with the Kosovars. These negotiations are supposed to be without preconditions. But the United States has made it clear that it expects Kosovo to regain a substantial part of the autonomy within Serbia that it lost in 1989. Although we do not presume to negotiate for the Kosovo Liberation Army, the KLA, or for Dr. Ibrahim Rugova, the moderate Kosovar leader, that is the minimum we expect.

Yesterday, Serbia's President, a Milosevic puppet, announced support for elections to a Kosovo parliament, a general amnesty, and the formation of a Kosovar police force to maintain order over the ethnic Albanian community that comprises more than 90 percent of Kosovo's population.

President Clinton has described the verification regime that Milosevic has agreed to as intrusive. It gives the OSCE verifiers a broad mandate, including the authority to establish a permanent presence in locations of their choosing in Kosovo, to accompany remaining Serb military units on patrol, and to coordinate humanitarian relief efforts. These verifiers would be backed up by American U2 spy planes and lower altitude P3 Orions and British Canberra photo reconnaissance planes to verify that compliance was underway. The verifiers will be unarmed, but NATO is putting together what we refer to as an over-the-horizon Quick Reaction Force, which will be ready to intervene on short notice if problems arise.

Let me explain what was meant by that. There will be armed NATO military on the ground—not in Kosovo, not in Serbia—ready to react and cross the border if, in fact, Milosevic goes back to his ways of ethnic cleansing.

Although the basing of this Quick Reaction Force has not yet been announced, I am told that there is an increasing likelihood that Macedonia, rather than Hungary or Italy, will be chosen as the location. Obviously, military requirements must dictate the basing decision, but in my view the choice of Macedonia would provide a needed political and psychological boost for that small country, which itself has a restive ethnic Albanian minority.

I feel our European allies should take the lead on this Quick Reaction Force. I have reason to believe that the United Kingdom, which is in the best position of our allies to play such a role, may step up to the plate and take on this responsibility.

Meanwhile, Milosevic has, as expected, orchestrated the crisis to move against domestic opposition within Serbia. Democratic politicians in Serbia—and there are some—have been threatened. Many independent radio stations have been forced off the air, and dozens of university professors who find Milosevic's conduct abhorrent, have been dismissed.

Diplomacy is not an easy art. Ambassador Holbrooke, as I said earlier, is to be congratulated for his persistence and stamina in crafting this agreement. As yet, no text has been released, and many of the details remain to be worked out in the coming days.

Although all Kosovar politicians, from the nonviolent leader Dr. Rugova to the KLA, vociferously maintain their insistence on independence for Kosovo, I believe most are prepared to accept the return of the pre-1989 autonomy, with the decision on the final status to be deferred for several years.

My supposition is that between now and November 2, U.S. diplomats will work on a fresh draft that will be accepted by Milosevic and the Kosovars as the basis for negotiations. This will not be an easy task.

Assuming that the Belgrade agreement holds, where are we, and what are the implications for U.S. policy?

In the short term, the Belgrade agreement will be seen by some in the Balkans as a victory for Milosevic, since Kosovo will remain part of Serbia and the KLA, temporarily at least, will be denied its goal of independence. I might add, though, that in the short term, a NATO air campaign, most likely would also have redounded to Milosevic's credit, since the Serbs' first reaction would have been to rally round their flag.

It is important to note, however, that if the Belgrade agreement is implemented, Serbian sovereignty will be undermined by the large international presence with wide powers and, eventually, I believe, by some sort of stipulation regarding a decision on final political status for Kosovo after a period of several years.

As I have said many times on this floor, I do not favor independence for Kosovo. It would send the message in the region that state boundaries should be determined by ethnicity. The first casualty of independence of Kosovo at this moment would be the multiethnic, multireligious, democratic Bosnia-Herzegovina that underpins Dayton and is the goal of American policy. I believe it would also seriously destabilize neighboring Macedonia.

Instead of independence, I have argued for a status in Kosovo between that of autonomy within Serbia and independence. But that is for the parties to work out. This could possibly take the form of republic status within Yugoslavia, but within a democratic Yugoslavia, not the current plaything of the thug named Milosevic.

That brings me to the fundamental Balkan policy point that we should cease regarding Milosevic as part of the solution rather than as the problem incarnate. There is simply no chance for peace in the long term in the region until Milosevic is replaced by a democratic government in Belgrade that is willing to grant cultural and political rights to all of its citizens, Serbs and non-Serbs alike, and to respect the sovereignty of its neighbors.

I have no illusions that Belgrade is full of politicians who read Jefferson and Madison in their spare time. Nonetheless, I do not think we have paid adequate attention to the democratic opposition that does exist. Let's not forget that a democratic coalition did win control of 17 major city councils, including that of Belgrade, in the elections of November 1996. Even now, despite many divisions within the democratic ranks, there are significant elements in Serbian politics, in the Serbian Orthodox Church, among journalists, and in academe that could and should be assisted in a major way by the United States of America.

For now, Milosevic has strengthened his grip on power by suppressing much of the opposition and spinning the news to emphasize his defiance of the West and NATO's supposed backing down, but that will be short lived. As Serbia's already pathetic economy worsens, opportunities will reemerge for a broad-based democratic opposition to challenge Milosevic.

We should be patient while protecting life.

We should lay the groundwork for that day by continuing to insist that the Serbian authorities lift the onerous restrictions under which the independent media chafe, by funding those independent media, and by encouraging intensive contact between democratic Western political parties and trade unions and their Serbian counterparts.

In my first visit to Serbia, when I had a long meeting in Belgrade in 1993 with Milosevic, I indicated to him then as forthrightly as I could when he asked what I thought of him, I said to him in the privacy of his office, ''Mr. President, I think you are a war criminal and should be tried as such.''

I then met with over 100 people in opposition to Milosevic of all stripes, some extreme nationalists in opposition and some Democrats.

The only point I wish to make is that there are roots for democratic growth in Serbia, and we should seek them out.

In the coming days, NATO must watch Milosevic like a hawk and not be afraid to act militarily if he fails to fulfill the terms of the Belgrade agreement, particularly the movement toward reducing the numbers of his special police in Kosovo and sending the army back to its barracks and its heavy weaponry into cantonments.

One must not forget, Mr. President, who have been the big losers in the tragedy of the last eight months. They are the approximately one-third of the Kosovar population whose ranks include perhaps one thousand killed, over three hundred thousand driven from their homes, and over four hundred villages destroyed.

All this in order for Milosevic, whose legacy already includes hundreds of thousands of Bosnian and Croatian dead, to cling to power by once again diverting the attention of the Serbian people from the failure of his ignorant and hopelessly inept domestic policies.

At least we can be thankful that if the Belgrade agreement is implemented, international relief supplies should reach the hundreds of thousands of displaced Kosovars, including many living in the open, thereby preventing massive fatalities this winter.

On the wider stage, NATO has set the important precedent that in certain circumstances it has the right to intervene in the internal affairs of a European state, without an explicit U.N. Security Council authorization.

This is a big deal.

NATO has also made clear to Russia that, in accordance with the 1997 NATO-Russia Founding Act, negotiated by NATO Secretary General Solana and the President of the United States, Moscow has ''a voice, not a veto'' over NATO policy. That has been reemphasized here as well.

Nevertheless, partly because of Russian objections and partly because of the congenital Western European aversion to using force to achieve political ends, NATO waited several months too long to create the credible threat necessary to compel Milosevic to stop his brutal repression notwithstanding U.S. urging.

In effect, the delay enabled Milosevic to complete the short-term destruction of the KLA and the ethnic cleansing in western and central Kosovo that he desired.

If similar crises arise in the future, we should give ad hoc bodies like the Contact Group one chance to get its act together.

If it doesn't, then we should, without delay, go to NATO and call for resolute action.

The kind of ethnic conflict we have seen in Bosnia and Kosovo was specifically mentioned in NATO's so-called Strategic Concept nearly seven years ago as the prototype for threats to the alliance in the post-Cold War era.

So this is not a surprise to NATO. For that reason—not to mention the thousands of lives that can be spared—we must never again allow racist thugs like Milosevic to carry out their outrages while the alliance dawdles.

The Belgrade agreement on Kosovo is a first step in the right direction. And President Clinton should be complimented. Its details need to be fleshed out.

After they are we must brook no more opposition from Milosevic on its implementation. To use a domestic American term, we must adopt a policy of ''zero tolerance'' with the Yugoslav bully.

Many of us had hoped that the mistakes that enabled the Bosnian horrors to take place would teach us a lesson.

Unfortunately, we have repeated many of those errors and have thereby allowed Milosevic and his storm troopers to repeat their atrocities in Kosovo.

Twice is enough. There must not be a third time.

I thank the Chair and yield the floor.

I particularly thank the distinguished Senator from West Virginia, my leader.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, I thank the distinguished Senator from Delaware.

KOSOVO: A CRISIS AVERTED OR A CRISIS POSTPONED?

Mr. BYRD. Mr. President, for the first time in weeks, the news from Belgrade regarding Kosovo is encouraging. It would appear—with emphasis on the word ''appear''—that Slobodan Milosevic has agreed to NATO's terms to withdraw his forces, begin peace negotiations, and allow 2,000 international observers into Kosovo.

If Mr. Milosevic can be taken at his word, this is truly a turning point in the negotiations. Unfortunately, as we know from the trail of broken promises and from the trail of tears he has left in his wake, Slobodan Milosevic's word is worthless. Hopefully, the concurrent action NATO has taken to authorize air strikes if Mr. Milosevic does not abide by the agreement will be sufficient to persuade him to cooperate. I have my doubts.

As welcome as these new developments are, they do not let Congress off the hook. Over the past several weeks, as we have rushed to complete our work prior to adjournment, we have tiptoed carefully around the role of Congress in authorizing military intervention in Kosovo without ever mustering up the courage to confront the issue head on.

On the topic of Kosovo, we have lectured, we have criticized, we have urged this or that action, but we have been strangely silent on the subject of introducing and voting up or down on a resolution that would fulfill our duty, under both the Constitution and the War Powers Resolution, to authorize the use of force in Kosovo and throughout Serbia.

The Constitution invests in Congress the power to declare war. The War Powers Resolution prohibits the President from waging war beyond 60 days without Congressional authorization. Whether we are acting unilaterally, or as part of a multinational force, or as one member of a formal alliance such at NATO, the burden of responsibility on the Congress is the same.

The bottom line here is that Congress has a duty to authorize the use of force if and when offensive military action is called for. By blinking at the prospect of an authorization of force resolution, we are abdicating our responsibility to the Executive Branch and shirking our duty to the nation.

For weeks, Congress has wrung its hands over conditions in Kosovo while NATO was moving toward a military showdown in the region and while some of us were making solemn speeches condemning the brutality of Mr. Milosevic, our NATO allies were moving to authorize air strikes in and around Kosovo. The agreement reached with Milosevic has, at the very least, bought some time, but it has by no means removed the threat of military intervention in Kosovo. If NATO chooses to move forward with air strikes in the next few days or weeks, Congress, the only branch of Government with the power to declare war, will be just another bystander, watching from the sidelines as U.S. troops are placed in a hostile environment.

Mr. President, none of us wants to rush this nation into military conflict. None of us wants to place the life of even one American at risk. None of us

wants to give the order to shoot. But we do not have the luxury of avoiding such decisions. Whether we like it or not, Congress cannot bury its head in the sand when faced with tough issues like declaring war or authorizing military action overseas. And whether we wish to admit it or not, that is exactly what Congress is doing. When it comes to tough issues like Kosovo, Congress seems to want it both ways: we want to be able to criticize the administration, but we do not want to step up to the plate and take the responsibility of giving the administration any guidance.

Now, this matter of responsibility is a two-way street. Congress has responsibility, but so does the administration—at the other end of the avenue. The administration has the responsibility—the duty—to consult with Congress before committing to military action. And the administration has been woefully remiss in accepting its share of the responsibility.

This administration, like so many before it, seems to have confused the concept of consultation on the one hand with the act of advising on the other. Advising Congress of what the administration has already decided to do does not constitute consultation. And charging ahead without making a case to Congress and to the American people does not even constitute common sense.

Like many of my colleagues, I have been troubled by several aspects of the proposed military intervention in Kosovo by the United States and NATO, particularly by the absence of a clear-cut game plan beyond the initial air strikes. Given the complexity of the problem and the potential consequences of any action we take, it is inexcusable and frankly foolhardy for the administration to wait until the eleventh hour to make its case to Congress.

Yes, Congress has the responsibility to exercise its constitutional authority, but that does not give the administration the right to toss what amounts to a live grenade into Congress's lap and expect action before that grenade explodes. Yet, that is the situation with which we were forced to deal. We were told by the administration that air strikes could come at any time once NATO reached consensus on such action. We were alerted that American citizens were being evacuated from Yugoslavia. We watched American diplomats ping-ponging back and forth between Washington and Belgrade and Brussels. And we were given to understand that the administration would like for Congress to endorse its efforts.

Mr. President, this is no way to conduct grave matters of war and peace. I congratulate the administration officials who have been tirelessly working to find a solution to the perilous situation in Kosovo. I am convinced that Secretary of Defense Cohen and Special Envoy Richard Holbrooke have gone the extra mile—literally—to end the bloodshed and turmoil in Kosovo, and to bring Mr. Milosevic to the bargaining table. I spent over an hour meeting with Secretary Cohen this past week, and I believe he understands fully the stakes involved in attempting to broker peace through the use of force in the Balkans. I am confident that he is well aware of the risks and uncertainties associated with the actions that have been taken and those being contemplated by the United States and our allies.

I am not ready to give the administration a blanket endorsement—or a blank check—to carry out any plan for NATO air strikes on Kosovo. I believe there are too many loose ends, too many uncertainties. But I am equally unwilling to close my eyes to the problem and simply let the chips fall where they may. I commend Senator DASCHLE and Senator BIDEN and Senator LEVIN and others for the efforts they have made to deal with this situation. They are among a number of Senators who have worked to craft a resolution authorizing U.S. intervention in Kosovo, if wisdom dictates such intervention. I appreciate their taking my concerns into account as they worked to draft a resolution. They took my concerns into account by incorporating into the resolution provisions that would place some restraints on the administration, guard against an open-ended mission, in terms of its length and scope, and inject some accountability into the operation, without micromanaging the process. The result may or may not have been the best solution; it may or may not have been a resolution that I or a majority of my colleagues could have supported after reasonable debate, but at the very least, it was an effort to acknowledge our constitutional responsibility and articulate our concerns.

Unfortunately, the clock up there on the wall is ticking, and this Senate has neither the time nor the inclination to take up such a resolution, particularly in light of the recent breakthrough in negotiations. I sincerely hope that the agreement Mr. Holbrooke has achieved in Belgrade means that military intervention will be averted, but I have little confidence that Mr. Milosevic will honor his commitment.

I have a feeling he may do the same as Saddam Hussein has done in Iraq. Just watch.

I would recommend that the sine die adjournment resolution contain authority to call Congress back into session. I am not talking about the President calling us back. He has that right under the Constitution. I am talking about our own leadership calling Congress back into session in order to deal with any crisis that might erupt over the period between the end of this Congress and the beginning of the 106th Congress. I further recommend that the administration immediately institute new procedures to truly consult with Congress before committing American troops to hostilities overseas.

Mr. President, I have heard this old record played and replayed over and over and over again; a process in which we Senators on both sides of the aisle will be notified that there will be a meeting in room 407, where classified information can be divulged, at such and such a time, such and such a date. And the administration will appear there, the administration's Representatives will appear there. I have been to several of those meetings.

Very, very seldom have I found anything, any information divulged in those meetings that I haven't already read in the newspapers. And yet the administration, whether it be this one or a preceding administration, feels that the administration has consulted with Congress. The administration hasn't consulted at all. They appear up there, and many times they appear to be talking down to us as though we are new kids on the block, they know it all and we should just be nice, nice boys and girls; they will handle everything; they know everything.

For me, as far as I am concerned, for the most part, it has become an empty exercise to go up to room 407 and listen to the administration's people. Consultation involves far more than that.

In addition to the elected leadership of the Senate and House of Representatives, I think the administration should consult—and I do mean consult, not merely advise—the chairmen, no matter what their gender, and the ranking members of the Appropriations, Armed Services, Foreign Relations and Intelligence Committees.

If military action becomes necessary in Kosovo, the administration will have to come back to Congress to pay for the operation, and the attitude which most administrations appear to have is that if they put American men and women into areas where hostilities are either already going on or imminent, Congress certainly will not turn its back on those men and women; Congress will fork over the money. So the administration always—most administrations in recent years—certainly seemed to have the idea, ''Well, once we get our men in there, Congress will have to come along,'' and we do. Congress isn't going to turn its back on our men and women who are in harm's way. But it doesn't breed confidence between the two bodies. We were told we would only be in Bosnia, oh, something like a year, about a year. That was 3 years ago, 3 or 4, several years back.

I predict that administration officials would find the task a good deal easier if, when they come back before Congress and ask for money, they had truly counseled with Congress, built a case for their request and sought the advice of the pertinent committee leadership beforehand.

Mr. President, I understand absolutely the serious nature of the humanitarian crisis in Kosovo and the threat to regional stability in the Balkans that are posed by Mr. Milosevic's brutal repression of the ethnic Albanian

Kosovars. With winter closing in on Kosovo and up to 70,000 ethnic Albanians hiding in the mountains without food or shelter, we are looking at the virtual certainty of a humanitarian catastrophe if something is not done to bring relief to those people and to ensure the safety of the other 250,000 to 400,000 Kosovars who have been forced from their homes by the fighting.

There is a strong case to be made that dealing with the situation in Kosovo now will help to prevent it from becoming a flashpoint that could draw other nations into the conflict like moths to a flame.

Viewed in that light, Kosovo is much, much more than a humanitarian endeavor. But we in the Congress have no right to wring our hands over the plight of the Kosovars while refusing to even debate whatever role wisdom may dictate that Congress should play. We have no right to be bold when it comes to criticizing NATO's proposed action while being timid when it comes to doing our job. Regardless of what anyone else does, Congress has a constitutional duty to authorize whatever action it deems necessary. We do no one any favor by surrendering our duty to the executive branch.

Mr. President, we cannot adequately address the crisis in Kosovo in the time we have remaining in this Congress, but that does not mean we ought to completely abandon our responsibility. NATO is prepared to conduct airstrikes in the event the agreement reached in Belgrade falls apart. Congress should be equally prepared in its sine die adjournment resolution. Congress should be ready and should manifest that it is ready to reconvene on the call of the bipartisan joint leadership of the two Houses of Congress if the situation warrants it.

BREAST CANCER AWARENESS MONTH

Mr. BYRD. Mr. President, October is Breast Cancer Awareness Month, a time when we work to heighten people's awareness of breast cancer and the importance of early detection through mammography and self examination.

Breast cancer is the most prevalent cancer among women with one in nine women at risk of developing breast cancer over her lifetime. That is up from a risk that, in 1960, was just one in fourteen! In West Virginia, the American Cancer Society estimates that this year 1,200 women will be diagnosed with breast cancer, while nearly 300 women in the State will die from the disease. Across the country, more than 43,000 women will lose their battle with the disease this year, while more than 178,000 women will just begin their fight. Too many people know the pain of losing a loved one to this devastating, terrible disease.

The startling statistics on the incidence of breast cancer call for a strong Federal response, and that is what Congress has worked to provide. Since 1990, the Congress has increased cancer research funding by 54 percent. For this new fiscal year, I believe that the Senate is heading in the right direction with its version of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations bill. This measure contains more than $15.5 billion for the National Institutes of Health (NIH), which is an increase of $2 billion over the level appropriated last year. Within that amount, the National Cancer Institute (NCI) would receive almost $3 billion—a 15-percent increase over last year. It is my hope that the final appropriations measure for the NIH, the National Institutes of Health, and the NCI, the National Cancer Institute, will retain these sizable increases. The research performed and funded by NIH is crucial to our Nation, crucial to those suffering from this dreadful disease, and crucial to the families of those who are suffering.

The strong national investment in cancer research is producing some promising results. For instance, an exciting new avenue being tested for breast cancer prevention is the drug tamoxifen. This therapy potentially promises to prevent 50 percent of breast cancer cases in women who run a high risk of developing the disease.

Additionally, there are a number of new treatment options being studied, including such practices as gene therapy and hormonal agents. This combination of research and new therapies is lending hope to the many women and their families who are blighted by this devastating disease. Let us continue to invest in programs to address the scourge of cancer, breast cancer in women in particular.

Early detection of breast cancer is critical, and, according to medical experts, mammography is the best way to find the disease in its early stages. In West Virginia, about 73 percent of women have had a clinical breast examination and mammogram. That is good, but not good enough. West Virginia still lags behind the national median of 77 percent. So we need to do more.

In an effort to boost breast and cervical cancer prevention, I helped to launch the first-ever West Virginia cancer prevention, education, and screening project in 1990. As a result of this effort and other programs that have partnered with it, between 1989 and 1995, West Virginia experienced a 45 percent increase in the number of women receiving mammograms. We need to continue working together to increase the number of women having mammograms.

Mr. President, I ask unanimous consent to proceed for 2 minutes.

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

Mr. BYRD. When a breast cancer tumor is found in its earliest stages, a woman has a better than 90 percent chance of long-term survival. Places like the Mary Babb Randolph Cancer center in Morgantown play an important role in early detection and community education. The center proved to be a life-saver for Jorie Florek. She is a professional golfer from New York State who played in a West Virginia golf tournament to raise money for the cancer center. During the tournament, doctors and nurses from the center provided women with breast cancer information, including instructions on how to perform self examinations. Using that information, Jorie detected a lump that, unfortunately, turned out to be malignant. However, through early detection and aggressive treatment at the cancer center, Jorie is now cancer free.

Another West Virginia success story is that of Stephanie Juristy. Stephanie was working, going to school, raising her teenage son, and planning a wedding when she was diagnosed with breast cancer in 1995. She received treatment at the cancer center, undergoing surgery and chemotherapy, and participated in clinical trials of new treatments. Stephanie is now married, working full-time, and preparing to graduate from school. She is also an advocate for patients in Morgantown, sharing her experiences and knowledge with other women.

Early detection, treatment, and research are all important components in the war against breast cancer. Strides are being made in each of these areas, and, hopefully, one day will lead to a cure for all cancer. And that will be a glorious—glorious—day. However, until then, we must remain vigilant and continue to encourage women to get mammograms and to self screen, and we must continue to make a strong investment in cancer research to press forward for a cure. As we recognize Breast Cancer Awareness Month, let us redouble our efforts to tackle this disease that takes such a devastating toll on our Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized, under the previous order.

Mr. WYDEN. Thank you, Mr. President.

Before he leaves the floor, I thank the Senator from West Virginia for the unanimous consent request that he made that ensured I would have the opportunity to speak now and also to thank him for all that I have learned from him during my first years in the Senate.

It is one thing to take out a book that describes some of the procedures and the rules of the Senate, but it seems to me that there is no better way to learn about the Senate and the very high standards that are so important here than to simply watch the Senator from West Virginia for a few hours on the floor of the Senate.

Mr. BYRD. I thank the distinguished Senator for his very gracious felicitations. He is a far better student than I am a teacher. I thank him.

Mr. WYDEN. I thank the Senator.

OREGON'S ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President and colleagues, I take the floor this afternoon because it is my understanding that democracy in Oregon has won at least a temporary victory. I have been informed that there will be nothing attached to the comprehensive spending bill that would override Oregon's assisted suicide law.

While I intend to be very vigilant to monitor any further discussions that take place on this matter, I come today to talk about why this issue is so important not just to my constituents but to all Americans. And I also thank the participants in the budget negotiations for their willingness to leave out this matter that is so complicated and controversial.

I had informed the leadership of both political parties that I was prepared to speak at considerable length if there had been an effort as part of the final budget bill to toss Oregon's ballot measure on assisted suicide into the trash can. I was prepared to do this in spite of the fact that I have personal reservations about assisted suicide. I was prepared to do this because I believe that nothing is more important than the people's right to govern themselves.

When the people of our States have made difficult decisions, difficult moral decisions about matters that have historically been within the purview of the State governments, it is out and out wrong for the Congress to butt in and override those decisions of voters in the States.

The voters of my State have spoken clearly. In two separate referendums, the verdict was clear: Physician-assisted suicide should, under limited circumstances, be legal in the State of Oregon. If the Congress of the United States, meeting 3,000 miles away, had tossed those decisions aside, in a last-minute backroom deal, it would have been a great insult to the people of Oregon and in my view would have contributed mightily to skepticism and cynicism about Government.

It would have been a mistake because there were many questions raised about the measure drafted by the Senator from Oklahoma who, it seems to me, is very sincere about his interest in this subject. In addition to overriding the popular will of the people of my State, his measure would have also set back considerably the cause of better pain management for patients in end-of-life care.

That would have had serious consequences for the treatment of patients in severe pain across this country. His measure would have great implications not just for the people of Oregon, but for the people of all our States. More than 55 groups representing the medical community, many of whom oppose physician-assisted suicide, joined together in an unprecedented coalition to oppose the legislation of the Senator from Oklahoma because of their fear that doctors and other medical providers would be hampered. They feared that the cause of providing pain care to their patients would be set back by the way the legislation by the Senator from Oklahoma was written. I thank all of these groups for their commitment to humane care and for their hard work on this issue.

The key groups that led the coalition were: The Americans for Better Care of the Dying, the American Geriatrics Society, the American Pharmaceutical Association, the National Hospice Organization, the American College of Physicians-American Society of Internal Medicine, and the American Medical Association.

One of the reasons that so many of these groups worked so hard with respect to keeping out of the spending bill legislation that would overturn Oregon's law was their sincere belief that the legislation by Senator NICKLES would have harmed the effort to promote good pain management.

The Nickles legislation would have given the Drug Enforcement Administration new authority to look at every prescription of a controlled substance to determine for what it was intended. In addition, doctors and pharmacists under this legislation have had to be mind readers about what their patients were going to do with one of the drugs that was used under the Controlled Substances Act. Was the patient going to take a medication as prescribed for pain management, or would they have sought to use it to kill themselves?

There is ample scientific evidence that pain management is not performed as well as it might be at this time. And to add further complexities and a broader role for an agency like the Drug Enforcement Administration to step into an area where it has never been before would have, in my view, added additional barriers and complexities to the effort to promote hospice care, palliative care, comfort care, and advance the science of pain management.

Recently, the findings of a study in Oregon done in 1997 were published that show that families reported relatively constant levels of moderate to severe pain during their loved one's final week of life. During the final months in 1997, families reported higher rates of moderate to severe pain for those dying in acute care hospitals. There was one exception, which was when a loved one died in an acute care hospital in late 1997. An important study showed a statewide trend indicating that there were in so many cases moderate to severe pain for these individuals in the last week of life who would have required a physician and others to step in and advocate for those patients.

I have received many letters and a great deal of e-mail from chronic pain patients. These stories are heartbreaking. They point out that it could be any one of us or any one of our loved ones or constituents who finds themselves in chronic, excruciating pain as a result of an accident or through the development of some painful, chronic disease.

Unfortunately, pain patients in the current regulatory environment feel in many instances—and they have told me—as if they are treated like junkies, and that their providers are extremely nervous about how to use pain management in a climate where, had the Nickles legislation been adopted, certainly you would have had the Federal Government looking over the shoulders of doctors and pharmacists with respect to their motivation in prescribing drugs for those who are suffering these acute health and chronic ailments.

We need to do a great deal more. We can do it on a bipartisan basis to advance the cause of pain management. I have had a number of discussions on this matter with Senator MACK, who has done, in my view, excellent work on a number of health issues. Senator SMITH of my State is greatly interested in these matters. I believe we ought to work together so that early next year we can bring before the health committees—and I see our friend from the State of Texas, the chairman of the Subcommittee on Health Care, is here; he has a great interest in these issues—a bipartisan package to promote good pain management before the Senate next year. We do need to do more to help the dying and those who suffer from chronic pain.

I believe that the mere threat of legislation would put the Drug Enforcement Administration into such an intrusive role that physicians, pharmacists, and other health providers would be reluctant to use these medications and future medications that promote pain management, comfort care, and hospice care. The mere threat of this legislation would be a real setback to the kind of health care services that the vast majority of Americans want to see expanded.

Certainly Americans can have differences of opinion on the issue of assisted suicide. I voted against our ballot measure once. I voted for the repeal of it the second time. I voted against Federal funding of assisted suicide. My reservations with respect to this topic are clear. But I think it is wrong for the Federal Government to butt in and override the voters of my State, on a matter that has historically been left to the States. It is especially wrong to do it in a way that is going to allow the Federal Government, particularly through the Drug Enforcement Administration, to play such an intrusive role that doctors, pharmacists, and other health providers will feel uncomfortable and reluctant to assist their patients who are suffering chronic and extraordinary pain.

We have heard reports in Oregon from hospices where doctors have been reluctant to prescribe needed amounts of pain medication because they were

frightened about the implications of being visited by a Government agency that would second-guess them.

I am very pleased that the Nickles legislation will not be included in the comprehensive spending bill. I intend to remain vigilant throughout the remaining hours of the negotiations. I wanted to come to the floor this afternoon to talk about why this issue is so important not to just the people of my State, but to the people of this country.

Finally, I am under no illusion that there will not be further discussions on the floor of the U.S. Senate about this topic. I know that the Senator from Oklahoma feels very strongly and sincerely about this issue. I know that there will be an effort to bring forward that proposal, and others like it, next year. I am aware that there are a number of Members of the U.S. Senate who would be willing to see Oregon's law set aside.

I ask all of my colleagues to think just for a few moments over the next few months about their reaction if their State passed a law on a matter that the States have historically led on, and then a Member of the U.S. Senate sought to step in and lay that aside. That is, in effect, what some in the U.S. Senate are trying to tell the people of Oregon. I think that is a mistake. I think that Senators who would be willing to toss aside a vote of the people of Oregon ought to think about the implications of the precedent they will be setting that will have their voters and the popular will of their States set aside if this Senate, in the future, tosses aside the Oregon law.

There is a better way. The better way is the approach that Senator MACK, Senator SMITH and Members of the House, such as Congresswoman DARLENE HOOLEY, and I are talking about. The better way is to say that there will be differences of opinion in our country about assisted suicide, but let us come together on that broad swath of policy that we all can agree on—which is to promote better hospice care, pain management, and comfort care in the use of advanced directives.

Many of these services in many of our communities are utilized very rarely. So there is much we can do that will bring our citizens together, that will help us improve the conditions of our patients, reduce their suffering, without setting a dangerous precedent of overriding a law passed by the voters of my State that could redound to the detriment of other States and our citizens.

Mr. President, I thank the negotiators who are dealing with the omnibus appropriations bill. I am pleased that it was not necessary for me to speak at length on the omnibus appropriations bill. Our voice will be heard when we are challenged in Oregon. We will be heard each time our rights are challenged.

I will conclude my remarks. I see the Senator from Oklahoma here. He has been very gracious to this Senator in terms of discussing this matter and keeping me apprised of his intentions. We do have a difference of opinion on this issue and, at the same time, he has made it clear that he wants to work with this Senator, Senator MACK, and others, on a variety of issues that we can agree on relating to pain management. I know that we will be back on this Senate floor debating this topic in the future. But I want the Senator from Oklahoma to know that not only do I appreciate his courtesy in keeping me apprised of his intentions, but of my desire to work with him on a variety of issues relating to this topic where I think we can agree.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. GRAMM. Mr. President, I ask unanimous consent that the Senator from Oklahoma might speak, and that at the conclusion of his remarks, I be recognized.

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

USING FEDERALLY CONTROLLED DRUGS FOR ASSISTED SUICIDE

Mr. NICKLES. Mr. President, I thank my colleague from Texas. I want to make a couple of comments in regard to the legislation that my colleague and friend, Senator WYDEN, alluded to dealing with assisted suicide.

Mr. President, I introduced legislation to correct a mistake that Attorney General Reno made in June of this year when she overruled the Drug Enforcement Act and its interpretation that controlled substances could not be used for assisted suicide.

Let me make sure that everybody understands the picture of this. The Controlled Substance Act is a Federal law. It is not a State law; it is a Federal law. It is a Federal law that controls very strong drugs—drugs that are illegal, drugs that can kill, drugs that are very addictive. They are controlled by Federal law. They can't be used except for legitimate medical purposes. That is what is defined in the Federal law in the Controlled Substance Act. They can only be used for legitimate medical purposes.

What constitutes a legitimate medical purpose? History has it that a legitimate medical purpose is, or can be, the alleviation of pain, to reduce pain, give comfort. It can be used for palliative care, but it is never—let me restate this—the Drug Enforcement Agency, which is in charge of enforcing this act, has never been used for assisted suicide. These drugs are strong drugs. If they are abused, used in heavy quantities, they kill people.

Unfortunately, some people want to use these drugs for assisted suicide. The Drug Enforcement Administrator, Mr. Constantine, a year ago, in November, wrote a letter to Congress and said that assisted suicide is not a legitimate medical purpose.

Mr. President, I ask unanimous consent that at the conclusion of my statement a letter from Mr. Constantine, Administrator of the Drug Enforcement Agency, be printed in the RECORD.

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

(See Exhibit 1.)

Mr. NICKLES. Mr. President, the letter says they have reviewed it, and assisted suicide is never a legitimate medical purpose. These drugs can only be used for a legitimate medical purpose.

The State of Oregon, by referendum, passed a law that says assisted suicide is OK. They had a couple of them. The State of Oregon can do what it wants, but that doesn't overturn Federal law. What if the State of Massachusetts said they were going to legalize heroin? That is a controlled substance. Does that make it legal? No. There is a reason why we have a Federal law dealing with these very strong drugs, and it is called the Controlled Substance Act. And just because one State has a referendum or petition or the legislature passes a bill, it doesn't overturn Federal drug law, period.

For some unknown reason, the Attorney General—and I still don't know why—gave one of the most absurd rulings in June, where she said, well, we still believe we have control of the Federal Controlled Substance Act, so assisted suicide is illegal for some States, except for those which have legalized it. Now, that is an absurd conclusion. I guess if you take that to its conclusion, any State can do whatever they want on these substances. That is absurd. Why have a Federal law? Why have a Federal law in any way, shape, or form.

Now we have several States—and Oregon is the pioneer in this—like Michigan and other States that are saying they want assisted suicide. I just beg to differ. I don't think that should be the purpose. The whole purpose of these drugs is to alleviate pain. For those organizations that say we are not sure if we support this bill because maybe it would have a chilling impact on pain, that is false. They haven't read the bill. If they want us to help write it in a stronger way—we put very clearly in the bill that these drugs can be used to alleviate pain. We encourage use of these drugs for the alleviation of pain, for palliative care. But they are licensed by the Federal Government and should not be used to kill people. They should not be used for assisted suicide. These are federally controlled drugs.

Are we going to give that kind of license? What happens if somebody does it? Tradition has it and history has had it that the Drug Enforcement Agency, if somebody misuses these drugs—one, they have to get a Federal license to distribute the drug, and if they misuse them, they lose that license. I think it is only appropriate to do so. They

should not have the ability to distribute these drugs if they are going to use these drugs for assisted suicide.

So I say to my colleagues and anybody who has an interest in this that I want to work this out. I met with the Secretary of Health and Human Services today, Secretary Shalala, and we talked about this. We need to make sure that these drugs can be used for palliative care. We also need to make sure that they are controlled by the Federal Government. They should not be used for assisted suicide.

Mr. President, let me make a couple of general comments. This is about this administration, and it is about life in general, or maybe their lack of respect for life.

On two or three issues, I think this administration seems quite bent on devaluating life. I am talking about unborn children, where the administration has been eagerly trying to bring forth the distribution of RU486, an abortion pill that aborts fetuses up to 9 or 10 weeks, where there is a beating heart; they want to legalize that. There wasn't a pharmaceutical company in the country that wanted to make the drug, and the administration bent over backwards trying to recruit this drug coming into the country.

Now, you find the administration, through the Attorney General, coming up with a ruling that is totally contrary to the Drug Enforcement Agency's history of controlling controlled substances and saying, oh, well, we think assisted suicide is OK. Even though the President of the United States says he is against it, his administration and the Attorney General say maybe it is OK if the State says it is even though the drugs are controlled by the Federal Government. So you have the administration recruiting people to bring in abortion drugs for young people—an administration that wants to fund and subsidize abortion for unborn children, and then an administration now that, through the Attorney General's ruling, says we think these drugs that have been controlled by the Federal Government, under Federal law—we think it is OK if States want to legalize the use of these federally controlled drugs for assisted suicide. I don't think that makes sense.

I think it is pathetic when you think that the Federal Government's purpose should be to protect people, and they are actually trying to bring in drugs that will kill unborn children. And, then, also at the same time, ''Oh, yes. You can use these very strong drugs to kill senior citizens.'' It is hard to believe that they would take that position. That is the position of this administration. They are wrong. Hopefully, this Congress will vote.

I might mention that this is not the first issue that we have had with this. We passed legislation in the last Congress. We passed it unanimously through the Senate. It was my bill, or my language, that said no Federal funds were to be used for assisted suicide. Now we have people saying, ''Well, we want to use Federal drugs for assisted suicide.'' I think not.

We are going to vote on it. We are going to have significant debate on it. I look forward to that debate. I regret we are out of time to get a significant debate on it this year.

I look forward to working with my colleague from Oregon. I understand trying to represent one's State. I believe very strongly in States rights. But I don't believe so strongly in States rights that if the State of Oklahoma wanted to legalize heroin, or other controlled substances—I don't think that supersedes Federal law.

I would tell my colleague from Oregon that if the State of Oklahoma said, ''We think we want to legalize assisted suicide and have it be public,'' I say that is fine, you can do it with any drug that is controlled by the State, but not drugs controlled by the Federal Government, because we don't want Federal Government policy to be that we are going to basically acquiesce in assisted suicide. That should not be Federal policy.

Again, there is a Federal Controlled Substance Act. It is not State. The State could do whatever they want. But not with Federal law, not with Federal drugs, not with the Federal Drug Enforcement Administration, which controls the licenses and controls the use of these substances. The act is written OK. The act says these substances can only be used for legitimate medical purposes. I agree with that. If anybody thinks that legitimate medical purpose is assisted suicide, I disagree with that. That is not in the law. The Attorney General's reading of the law is totally contrary to that of the Drug Enforcement Administration. I believe she is wrong.

We will give all Members of this body a chance to vote on it in the not-too-distant future—if not this Congress, certainly the next Congress.

I thank my colleagues, particular my colleague from Texas, for allowing me to proceed to respond to my colleague from Oregon.

I yield the floor.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, November 5, 1997.

Hon. HENRY J. HYDE,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HYDE: Thank you for your letter of July 29, 1997. In that letter, you requested the Drug Enforcement Administration's (DEA) view as to ''whether delivering, distributing, dispensing, prescribing, filling a prescription, or administering a controlled substance with the deliberate intent of assisting in a suicide would violate the Controlled Substance Act (CSA), applicable regulations, rulings, or other federal law subject to DEA enforcement, notwithstanding the enactment of a state law such as Oregon's Measure 16 which rescinds state penalties against such prescriptions for patients with a life expectancy of less than six months.''

I apologize for the delay in responding to you. As you know, the CSA authorizes DEA to revoke the registration of physicians who dispense controlled substances without a legitimate medical purpose. Historically, DEA's experience with the phrase ''without a legitimate medical purpose'' has focused on cases involving physicians who have provided controlled substances to drug addicts and abusers. The application of this phrase to cases involving physician-assisted suicide presented DEA with a new issue to review.

Since receiving your inquiry, my staff has carefully reviewed a number of cases, briefs, law review articles and state laws relating to physician-assisted suicide, including the documents referenced in your letter. In addition, my staff has conducted a thorough review of prior administrative cases in which physicians have dispensed controlled substances for other than a ''legitimate medical purpose.'' Based on that review, we are persuaded that delivering, dispensing or prescribing a controlled substance with the intent of assisting a suicide would not be under any current definition a ''legitimate medical purpose.'' As a result, the activities that you described in your letter to us would be, in our opinion, a violation of the CSA.

Because physician-assisted suicide would be a new and different application of the CSA, a number of issues remain unresolved. For example, suspicious or unnatural deaths require a medico-legal investigation. The first priority in such an investigation would be a comprehensive forensic inquiry by a state or local law enforcement agency, which is traditionally supported by the efforts of a medical examiner, forensic pathologist, and/or coroner. At the conclusion of this stage of the inquiry, the evidence often is submitted to a grand jury or similar process for a determination of potential criminal liability of the person who assisted in the death.

This initial determination as to the cause of death is not DEA's responsibility. Rather, DEA would have to rely on the evidence supplied to us by state and local law enforcement agencies and prosecutors. If the information or evidence presented to DEA indicates that a physician has delivered, distributed, dispensed, prescribed or administered a controlled substance with the deliberate intent of assisting in a suicide, then DEA could initiate revocation proceedings on the grounds that the physician has acted ''without a legitimate medical purpose.''

In addition to moving to revoke a physician's registration for dispensing controlled substances ''without a legitimate medical purpose,'' please also be aware that the CSA provides a number of other grounds upon which DEA might revoke the registration of a physician who assisted in a suicide. For example, DEA will revoke the registration of any physician whose state license to practice medicine has been revoked for assisting suicide. Similarly, DEA has authority to revoke the registration of any physician whose acts in assisting a suicide result in a conviction under state controlled substances laws.

DEA must examine the facts on a case-by-case basis to determine whether a physician's actions conflict with the CSA. If the facts indicate that a physician has acted as set forth in your letter, however, then DEA would have a statutory basis to initiate revocation proceedings.

I trust that this response addresses your inquiry. If you have any further questions, please feel free to contact me.

Sincerely,

THOMAS A. CONSTANTINE,
Administrator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand the Senator from Wyoming has cleared a bill. Knowing how hard it is

in the waning hours to do that, without losing my right to the floor and my full time when he is finished, I would like to yield him 5 minutes.

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

The Senator from Wyoming.

Mr. THOMAS. Thank you, very much.

I thank the Senator from Texas. I have several bills that will be concluded.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1693) to renew, reform, reinvigorate, and protect the National Park System.

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

Resolved, That the bill from the Senate (S. 1693) entitled ''An Act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Parks Omnibus Management Act of 1998''.

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

SEC. 2. DEFINITION.

As used in this Act, the term ''Secretary'' means the Secretary of the Interior, except as otherwise specifically provided.

TITLE I—NATIONAL PARK SERVICE CAREER DEVELOPMENT, TRAINING, AND MANAGEMENT

SEC. 101. PROTECTION, INTERPRETATION, AND RESEARCH IN THE NATIONAL PARK SYSTEM.

Recognizing the ever increasing societal pressures being placed upon America's unique natural and cultural resources contained in the National Park System, the Secretary shall continually improve the ability of the National Park Service to provide state-of-the-art management, protection, and interpretation of and research on the resources of the National Park System.

SEC. 102. NATIONAL PARK SERVICE EMPLOYEE TRAINING.

The Secretary shall develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service for the purpose of assuring that the work force has available the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

SEC. 103. MANAGEMENT DEVELOPMENT AND TRAINING.

Within 2 years after the enactment of this Act, the Secretary shall develop a clear plan for management training and development, whereby career, professional National Park Service employees from any appropriate academic field may obtain sufficient training, experience, and advancement opportunity to enable those qualified to move into park management positions, including explicitly the position of superintendent of a unit of the National Park System.

SEC. 104. PARK BUDGETS AND ACCOUNTABILITY.

(a) STRATEGIC AND PERFORMANCE PLANS FOR EACH UNIT.—Each unit of the National Park System shall prepare and make available to the public a 5-year strategic plan and an annual performance plan. Such plans shall reflect the National Park Service policies, goals, and outcomes represented in the Service-wide Strategic Plan, prepared pursuant to the provisions of the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(b) ANNUAL BUDGET FOR EACH UNIT.—As a part of the annual performance plan for a unit of the National Park System prepared pursuant to subsection (a), following receipt of the appropriation for the unit from the Operations of the National Park System account (but no later than January 1 of each year), the superintendent of the unit shall develop and make available to the public the budget for the current fiscal year for that unit. The budget shall include, at a minimum, funding allocations for resource preservation (including resource management), visitor services (including maintenance, interpretation, law enforcement, and search and rescue) and administration. The budget shall also include allocations into each of the above categories of all funds retained from fees collected for that year, including (but not limited to) special use permits, concession franchise fees, and recreation use and entrance fees.

TITLE II—NATIONAL PARK SYSTEM RESOURCE INVENTORY AND MANAGEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to more effectively achieve the mission of the National Park Service;

(2) to enhance management and protection of national park resources by providing clear authority and direction for the conduct of scientific study in the National Park System and to use the information gathered for management purposes;

(3) to ensure appropriate documentation of resource conditions in the National Park System;

(4) to encourage others to use the National Park System for study to the benefit of park management as well as broader scientific value, where such study is consistent with the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.); and

(5) to encourage the publication and dissemination of information derived from studies in the National Park System.

SEC. 202. RESEARCH MANDATE.

The Secretary is authorized and directed to assure that management of units of the National Park System is enhanced by the availability and utilization of a broad program of the highest quality science and information.

SEC. 203. COOPERATIVE AGREEMENTS.

(a) COOPERATIVE STUDY UNITS.—The Secretary is authorized and directed to enter into cooperative agreements with colleges and universities, including but not limited to land grant schools, in partnership with other Federal and State agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources of the National Park System, or the larger region of which parks are a part.

(b) REPORT.—Within one year of the date of enactment of this title, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives on progress in the establishment of a comprehensive network of such college and university based cooperative study units as will provide full geographic and topical coverage for research on the resources contained in units of the National Park System and their larger regions.

SEC. 204. INVENTORY AND MONITORING PROGRAM.

The Secretary shall undertake a program of inventory and monitoring of National Park System resources to establish baseline information and to provide information on the long-term trends in the condition of National Park System resources. The monitoring program shall be developed in cooperation with other Federal monitoring and information collection efforts to ensure a cost-effective approach.

SEC. 205. AVAILABILITY FOR SCIENTIFIC STUDY.

(a) IN GENERAL.—The Secretary may solicit, receive, and consider requests from Federal or

non-Federal public or private agencies, organizations, individuals, or other entities for the use of any unit of the National Park System for purposes of scientific study.

(b) CRITERIA.—A request for use of a unit of the National Park System under subsection (a) may only be approved if the Secretary determines that the proposed study—

(1) is consistent with applicable laws and National Park Service management policies; and

(2) will be conducted in a manner as to pose no threat to park resources or public enjoyment derived from those resources.

(c) FEE WAIVER.—The Secretary may waive any park admission or recreational use fee in order to facilitate the conduct of scientific study under this section.

(d) NEGOTIATIONS.—The Secretary may enter into negotiations with the research community and private industry for equitable, efficient benefits-sharing arrangements.

SEC. 206. INTEGRATION OF STUDY RESULTS INTO MANAGEMENT DECISIONS.

The Secretary shall take such measures as are necessary to assure the full and proper utilization of the results of scientific study for park management decisions. In each case in which an action undertaken by the National Park Service may cause a significant adverse effect on a park resource, the administrative record shall reflect the manner in which unit resource studies have been considered. The trend in the condition of resources of the National Park System shall be a significant factor in the annual performance evaluation of each superintendent of a unit of the National Park System.

SEC. 207. CONFIDENTIALITY OF INFORMATION.

Information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System, may be withheld from the public in response to a request under section 552 of title 5, United States Code, unless the Secretary determines that—

(1) disclosure of the information would further the purposes of the unit of the National Park System in which the resource or object is located and would not create an unreasonable risk of harm, theft, or destruction of the resource or object, including individual organic or inorganic specimens; and

(2) disclosure is consistent with other applicable laws protecting the resource or object.

TITLE III—STUDY REGARDING ADDITION OF NEW NATIONAL PARK SYSTEM AREAS

SEC. 301. SHORT TITLE.

This title may be cited as the ''National Park System New Areas Studies Act''.

SEC. 302. PURPOSE.

It is the purpose of this title to reform the process by which areas are considered for addition to the National Park System.

SEC. 303. STUDY OF ADDITION OF NEW NATIONAL PARK SYSTEM AREAS.

Section 8 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–5) is amended as follows:

(1) By inserting ''GENERAL AUTHORITY.—'' after ''(a)''.

(2) By striking the second through the sixth sentences of subsection (a).

(3) By redesignating the last two sentences of subsection (a) as subsection (f) and inserting in the first of such sentences before the words ''For the purposes of carrying'' the following: ''(f) AUTHORIZATION OF APPROPRIATIONS.—''.

(4) By inserting the following after subsection (a):

''(b) STUDIES OF AREAS FOR POTENTIAL ADDITION.—(1) At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate a list of areas recommended for study for potential inclusion in the National Park System.

''(2) In developing the list to be submitted under this subsection, the Secretary shall consider—

''(A) those areas that have the greatest potential to meet the established criteria of national significance, suitability, and feasibility;

''(B) themes, sites, and resources not already adequately represented in the National Park System; and

''(C) public petition and Congressional resolutions.

''(3) No study of the potential of an area for inclusion in the National Park System may be initiated after the date of enactment of this subsection, except as provided by specific authorization of an Act of Congress.

''(4) Nothing in this Act shall limit the authority of the National Park Service to conduct preliminary resource assessments, gather data on potential study areas, provide technical and planning assistance, prepare or process nominations for administrative designations, update previous studies, or complete reconnaissance surveys of individual areas requiring a total expenditure of less than $25,000.

''(5) Nothing in this section shall be construed to apply to or to affect or alter the study of any river segment for potential addition to the national wild and scenic rivers system or to apply to or to affect or alter the study of any trail for potential addition to the national trails system.

''(c) REPORT.—(1) The Secretary shall complete the study for each area for potential inclusion in the National Park System within 3 complete fiscal years following the date on which funds are first made available for such purposes. Each study under this section shall be prepared with appropriate opportunity for public involvement, including at least one public meeting in the vicinity of the area under study, and after reasonable efforts to notify potentially affected landowners and State and local governments.

''(2) In conducting the study, the Secretary shall consider whether the area under study—

''(A) possesses nationally significant natural or cultural resources and represents one of the most important examples of a particular resource type in the country; and

''(B) is a suitable and feasible addition to the system.

''(3) Each study—

''(A) shall consider the following factors with regard to the area being studied—

''(i) the rarity and integrity of the resources;

''(ii) the threats to those resources;

''(iii) similar resources are already protected in the National Park System or in other public or private ownership;

''(iv) the public use potential;

''(v) the interpretive and educational potential;

''(vi) costs associated with acquisition, development and operation;

''(vii) the socioeconomic impacts of any designation;

''(viii) the level of local and general public support; and

''(ix) whether the area is of appropriate configuration to ensure long-term resource protection and visitor use;

''(B) shall consider whether direct National Park Service management or alternative protection by other public agencies or the private sector is appropriate for the area;

''(C) shall identify what alternative or combination of alternatives would in the professional judgment of the Director of the National Park Service be most effective and efficient in protecting significant resources and providing for public enjoyment; and

''(D) may include any other information which the Secretary deems to be relevant.

''(4) Each study shall be completed in compliance with the National Environmental Policy Act of 1969.

''(5) The letter transmitting each completed study to Congress shall contain a recommendation regarding the Secretary's preferred management option for the area.

''(d) NEW AREA STUDY OFFICE.—The Secretary shall designate a single office to be assigned to prepare all new area studies and to implement other functions of this section.

''(e) LIST OF AREAS.—At the beginning of each calendar year, along with the annual budget submission, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a list of areas which have been previously studied which contain primarily historical resources, and a list of areas which have been previously studied which contain primarily natural resources, in numerical order of priority for addition to the National Park System. In developing the lists, the Secretary should consider threats to resource values, cost escalation factors, and other factors listed in subsection (c) of this section. The Secretary should only include on the lists areas for which the supporting data is current and accurate.''.

(5) By adding at the end of subsection (f) (as designated by paragraph (3) of this section) the following: ''For carrying out subsections (b) through (d) there are authorized to be appropriated $2,000,000 for each fiscal year.''.

TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Park Service Concessions Management Improvement Act of 1998''.

SEC. 402. CONGRESSIONAL FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.), which directs the Secretary to administer units of the National Park System in accordance with the fundamental purpose of conserving their scenery, wildlife, and natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress hereby finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as have to be provided within such units should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that—

(1) visitation will not unduly impair these resources and values; and

(2) development of public accommodations, facilities, and services within such units can best be limited to locations that are consistent to the highest practicable degree with the preservation and conservation of the resources and values of such units.

(b) POLICY.—It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—

(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and

(2) are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.

SEC. 403. AWARD OF CONCESSIONS CONTRACTS.

In furtherance of the findings and policy stated in section 402, and except as provided by this title or otherwise authorized by law, the Secretary shall utilize concessions contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors to units of the National Park System. Such concessions contracts shall be awarded as follows:

(1) COMPETITIVE SELECTION PROCESS.—Except as otherwise provided in this section, all proposed concessions contracts shall be awarded by the Secretary to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.

(2) SOLICITATION OF PROPOSALS.—Except as otherwise provided in this section, prior to awarding a new concessions contract (including renewals or extensions of existing concessions contracts) the Secretary shall publicly solicit proposals for the concessions contract and, in connection with such solicitation, the Secretary shall prepare a prospectus and shall publish notice of its availability at least once in local or national newspapers or trade publications, and/or the Commerce Business Daily, as appropriate, and shall make the prospectus available upon request to all interested parties.

(3) PROSPECTUS.—The prospectus shall include the following information:

(A) The minimum requirements for such contract as set forth in paragraph (4).

(B) The terms and conditions of any existing concessions contract relating to the services and facilities to be provided, including all fees and other forms of compensation provided to the United States by the concessioner.

(C) Other authorized facilities or services which may be provided in a proposal.

(D) Facilities and services to be provided by the Secretary to the concessioner, if any, including public access, utilities, and buildings.

(E) An estimate of the amount of compensation, if any, due an existing concessioner from a new concessioner under the terms of a prior concessions contract.

(F) A statement as to the weight to be given to each selection factor identified in the prospectus and the relative importance of such factors in the selection process.

(G) Such other information related to the proposed concessions operation as is provided to the Secretary pursuant to a concessions contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(H) Where applicable, a description of a preferential right to the renewal of the proposed concessions contract held by an existing concessioner as set forth in paragraph (7).

(4) MINIMUM REQUIREMENTS.—(A) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include the following:

(i) The minimum acceptable franchise fee or other forms of consideration to the Government.

(ii) Any facilities, services, or capital investment required to be provided by the concessioner.

(iii) Measures necessary to ensure the protection, conservation, and preservation of resources of the unit of the National Park System.

(B) The Secretary shall reject any proposal, regardless of the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is not likely to provide satisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(C) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary, the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(D) The Secretary may not execute a concessions contract which materially amends or does not incorporate the proposed terms and conditions of the concessions contract as set forth in the applicable prospectus. If proposed material amendments or changes are considered appropriate by the Secretary, the Secretary shall resolicit offers for the concessions contract incorporating such material amendments or changes.

(5) SELECTION OF THE BEST PROPOSAL.—(A) In selecting the best proposal, the Secretary shall consider the following principal factors:

(i) The responsiveness of the proposal to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities and services to the public at reasonable rates.

(ii) The experience and related background of the person, corporation, or entity submitting the proposal, including the past performance and expertise of such person, corporation or entity in providing the same or similar facilities or services.

(iii) The financial capability of the person, corporation, or entity submitting the proposal.

(iv) The proposed franchise fee, except that consideration of revenue to the United States shall be subordinate to the objectives of protecting, conserving, and preserving resources of the unit of the National Park System and of providing necessary and appropriate facilities to the public at reasonable rates.

(B) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(C) In developing regulations to implement this title, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of a concession, contracts should be identified as a factor in the selection of a best proposal under this section.

(6) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit any proposed concessions contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of more than 10 years to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both committees.

(7) PREFERENTIAL RIGHT OF RENEWAL.—(A) Except as provided in subparagraph (B), the Secretary shall not grant a concessioner a preferential right to renew a concessions contract, or any other form of preference to a concessions contract.

(B) The Secretary shall grant a preferential right of renewal to an existing concessioner with respect to proposed renewals of the categories of concessions contracts described by paragraph (8), subject to the requirements of that paragraph.

(C) As used in this title, the term ''preferential right of renewal'' means that the Secretary, subject to a determination by the Secretary that the facilities or services authorized by a prior contract continue to be necessary and appropriate within the meaning of section 402, shall allow a concessioner qualifying for a preferential right of renewal the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal for a proposed new concessions contract which authorizes the continuation of the facilities and services provided by the concessioner under its prior contract.

(D) A concessioner which successfully exercises a preferential right of renewal in accordance with the requirements of this title shall be entitled to award of the proposed new concessions contract to which such preference applies.

(8) OUTFITTER AND GUIDE SERVICES AND SMALL CONTRACTS.—(A) The provisions of paragraph (7) shall apply only to the following:

(i) Subject to subparagraph (B), outfitting and guide concessions contracts.

(ii) Subject to subparagraph (C), concessions contracts with anticipated annual gross receipts under $500,000.

(B) For the purposes of this title, an ''outfitting and guide concessions contract'' means a concessions contract which solely authorizes the provision of specialized backcountry outdoor recreation guide services which require the employment of specially trained and experienced guides to accompany park visitors in the backcountry so as to provide a safe and enjoyable experience for visitors who otherwise may not have the skills and equipment to engage in such activity. Outfitting and guide concessioners, where otherwise qualified, include concessioners which provide guided river running, hunting, fishing, horseback, camping, and mountaineering experiences. An outfitting and guide concessioner is entitled to a preferential right of renewal under this title only if—

(i) the contract with the outfitting and guide concessioner does not grant the concessioner any interest, including any leasehold surrender interest or possessory interest, in capital improvements on lands owned by the United States within a unit of the National Park System, other than a capital improvement constructed by a concessioner pursuant to the terms of a concessions contract prior to the date of the enactment of this title or constructed or owned by a concessioner or his or her predecessor before the subject land was incorporated into the National Park System;

(ii) the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(iii) the concessioner has submitted a responsive proposal for a proposed new contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(C) A concessioner that holds a concessions contract that the Secretary estimates will result in gross annual receipts of less than $500,000 if renewed shall be entitled to a preferential right of renewal under this title if—

(i) the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extension thereof); and

(ii) the concessioner has submitted a responsive proposal for a proposed new concessions contract which satisfies the minimum requirements established by the Secretary pursuant to paragraph (4).

(9) NEW OR ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services in a unit of the National Park System.

(10) SECRETARIAL AUTHORITY.—Nothing in this title shall be construed as limiting the authority of the Secretary to determine whether to issue a concessions contract or to establish its terms and conditions in furtherance of the policies expressed in this title.

(11) EXCEPTIONS.—Notwithstanding the provisions of this section, the Secretary may award, without public solicitation, the following:

(A) A temporary concessions contract or an extension of an existing concessions contract for a term not to exceed 3 years in order to avoid interruption of services to the public at a unit of the National Park System, except that prior to making such an award, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such interruption.

(B) A concessions contract in extraordinary circumstances where compelling and equitable considerations require the award of a concessions contract to a particular party in the public interest. Such award of a concessions contract shall not be made by the Secretary until at least 30 days after publication in the Federal Register of notice of the Secretary's intention to do so and the reasons for such action, and submission of notice to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 404. TERM OF CONCESSIONS CONTRACTS.

A concessions contract entered into pursuant to this title shall generally be awarded for a

term of 10 years or less. However, the Secretary may award a contract for a term of up to 20 years if the Secretary determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term.

SEC. 405. PROTECTION OF CONCESSIONER INVESTMENT.

(a) LEASEHOLD SURRENDER INTEREST UNDER NEW CONCESSIONS CONTRACTS.—On or after the date of the enactment of this title, a concessioner that constructs a capital improvement upon land owned by the United States within a unit of the National Park System pursuant to a concessions contract shall have a leasehold surrender interest in such capital improvement subject to the following terms and conditions:

(1) A concessioner shall have a leasehold surrender interest in each capital improvement constructed by a concessioner under a concessions contract, consisting solely of a right to compensation for the capital improvement to the extent of the value of the concessioner's leasehold surrender interest in the capital improvement.

(2) A leasehold surrender interest—

(A) may be pledged as security for financing of a capital improvement or the acquisition of a concessions contract when approved by the Secretary pursuant to this title;

(B) shall be transferred by the concessioner in connection with any transfer of the concessions contract and may be relinquished or waived by the concessioner; and

(C) shall not be extinguished by the expiration or other termination of a concessions contract and may not be taken for public use except on payment of just compensation.

(3) The value of a leasehold surrender interest in a capital improvement shall be an amount equal to the initial value (construction cost of the capital improvement), increased (or decreased) in the same percentage increase (or decrease) as the percentage increase (or decrease) in the Consumer Price Index, from the date of making the investment in the capital improvement by the concessioner to the date of payment of the value of the leasehold surrender interest, less depreciation of the capital improvement as evidenced by the condition and prospective serviceability in comparison with a new unit of like kind.

(4) Effective 9 years after the date of the enactment of this Act, the Secretary may provide, in any particular new concession contract the Secretary estimates will have a leasehold surrender interest of more than $10,000,000, that the value of any leasehold surrender interest in a capital improvement shall be based on either (A) a reduction on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the initial value (construction cost of the capital improvement), as provided by applicable Federal income tax laws and regulations in effect on the day before the date of the enactment of this Act or (B) such alternative formula that is consistent with the objectives of this title. The Secretary may only use such an alternative formula if the Secretary determines, after scrutiny of the financial and other circumstances involved in this particular concession contract (including providing notice in the Federal Register and opportunity for comment), that such alternative formula is, compared to the standard method of determining value provided for in paragraph (3), necessary in order to provide a fair return to the Government and to foster competition for the new contract by providing a reasonable opportunity to make a profit under the new contract. If no responsive offers are received in response to a solicitation that includes such an alternative formula, the concession opportunity shall be resolicited with the leasehold surrender interest value as described as paragraph (3).

(5) Where a concessioner, pursuant to the terms of a concessions contract, makes a capital improvement to an existing capital improvement in which the concessioner has a leasehold surrender interest, the cost of such additional capital improvement shall be added to the then current value of the concessioner's leasehold surrender interest.

(b) SPECIAL RULE FOR EXISTING POSSESSORY INTEREST.—

(1) A concessioner which has obtained a possessory interest as defined pursuant to Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.), as in effect on the day before the date of the enactment of this Act, under the terms of a concessions contract entered into before that date shall, upon the expiration or termination of such contract, be entitled to receive compensation for such possessory interest improvements in the amount and manner as described by such concessions contract. Where such a possessory interest is not described in the existing contract, compensation of possessory interest shall be determined in accordance with the laws in effect on the day before the date of enactment of this Act.

(2) In the event such prior concessioner is awarded a new concessions contract after the effective date of this title replacing an existing concessions contract, the existing concessioner shall, instead of directly receiving such possessory interest compensation, have a leasehold surrender interest in its existing possessory interest improvements under the terms of the new contract and shall carry over as the initial value of such leasehold surrender interest (instead of construction cost) an amount equal to the value of the existing possessory interest as of the termination date of the previous contract. In the event of a dispute between the concessioner and the Secretary as to the value of such possessory interest, the matter shall be resolved through binding arbitration.

(3) In the event that a new concessioner is awarded a concessions contract and is required to pay a prior concessioner for possessory interest in prior improvements, the new concessioner shall have a leasehold surrender interest in such prior improvements and the initial value in such leasehold surrender interest (instead of construction cost), shall be an amount equal to the value of the existing possessory interest as of the termination date of the previous contract.

(c) TRANSITION TO SUCCESSOR CONCESSIONER.—Upon expiration or termination of a concessions contract entered into after the effective date of this title, a concessioner shall be entitled under the terms of the concessions contract to receive from the United States or a successor concessioner the value of any leasehold surrender interest in a capital improvement as of the date of such expiration or termination. A successor concessioner shall have a leasehold surrender interest in such capital improvement under the terms of a new contract and the initial value of the leasehold surrender interest in such capital improvement (instead of construction cost) shall be the amount of money the new concessioner is required to pay the prior concessioner for its leasehold surrender interest under the terms of the prior concessions contract.

(d) TITLE TO IMPROVEMENTS.—Title to any capital improvement constructed by a concessioner on lands owned by the United States in a unit of the National Park System shall be vested in the United States.

(e) DEFINITIONS.—For purposes of this section:

(1) CONSUMER PRICE INDEX.—The term ''Consumer Price Index'' means the ''Consumer Price Index—All Urban Consumers'' published by the Bureau of Labor Statistics of the Department of Labor, unless such index is not published, in which case another regularly published cost-of-living index approximating the Consumer Price Index shall be utilized by the Secretary; and

(2) CAPITAL IMPROVEMENT.—The term ''capital improvement'' means a structure, fixture, or nonremovable equipment provided by a concessioner pursuant to the terms of a concessions contract and located on lands of the United States within a unit of the National Park System.

(f) SPECIAL REPORTING REQUIREMENT.— Not later than 7 years after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives containing a complete analysis of the concession program as well as—

(1) an assessment of competition in the solicitation of prospectuses, fair and/or increased return to the Government, and improvement of concession facilities and infrastructure; and

(2) an assessment of any problems with the management and administration of the concession program that are a direct result of the implementation of the provisions of this title.

SEC. 406. REASONABLENESS OF RATES.

(a) IN GENERAL.—Each concessions contract shall permit the concessioner to set reasonable and appropriate rates and charges for facilities, goods, and services provided to the public, subject to approval under subsection (b).

(b) APPROVAL BY SECRETARY REQUIRED.—A concessioner's rates and charges to the public shall be subject to approval by the Secretary. The approval process utilized by the Secretary shall be as prompt and as unburdensome to the concessioner as possible and shall rely on market forces to establish reasonableness of rates and charges to the maximum extent practicable. The Secretary shall approve rates and charges that the Secretary determines to be reasonable and appropriate. Unless otherwise provided in the contract, the reasonableness and appropriateness of rates and charges shall be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character under similar conditions, with due consideration to the following factors and other factors deemed relevant by the Secretary: length of season, peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, and type of patronage. Such rates and charges may not exceed the market rates and charges for comparable facilities, goods, and services, after taking into account the factors referred to in the preceding sentence.

(c) IMPLEMENTATION OF RECOMMENDATIONS.—Not later than 6 months after receiving recommendations from the Advisory Board established under section 409(a) regarding concessioner rates and charges to the public, the Secretary shall implement the recommendations or report to the Congress the reasons for not implementing the recommendations.

SEC. 407. FRANCHISE FEES.

(a) IN GENERAL.—A concessions contract shall provide for payment to the government of a franchise fee or such other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value shall be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park areas and of providing necessary and appropriate services for visitors at reasonable rates.

(b) AMOUNT OF FRANCHISE FEE.—The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concessions contract shall be specified in the concessions contract and may only be modified to reflect extraordinary unanticipated changes from the conditions anticipated as of the effective date of the contract. The Secretary shall include in concessions contracts with a term of more than 5 years a provision which allows reconsideration of the franchise fee at the request of the Secretary or the concessioner in the event of such extraordinary unanticipated changes.

Such provision shall provide for binding arbitration in the event that the Secretary and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

(c) SPECIAL ACCOUNT.—All franchise fees (and other monetary consideration) paid to the United States pursuant to concessions contracts shall be deposited into a special account established in the Treasury of the United States. Twenty percent of the funds deposited in the special account shall be available for expenditure by the Secretary, without further appropriation, to support activities throughout the National Park System regardless of the unit of the National Park System in which the funds were collected. The funds deposited into the special account shall remain available until expended.

(d) SUBACCOUNT FOR EACH UNIT.—There shall be established within the special account required under subsection (c) a subaccount for each unit of the National Park System. Each subaccount shall be credited with 80 percent of the franchise fees (and other monetary consideration) collected at a single unit of the National Park System under concessions contracts. The funds credited to the subaccount for a unit of the National Park System shall be available for expenditure by the Secretary, without further appropriation, for use at the unit for visitor services and for purposes of funding high-priority and urgently necessary resource management programs and operations. The funds credited to a subaccount shall remain available until expended.

SEC. 408. TRANSFER OF CONCESSIONS CONTRACTS.

(a) APPROVAL OF THE SECRETARY.—No concessions contract or leasehold surrender interest may be transferred, assigned, sold, or otherwise conveyed or pledged by a concessioner without prior written notification to, and approval by, the Secretary.

(b) CONDITIONS.—The Secretary shall approve a transfer or conveyance described in subsection (a) unless the Secretary finds that—

(1) the individual, corporation or entity seeking to acquire a concessions contract is not qualified or able to satisfy the terms and conditions of the concessions contract;

(2) such transfer or conveyance would have an adverse impact on (A) the protection, conservation, or preservation of the resources of the unit of the National Park System or (B) the provision of necessary and appropriate facilities and services to visitors at reasonable rates and charges; and

(3) the terms of such transfer or conveyance are likely, directly or indirectly, to reduce the concessioner's opportunity for a reasonable profit over the remaining term of the contract, adversely affect the quality of facilities and services provided by the concessioner, or result in a need for increased rates and charges to the public to maintain the quality of such facilities and services.

(c) TRANSFER TERMS.—The terms and conditions of any contract under this section shall not be subject to modification or open to renegotiation by the Secretary because of a transfer or conveyance described in subsection (a), unless such transfer or conveyance would have an adverse impact as described in paragraph (2) of subsection (b).

SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) ESTABLISHMENT.—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the ''Advisory Board'') whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in of the National Park System.

(b) DUTIES.—

(1) ADVICE.—The Advisory Board shall advise on each of the following:

(A) Policies and procedures intended to assure that services and facilities provided by concessioners are necessary and appropriate, meet acceptable standards at reasonable rates with a minimum of impact on park resources and values, and provide the concessioners with a reasonable opportunity to make a profit.

(B) Ways to make National Park Service concessions programs and procedures more cost effective, more process efficient, less burdensome, and timelier.

(2) RECOMMENDATIONS.—The Advisory Board shall make recommendations to the Secretary regarding each of the following:

(A) National Park Service contracting with the private sector to conduct appropriate elements of concessions management and providing recommendations to make more efficient, less burdensome, and timelier the review or approval of concessioner rates and charges to the public.

(B) The nature and scope of products which qualify as Indian, Alaska Native, and Native Hawaiian handicrafts within this meaning of this title.

(C) The allocation of concession fees.

The initial recommendations under subparagraph (A) relating to rates and charges shall be submitted to the Secretary not later than one year after the first meeting of the Board.

(3) ANNUAL REPORT.—The Advisory Board, commencing with the first anniversary of its initial meeting, shall provide an annual report on its activities to the Committee on Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(c) ADVISORY BOARD MEMBERSHIP.—Members of the Advisory Board shall be appointed on a staggered basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Advisory Board shall be comprised of not more than seven individuals appointed from among citizens of the United States not in the employment of the Federal Government and not in the employment of or having an interest in a National Park Service concession. Of the seven members of the Advisory Board—

(1) one member shall be privately employed in the hospitality industry and have both broad knowledge of hotel or food service management and experience in the parks and recreation concessions business;

(2) one member shall be privately employed in the tourism industry;

(3) one member shall be privately employed in the accounting industry;

(4) one member shall be privately employed in the outfitting and guide industry;

(5) one member shall be a State government employee with expertise in park concession management;

(6) one member shall be active in promotion of traditional arts and crafts; and

(7) one member shall be active in a nonprofit conservation organization involved in parks and recreation programs.

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, 2008. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

(e) SERVICE ON ADVISORY BOARD.—Service of an individual as a member of the Advisory Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Advisory Board shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or other comparable provisions of Federal law.

SEC. 410. CONTRACTING FOR SERVICES.

(a) CONTRACTING AUTHORIZED.—(1) To the maximum extent practicable, the Secretary shall contract with private entities to conduct or assist in those elements of the management of the National Park Service concessions program considered by the Secretary to be suitable for non-Federal performance. Such management elements include each the following:

(A) Health and safety inspections.

(B) Quality control of concessions operations and facilities.

(C) Strategic capital planning for concessions facilities.

(D) Analysis of rates and charges to the public.

(2) The Secretary may also contract with private entities to assist the Secretary with each of the following:

(A) Preparation of the financial aspects of prospectuses for National Park Service concessions contracts.

(B) Development of guidelines for a national park system capital improvement and maintenance program for all concession occupied facilities.

(C) Making recommendations to the Director of the National Park Service regarding the conduct annual audits of concession fee expenditures.

(b) OTHER MANAGEMENT ELEMENTS.—The Secretary shall also consider, taking into account the recommendations of the Advisory Board, contracting out other elements of the concessions management program, as appropriate.

(c) CONDITION.—Nothing in this section shall diminish the governmental responsibilities and authority of the Secretary to administer concessions contracts and activities pursuant to this title and the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 1 et seq.). The Secretary reserves the right to make the final decision or contract approval on contracting services dealing with the management of the National Park Service concessions program under this section.

SEC. 411. MULTIPLE CONTRACTS WITHIN A PARK.

If multiple concessions contracts are awarded to authorize concessioners to provide the same or similar outfitting, guiding, river running, or other similar services at the same approximate location or resource within a specific national park, the Secretary shall establish a comparable franchise fee structure for all such same or similar contracts, except that the terms and conditions of any existing concessions contract shall not be subject to modification or open to renegotiation by the Secretary because of a award of a new contract at the same approximate location or resource.

SEC. 412. SPECIAL RULE FOR TRANSPORTATION CONTRACTING SERVICES.

Notwithstanding any other provision of law, a service contract entered into by the Secretary for the provision solely of transportation services in a unit of the National Park System shall be no more than 10 years in length, including a base period of 5 years and annual extensions for an additional 5-year period based on satisfactory performance and approval by the Secretary.

SEC. 413. USE OF NONMONETARY CONSIDERATION IN CONCESSIONS CONTRACTS.

Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this title.

SEC. 414. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessions contract have been and are being faithfully performed, and the Secretary and any duly authorized representative of the Secretary shall, for the purpose of audit

and examination, have access to such records and to other books, documents, and papers of the concessioner pertinent to the contract and all terms and conditions thereof.

(b) ACCESS TO RECORDS.—The Comptroller General or any duly authorized representative of the Comptroller General shall, until the expiration of 5 calendar years after the close of the business year of each concessioner or subconcessioner, have access to and the right to examine any pertinent books, papers, documents and records of the concessioner or subconcessioner related to the contract or contracts involved.

SEC. 415. REPEAL OF NATIONAL PARK SERVICE CONCESSIONS POLICY ACT.

(a) REPEAL.—Public Law 89–249 (commonly known as the National Park Service Concessions Policy Act; 16 U.S.C. 20 et seq.) is repealed. The repeal of such Act shall not affect the validity of any concessions contract or permit entered into under such Act, but the provisions of this title shall apply to any such contract or permit except to the extent such provisions are inconsistent with the terms and conditions of any such contract or permit. References in this title to concessions contracts awarded under authority of such Act also apply to concessions permits awarded under such authority.

(b) CONFORMING AMENDMENTS.—(1) The fourth sentence of section 3 of the Act of August 25, 1916 (commonly known as the National Park Service Organic Act; 16 U.S.C. 3), is amended—

(A) by striking all through ''no natural'' and inserting ''No natural,''; and

(B) by striking the last proviso in its entirety.

(2) Section 12 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–7) is amended by striking subsection (c).

(3) The second paragraph under the heading ''NATIONAL PARK SERVICE'' in the Act of July 31, 1953 (67 Stat. 261, 271), is repealed.

(c) ANILCA.—Nothing in this title amends, supersedes, or otherwise affects any provision of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.) relating to revenue-producing visitor services.

SEC. 416. PROMOTION OF THE SALE OF INDIAN, ALASKA NATIVE, NATIVE SAMOAN, AND NATIVE HAWAIIAN HANDICRAFTS.

(a) IN GENERAL.—Promoting the sale of authentic United States Indian, Alaskan Native, Native Samoan, and Native Hawaiian handicrafts relating to the cultural, historical, and geographic characteristics of units of the National Park System is encouraged, and the Secretary shall ensure that there is a continuing effort to enhance the handicraft trade where it exists and establish the trade in appropriate areas where such trade currently does not exist.

(b) EXEMPTION FROM FRANCHISE FEE.—In furtherance of these purposes, the revenue derived from the sale of United States Indian, Alaska Native, Native Samoan, and Native Hawaiian handicrafts shall be exempt from any franchise fee payments under this title.

SEC. 417. REGULATIONS.

As soon as practicable after the effective date of this title, the Secretary shall promulgate regulations appropriate for its implementation. Among other matters, such regulations shall include appropriate provisions to ensure that concession services and facilities to be provided in a unit of the National Park System are not segmented or otherwise split into separate concessions contracts for the purposes of seeking to reduce anticipated annual gross receipts of a concessions contract below $500,000. The Secretary shall also promulgate regulations which further define the term ''United States Indian, Alaskan Native, and Native Hawaiian handicrafts'' for the purposes of this title.

SEC. 418. COMMERCIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—To the extent specified in this section, the Secretary , upon request, may authorize a private person, corporation, or other entity to provide services to visitors to units of the National Park System through a commercial use authorization. Such authorizations shall not be considered as concessions contracts pursuant to this title nor shall other sections of this title be applicable to such authorizations except where expressly so stated.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATIONS.—

(1) REQUIRED DETERMINATIONS.—The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on resources and values of the unit of the National Park System and are consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations.

(2) ELEMENTS OF AUTHORIZATION.—The Secretary shall—

(A) require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administrative costs;

(B) require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) LIMITATIONS.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross receipts of not more than $25,000 resulting from services originating and provided solely within a unit of the National Park System pursuant to such authorization;

(2) the incidental use of resources of the unit by commercial operations which provide services originating and terminating outside of the boundaries of the unit; or

(3) such uses by organized children's camps, outdoor clubs and nonprofit institutions (including back country use) and such other uses as the Secretary determines appropriate.

Nonprofit institutions are not required to obtain commercial use authorizations unless taxable income is derived by the institution from the authorized use.

(d) PROHIBITION ON CONSTRUCTION.—An authorization issued under this section shall not provide for the construction of any structure, fixture, or improvement on federally-owned lands within the boundaries of a unit of the National Park System.

(e) DURATION.—The term of any authorization issued under this section shall not exceed 2 years. No preferential right of renewal or similar provisions for renewal shall be granted by the Secretary.

(f) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concessions contracts.

SEC. 419. SAVINGS PROVISION.

(a) TREATMENT OF GLACIER BAY CONCESSION PERMITS PROSPECTUS.—Nothing contained in this title shall authorize or require the Secretary to withdraw, revise, amend, modify, or reissue the February 19, 1998, Prospectus Under Which Concession Permits Will be Open for Competition for the Operation of Cruise Ship Services Within Glacier Bay National Park and Preserve (in this section referred to as the ''1998 Glacier Bay Prospectus''). The award of concession permits pursuant to the 1998 Glacier Bay Prospectus shall be under provisions of existing law at the time the 1998 Glacier Bay Prospectus was issued.

(b) PREFERENTIAL RIGHT OF RENEWAL.—Notwithstanding any provision of this title, the Secretary, in awarding future Glacier Bay cruise ship concession permits covering cruise ship entries for which a preferential right of renewal existed prior to the effective date of this title, shall provide for such cruise ship entries a preferential right of renewal, as described in subparagraphs (C) and (D) of section 403(7). Any Glacier Bay concession permit awarded under the authority contained in this subsection shall expire by December 31, 2009.

TITLE V—FEES FOR USE OF NATIONAL PARK SYSTEM

SEC. 501. FEES.

Notwithstanding any other provision of law, where the National Park Service or an entity under a service contract with the National Park Service provides transportation to all or a portion of any unit of the National Park System, the Secretary may impose a reasonable and appropriate charge to the public for the use of such transportation services in addition to any admission fee required to be paid. Collection of both the transportation and admission fees may occur at the transportation staging area or any other reasonably convenient location determined by the Secretary. The Secretary may enter into agreements with public or private entities, who qualify to the Secretary's satisfaction, to collect the transportation and admission fee. Such transportation fees collected as per this section shall be retained by the unit of the National Park System at which the transportation fee was collected and the amount retained shall be expended only for costs associated with the transportation systems at the unit where the charge was imposed.

SEC. 502. DISTRIBUTION OF GOLDEN EAGLE PASSPORT SALES.

Not later than 6 months after the date of enactment of this title, the Secretary of the Interior and the Secretary of Agriculture shall enter into an agreement providing for an apportionment among each agency of all proceeds derived from the sale of Golden Eagle Passports by private vendors. Such proceeds shall be apportioned to each agency on the basis of the ratio of each agency's total revenue from admission fees collected during the previous fiscal year to the sum of all revenue from admission fees collected during the previous fiscal year for all agencies participating in the Golden Eagle Passport Program.

TITLE VI—NATIONAL PARK PASSPORT PROGRAM

SEC. 601. PURPOSES.

The purposes of this title are—

(1) to develop a national park passport that includes a collectible stamp to be used for admission to units of the National Park System; and

(2) to generate revenue for support of the National Park System.

SEC. 602. NATIONAL PARK PASSPORT PROGRAM.

(a) PROGRAM.—The Secretary shall establish a national park passport program. A national park passport shall include a collectible stamp providing the holder admission to all units of the National Park System.

(b) EFFECTIVE PERIOD.—A national park passport stamp shall be effective for a period of 12 months from the date of purchase.

(c) TRANSFERABILITY.—A national park passport and stamp shall not be transferable.

SEC. 603. ADMINISTRATION.

(a) STAMP DESIGN COMPETITION.—(1) The Secretary shall hold an annual competition for the design of the collectible stamp to be affixed to the national park passport.

(2) Each competition shall be open to the public and shall be a means to educate the American people about the National Park System.

(b) SALE OF PASSPORTS AND STAMPS.—(1) National park passports and stamps shall be sold through the National Park Service and may be sold by private vendors on consignment in accordance with guidelines established by the Secretary.

(2) A private vendor may be allowed to collect a commission on each national park passport (including stamp) sold, as determined by the Secretary.

(3) The Secretary may limit the number of private vendors of national park passports (including stamps).

(c) USE OF PROCEEDS.—

(1) The Secretary may use not more than 10 percent of the revenues derived from the sale of national park passports (including stamps) to administer and promote the national park passport program and the National Park System.

(2) Net proceeds from the sale of national park passports shall be deposited in a special account in the Treasury of the United States and shall remain available until expended, without further appropriation, for high priority visitor service or resource management projects throughout the National Park System.

(d) AGREEMENTS.—The Secretary may enter into cooperative agreements with the National Park Foundation and other interested parties to provide for the development and implementation of the national park passport program and the Secretary shall take such actions as are appropriate to actively market national park passports and stamps.

(e) FEE.—The fee for a national park passport and stamp shall be $50.

SEC. 604. FOREIGN SALES OF GOLDEN EAGLE PASSPORTS.

The Secretary of Interior shall—

(1) make Golden Eagle Passports issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note), available to foreign visitors to the United States; and

(2) make such Golden Eagle Passports available for purchase outside the United States, through commercial tourism channels and consulates or other offices of the United States.

SEC. 605. EFFECT ON OTHER LAWS AND PROGRAMS.

(a) PARK PASSPORT NOT REQUIRED.—A national park passport shall not be required for—

(1) a single visit to a national park that charges a single visit admission fee under section 4(a)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(2)) or the Recreational Fee Demonstration Program authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (section 101(c) of Public Law 104–134; 16 U.S.C. 460l–6a note); or

(2) an individual who has obtained a Golden Age or Golden Access Passport under paragraph (4) or (5) of section 4(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)).

(b) GOLDEN EAGLE PASSPORTS.—A Golden Eagle Passport issued under section 4(a)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(a)(1)(A)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note) shall be honored for admission to each unit of the National Park System.

(c) ACCESS.—A national park passport shall provide access to each unit of the National Park System under the same conditions, rules, and regulations as apply to access with a Golden Eagle Passport as of the date of enactment of this title.

(d) LIMITATIONS.—A national park passport may not be used to obtain access to other Federal recreation fee areas outside of the National Park System.

(e) EXEMPTIONS AND FEES.—A national park passport does not exempt the holder from or provide the holder any discount on any recreation use fee imposed under section 4(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(b)) or such Recreational Fee Demonstration Program (16 U.S.C. 460l–6a note).

TITLE VII—NATIONAL PARK FOUNDATION SUPPORT

SEC. 701. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

Public Law 90–209 (commonly known as the National Park Foundation Act; 16 U.S.C. 19 et seq.) is amended by adding at the end the following new section:

"SEC. 11. PROMOTION OF LOCAL FUNDRAISING SUPPORT.

''(a) ESTABLISHMENT.—The Foundation shall design and implement a comprehensive program to assist and promote philanthropic programs of support at the individual national park unit level.

''(b) IMPLEMENTATION.—The program under subsection (a) shall be implemented to—

''(1) assist in the creation of local nonprofit support organizations; and

''(2) provide support, national consistency, and management-improving suggestions for local nonprofit support organizations.

''(c) PROGRAM.—The program under subsection (a) shall include the greatest number of national park units as is practicable.

''(d) REQUIREMENTS.—The program under subsection (a) shall include, at a minimum—

''(1) a standard adaptable organizational design format to establish and sustain responsible management of a local nonprofit support organization for support of a national park unit;

''(2) standard and legally tenable bylaws and recommended money-handling procedures that can easily be adapted as applied to individual national park units; and

''(3) a standard training curriculum to orient and expand the operating expertise of personnel employed by local nonprofit support organizations.

''(e) ANNUAL REPORT.—The Foundation shall report the progress of the program under subsection (a) in the annual report of the Foundation.

''(f) AFFILIATIONS.—

''(1) CHARTER OR CORPORATE BYLAWS.—Nothing in this section requires—

''(A) a nonprofit support organization or friends group to modify current practices or to affiliate with the Foundation; or

''(B) a local nonprofit support organization, established as a result of this section, to be bound through its charter or corporate bylaws to be permanently affiliated with the Foundation.

''(2) ESTABLISHMENT.—An affiliation with the Foundation shall be established only at the discretion of the governing board of a nonprofit organization.''.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. UNITED STATES PARK POLICE.

(a) APPOINTMENT OF TASK FORCE.—Not later than 60 days after the date of enactment of this title, the Secretary shall appoint a multidisciplinary task force to fully evaluate the shortfalls, needs, and requirements of law enforcement programs in the National Park Service, including a separate analysis for the United States Park Police, which shall include a review of facility repair, rehabilitation, equipment, and communication needs.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of enactment of this title, the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the United States Senate and the Committees on Resources and Appropriations of the United States House of Representatives a report that includes—

(1) the findings and recommendations of the task force;

(2) complete justifications for any recommendations made; and

(3) a complete description of any adverse impacts that would occur if any need identified in the report is not met.

SEC. 802. LEASES AND COOPERATIVE MANAGEMENT AGREEMENTS.

(a) IN GENERAL.—Section 3 of Public Law 91–383 (commonly known as the National Park System General Authorities Act; 16 U.S.C. 1a–2) is amended by adding at the end the following:

''(k) LEASES.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), the Secretary may enter into a lease with any person or governmental entity for the use of buildings and associated property administered by the Secretary as part of the National Park System.

''(2) PROHIBITED ACTIVITIES.—The Secretary may not use a lease under paragraph (1) to authorize the lessee to engage in activities that are subject to authorization by the Secretary through a concessions contract, commercial use authorization, or similar instrument.

''(3) USE.—Buildings and associated property leased under paragraph (1)—

''(A) shall be used for an activity that is consistent with the purposes established by law for the unit in which the building is located;

''(B) shall not result in degradation of the purposes and values of the unit; and

''(C) shall be compatible with National Park Service programs.

''(4) RENTAL AMOUNTS.—

''(A) IN GENERAL.—With respect to a lease under paragraph (1)—

''(i) payment of fair market value rental shall be required; and

''(ii) section 321 of the Act of June 30, 1932 (47 Stat. 412, chapter 314; 40 U.S.C. 303b) shall not apply.

''(B) ADJUSTMENT.—The Secretary may adjust the rental amount as appropriate to take into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, or repair and related expenses.

''(C) REGULATION.—The Secretary shall promulgate regulations implementing this subsection that includes provisions to encourage and facilitate competition in the leasing process and provide for timely and adequate public comment.

''(5) SPECIAL ACCOUNT.—

''(A) DEPOSITS.—Rental payments under a lease under paragraph (1) shall be deposited in a special account in the Treasury of the United States.

''(B) AVAILABILITY.—Amounts in the special account shall be available until expended, without further appropriation, for infrastructure needs at units of the National Park System, including—

''(i) facility refurbishment;

''(ii) repair and replacement;

''(iii) infrastructure projects associated with park resource protection; and

''(iv) direct maintenance of the leased buildings and associated properties.

''(C) ACCOUNTABILITY AND RESULTS.—The Secretary shall develop procedures for the use of the special account that ensure accountability and demonstrated results consistent with this Act.

''(l) COOPERATIVE MANAGEMENT AGREEMENTS.—

''(1) IN GENERAL.—Where a unit of the National Park System is located adjacent to or near a State or local park area, and cooperative management between the National Park Service and a State or local government agency of a portion of either park will allow for more effective and efficient management of the parks, the Secretary may enter into an agreement with a

State or local government agency to provide for the cooperative management of the Federal and State or local park areas. The Secretary may not transfer administration responsibilities for any unit of the National Park System under this paragraph.

''(2) PROVISION OF GOODS AND SERVICES.—Under a cooperative management agreement, the Secretary may acquire from and provide to a State or local government agency goods and services to be used by the Secretary and the State or local governmental agency in the cooperative management of land.

''(3) ASSIGNMENT.—An assignment arranged by the Secretary under section 3372 of title 5, United States Code, of a Federal, State, or local employee for work in any Federal, State, or local land or an extension of such an assignment may be for any period of time determined by the Secretary and the State or local agency to be mutually beneficial.''.

(b) HISTORIC LEASE PROCESS SIMPLIFICATION.—The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.

NATIONAL PARKS OMNIBUS MANAGEMENT ACT

Mr. BUMPERS. Mr. President, I rise today in strong support of S. 1693, the National Parks Omnibus Management Act of 1998. Let me begin by acknowledging the work of the sponsor of this legislation, Senator THOMAS. As the chairman of the Subcommittee on National Parks, Historic Preservation and Recreation, he has been willing to compromise and work with all involved parties, including Secretary Babbit, my friend and colleague Senator BENNETT, Congressmen GEORGE MILLER and DON YOUNG in an effort to enact a meaningful and comprehensive bill for our national parks. It has been a pleasure to work with him on this important legislation and I am very pleased that this bill will pass before I leave the Senate this year. I would also like to particularly thank Senator BENNETT, who has once again been very helpful and constructive in developing a bill that can garner such broad bipartisan support, as I believe this bill has.

Although this is a comprehensive bill that makes a number of positive changes in the way national parks are managed, for me, the most significant provisions are found in title IV—the National Park Service Concessions Management Improvement Act.

Mr. President, for almost 19 years I have worked to reform the concessions policies of the National Park Service to increase competition, provide better services, and to ensure a better return for the American public. Over the past two decades, we have held dozens of hearings, and we've debated this issue in markups and on the Senate floor.

As you know, during the 103d Congress Senator BENNETT and I sponsored a bill which passed the Senate by a vote of 90–9, and passed in the House of Representatives with only minor changes by a vote of 368–30. Despite the overwhelming vote margins, we were unable to pass a final bill before the Congress adjourned. Given the magnitude of those votes, it is very frustrating to be here once again debating park concession reform.

While I support passage of this bill and believe it will enhance the Park Service's ability to better manage our National Park System, the bill before us today is a true compromise worked out between Senator THOMAS and myself in the Senate and with Congressmen MILLER, DON YOUNG, and JIM HANSEN in the House. Each of us gave something up in order to get a bill passed. The bill—particularly the concession title—does not contain all of the policy changes that I would like to see made. However, passage of this bill will finally allow the Park Service to have meaningful competition for park concession contracts.

Most importantly, the bill will repeal the 1965 Concession Policy Act—a 30-year-old anachronism—including its most anticompetitive provision, the granting to incumbent concessioners of a preferential right to renew their contract by simply matching the terms and conditions of a superior offer.

Other important provisions in the concession reform title include: Maintaining existing statutory protections for outfitter and guide contracts and small contracts with less than $500,000 in annual gross revenue; a prohibition against giving any concessioner a preferential right to provide new or additional services; and language linking the value of facilities built by a concessioner to actual construction costs, adjusted for inflation, rather than the ''sound value'' possessory interest allowed under current law.

During the consideration of this bill in the House, possessory interest was the most contentious issue to be resolved. While Senator THOMAS and I had agreed on a formulation in the Senate passed bill that satisfied us, come in the House, particularly the ranking Democrat on the Resources Committee, GEORGE MILLER, preferred the approach taken in the bill I mentioned earlier that passed the Senate in 1993. Under that formulation, a concessioner's possessory interest would be depreciated over time on a straight line basis. While I too prefer this approach, it is clear that the concessioners are adamantly opposed to this method of calculating possessory interest. More importantly, a major change to this key provision would put at risk the agreement we have reached to eliminate the preferential right of renewal, by far the most anticompetitive provision in the existing law.

After lengthy discussions between Congressman MILLER, Secretary Babbitt, Senator THOMAS, and others, another compromise has been agreed to that gives both sides some of what they want. As passed the House, the legislation provides that the Secretary is to value possessory interest as described in the bill for 9 years. At the end of year 7, the Secretary is to send Congress a report on the concessions program in general and, in particular, how this new method of calculating possessory interest has worked. Congress can examine the report and make legislative changes if necessary based on the track record of the previous 7 years. Then, at the end of the 9th year, if no changes in the law have been made, the Secretary will have the discretion, under certain limited circumstances, to require concessioners to use other methods of valuing possessory interest, including but not limited to, straight line depreciation. I think this is a reasonable compromise and very much appreciate the hard work on the part of all parties in working it out.

While the concession title has been of particular interest to me, the bill before us today includes several other titles which I believe will greatly enhance the Park Service's management authorities. The bill includes directives for the Park Service to improve career development and training for its employees and to establish a strong scientific research program in national parks. It codifies criteria for the Park Service to use in evaluating areas proposed for addition to the National Park System. I must say that I very much regret the decision of the House to remove the provisions contained in the Senate bill that gave the Park Service much needed authority to collect and retain fees for commercial filming activities in national park units, and which would have extended the Recreational Fee Demonstration Progam for park fees for another 6 years. These provisions were included in the Senate bill to help get badly needed money directly to the parks—something that everyone says they want to do. Deleting these provisions that would have provided literally hundreds of millions of dollars to the parks over the next 5 or 6 years will not help restore our badly deteriorating parks and public lands.

The bill before us today will allow the Park Service to develop and market annual park admission passports to increase public awareness about parks and to raise new revenues. There are a few other titles included in the bill, but those are the most significant provisions.

Mr. President, the concession reform provisions in this bill are a great step forward for the National Park Service and the taxpayers. I strongly support these and the other provisions in this legislation, and I hope my colleagues will join me in helping to pass this bill.

In closing, I want to thank several people who worked very hard on this legislation, in particular title IV related to park concessions. David Brooks and Tom Williams on the Energy Committee Democratic staff have worked with me for years on this issue and I appreciate their efforts very much. Jim O'Toole and Gary Ellsworth of the majority staff have been very helpful to me on this and other bills and I thank them both for their help and cooperation. Dan Naatz on Senator THOMAS' staff and Tim Stewart with Senator BENNETT were crucial to Senate negotiations on this bill and provided constructive and substantive input on a number of occasions. Finally, John

Leshy, Destry Jarvis, and Lars Hanslin in the Interior Department deserve much of the credit for putting together the final compromise on possessory interest that got this bill moving again in the House. Along with John Lawrence and Rick Healy of the Democratic staff on the House Resources Committee, these gentlemen worked tirelessly to put the finishing touches on a very delicate compromise. I very much appreciate their dedication to this effort and their willingness to go the extra mile to get this bill passed.

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

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

ASSISTIVE TECHNOLOGY ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2432) to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

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

Resolved, That the bill from the Senate (S. 2432) entitled ''An Act to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Assistive Technology Act of 1998''.

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

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

(A) live independently;

(B) enjoy self-determination and make choices;

(C) benefit from an education;

(D) pursue meaningful careers; and

(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

(6) Notwithstanding the efforts of such State programs, there is still a lack of—

(A) resources to pay for assistive technology devices and assistive technology services;

(B) trained personnel to assist individuals with disabilities to use such devices and services;

(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

(D) outreach to underrepresented populations and rural populations;

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

(G) capacity in such programs to provide the necessary technology-related assistance.

(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

(E) the increased role that telecommunications play in education, employment, health care, and social activities.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

(3) to enhance the ability of the Federal Government to—

(A) provide States with financial assistance that supports—

(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

SEC. 3. DEFINITIONS AND RULE.

(a) DEFINITIONS.—In this Act:

(1) ADVOCACY SERVICES.—The term ''advocacy services'', except as used as part of the term ''protection and advocacy services'', means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

(2) ASSISTIVE TECHNOLOGY.—The term ''assistive technology'' means technology designed to be utilized in an assistive technology device or assistive technology service.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term ''assistive technology device'' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term ''assistive technology service'' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ''capacity building and advocacy activities'' means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term ''comprehensive statewide program of technology-related assistance'' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE.—The term ''consumer-responsive''—

(A) with regard to policies, means that the policies are consistent with the principles of—

(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

(iii) inclusion, integration, and full participation of such individuals in society;

(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

(v) support for individual and systems advocacy and community involvement; and

(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

(8) DISABILITY.—The term ''disability'' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

(A) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—The term ''individuals with disabilities'' means more than 1 individual with a disability.

(10) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) PROTECTION AND ADVOCACY SERVICES.—The term ''protection and advocacy services'' means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(12) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(13) STATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

(i) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) STATE.—The term ''State'' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(14) TARGETED INDIVIDUALS.—The term ''targeted individuals'' means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE.—The term ''technology-related assistance'' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

(16) UNDERREPRESENTED POPULATION.—The term ''underrepresented population'' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(17) UNIVERSAL DESIGN.—The term ''universal design'' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I—STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

(2) REQUIRED ACTIVITIES.—

(A) PUBLIC AWARENESS PROGRAM.—

(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

(iii) CONTENTS.—The public awareness program may include—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

(B) INTERAGENCY COORDINATION.—

(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

(I) policies that result in improved coordination, including coordination between public and private entities—

(aa) in the application of Federal and State policies;

(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

(II) the provision of technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(iii) the enhancement of the assistive technology skills and competencies of—

(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(3) DISCRETIONARY ACTIVITIES.—

(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

(i) the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(I) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(II) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

(ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

(ii) the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

(iii) the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

(B) DEMONSTRATIONS.—The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

(D) TECHNOLOGY-RELATED INFORMATION.—

(i) IN GENERAL.—The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

(ii) ACCESS.—Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

(iii) INFORMATION COLLECTION AND PREPARATION.—In operating or expanding a system described in subparagraph (A), the State may—

(I) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

(II) identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

(E) INTERSTATE ACTIVITIES.—

(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

(i) the development, demonstration, and dissemination of assistive technology devices; and

(ii) the ongoing provision of information about new products to assist individuals with disabilities.

(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

(H) ADVOCACY SERVICES.—The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) CALCULATION OF STATE GRANTS.—

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

(D) ADDITIONAL STATES.—

(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

(ii) STATE.—A State referred to in clause (i) shall be a State that—

(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

(d) LEAD AGENCY.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

(A) submitting the application supplement described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT.—

(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

(A) GOALS AND ACTIVITIES.—A description of—

(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living; and

(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

(III) the measures to be used in judging if the goals have been achieved; and

(ii) will be involved in measuring whether the goals have been achieved.

(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, a description of the deficiencies of the agency; and

(ii) With regard to the new lead agency, a description of—

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

(4) DURATION OF APPLICATION SUPPLEMENT.—

(A) DETERMINATION.—The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

(B) LIMIT.—Such time period for any State shall not extend beyond the year that would have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

(f) EXTENSION OF FUNDING.—In the case of a State that was in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extention grant in any of the fiscal years 1999 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilitie Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extention of the grant to such State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(2) AMOUNT.—A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

(3) LIMITATION.—A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES.—

(1) IN GENERAL.—On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES.—Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

(3) SYSTEMS WITHIN STATES.—

(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than $50,000, and the allotment to any system under this paragraph for any fiscal year that is less than $50,000 shall be increased to $50,000.

(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

SEC. 103. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES.—

(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.—

(A) IN GENERAL.—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

(B) UNNECESSARY VISITS.—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS.—

(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete fund termination under the grant program.

(B) Ineligibility to participate in the grant program in the following year.

(C) Reduction in funding for the following year under the grant program.

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS.—Such report shall include information on—

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the funded activities to—

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

(G) the consumer involvement activities carried out through the funded activities.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

SEC. 104. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 102.

(c) SCOPE OF TECHNICAL ASSISTANCE.—

(1) NATIONAL PUBLIC INTERNET SITE.—

(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) RESOURCES.—

(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) TECHNICAL ASSISTANCE EFFORTS.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) RESERVATIONS OF FUNDS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

(B) 7.9 percent shall be reserved to fund grants under section 102; and

(C) 4.6 percent shall be reserved for activities funded under section 104.

(2) RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(3) RESERVATION FOR ONSITE VISITS.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

TITLE II—NATIONAL ACTIVITIES

Subtitle A—Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

(1) in subsection (a)(1), by inserting after ''programs,'' insert ''including programs relating to assistive technology research and research that incorporates the principles of universal design,'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''After receiving'';

(B) by striking ''from individuals with disabilities and the individuals' representatives'' and inserting ''from targeted individuals'';

(C) by inserting after ''research'' the following: (including assistive technology research and research that incorporates the principles of universal design)''; and

(D) by adding at the end the following:

''(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

''(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

''(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

''(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

''(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

''(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.'';

(3) by striking subsection (c) and inserting the following:

''(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

''(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

''(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

''(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.''; and

(4) by adding at the end the following:

''(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

''(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

''(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

''(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

''(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

''(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.''.

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

''(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

''(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

''(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.''.

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) IN GENERAL.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(2) by inserting after subsection (c) the following:

''(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.''; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking ''subsection (e)'' and inserting ''subsection (f)''.

(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking ''section 502(h)(1)'' and inserting ''section 502(i)(1)''.

Subtitle B—Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION.—In this section, the term ''small business'' means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).

(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—The Secretary may make

grants to small businesses to enable such businesses—

(1) to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

(2) to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

(3) to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) IN GENERAL.—The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

(b) COLLABORATION.—In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

(1) to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

(3) to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

(4) to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

(5) to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) RESPONSIBILITIES OF CONSORTIUM.—Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

(1) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (J), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.''.

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term ''built environment'' for purposes of this section.

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as ''the Committee'') may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

(1) the development and coordination of a task force, which—

(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

(B) shall consist of members of the public and private sectors, including—

(i) representatives of organizations representing individuals with disabilities; and

(ii) individuals with disabilities; and

(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

(e) DEFINITION.—In this section, the term ''information technology'' means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act, $10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an ''alternative financing mechanism'').

(b) MECHANISMS.—The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) REQUIREMENTS.—

(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION.—No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL.—

(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

(A) the Secretary shall allot $500,000 to each State; and

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the remainder as the population of the State bears to the population of all States; and

(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(c) DEFINITIONS.—In subsection (a):

(1) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) STATE.—The term ''State'' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

(2) an assurance that the alternative financing program will continue on a permanent basis;

(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

(5) an assurance that the State will ensure that—

(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

(6) an assurance that—

(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

(b) PROVISIONS.—The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

(3) A procedure to assure consumer-controlled oversight of the program.

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

(1) providing assistance in preparing applications for grants under this title;

(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

TITLE IV—REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

SEC. 402. CONFORMING AMENDMENTS.

(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

(1) in paragraph (3), by striking ''section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))'' and inserting ''section 3 of the Assistive Technology Act of 1998''; and

(2) in paragraph (4), by striking ''section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))'' and inserting ''section 3 of the Assistive Technology Act of 1998''.

(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

(1) in subparagraph (C)(i), by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''; and

(2) in subparagraph (G)(i), by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''.

(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking ''the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (42 U.S.C. 2201 et seq.)'' and inserting ''the Assistive Technology Act of 1998''.

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

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

HEALTH PROFESSIONS EDUCATION PARTNERSHIP ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1754) to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

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

Resolved, That the bill from the Senate (S. 1754) entitled ''An Act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Health Professions Education Partnerships Act of 1998''.

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

TITLE I—HEALTH PROFESSIONS EDUCATION AND FINANCIAL ASSISTANCE PROGRAMS

Subtitle A—Health Professions Education Programs

SEC. 101. UNDER-REPRESENTED MINORITY HEALTH PROFESSIONS GRANT PROGRAM.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended to read as follows:

''PART B—HEALTH PROFESSIONS TRAINING FOR DIVERSITY

''SEC. 736. CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—The Secretary shall make grants to, and enter into contracts with, designated health professions schools described in subsection (c), and other public and nonprofit health or educational entities, for the purpose of assisting the schools in supporting programs of excellence in health professions education for under-represented minority individuals.

''(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the designated health professions school involved agrees, subject to subsection (c)(1)(C), to expend the grant—

''(1) to develop a large competitive applicant pool through linkages with institutions of higher education, local school districts, and other community-based entities and establish an education pipeline for health professions careers;

''(2) to establish, strengthen, or expand programs to enhance the academic performance of under-represented minority students attending the school;

''(3) to improve the capacity of such school to train, recruit, and retain under-represented minority faculty including the payment of such stipends and fellowships as the Secretary may determine appropriate;

''(4) to carry out activities to improve the information resources, clinical education, curricula and cultural competence of the graduates of the school, as it relates to minority health issues;

''(5) to facilitate faculty and student research on health issues particularly affecting under-represented minority groups, including research on issues relating to the delivery of health care;

''(6) to carry out a program to train students of the school in providing health services to a significant number of under-represented minority individuals through training provided to such students at community-based health facilities that—

''(A) provide such health services; and

''(B) are located at a site remote from the main site of the teaching facilities of the school; and

''(7) to provide stipends as the Secretary determines appropriate, in amounts as the Secretary determines appropriate.

''(c) CENTERS OF EXCELLENCE.—

''(1) DESIGNATED SCHOOLS.—

''(A) IN GENERAL.—The designated health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraphs (B) and (C), and that—

''(i) meet each of the conditions specified in paragraph (2)(A);

''(ii) meet each of the conditions specified in paragraph (3);

''(iii) meet each of the conditions specified in paragraph (4); or

''(iv) meet each of the conditions specified in paragraph (5).

''(B) GENERAL CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

''(i) has a significant number of under-represented minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

''(ii) has been effective in assisting under-represented minority students of the school to complete the program of education and receive the degree involved;

''(iii) has been effective in recruiting under-represented minority individuals to enroll in and graduate from the school, including providing scholarships and other financial assistance to such individuals and encouraging under-represented minority students from all levels of the educational pipeline to pursue health professions careers; and

''(iv) has made significant recruitment efforts to increase the number of under-represented minority individuals serving in faculty or administrative positions at the school.

''(C) CONSORTIUM.—The condition specified in this subparagraph is that, in accordance with subsection (e)(1), the designated health profession school involved has with other health profession schools (designated or otherwise) formed a consortium to carry out the purposes described in subsection (b) at the schools of the consortium.

''(D) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

''(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

''(A) CONDITIONS.—The conditions specified in this subparagraph are that a designated health professions school—

''(i) is a school described in section 799B(1); and

''(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

''(B) USE OF GRANT.—In addition to the purposes described in subsection (b), a grant under subsection (a) to a designated health professions school meeting the conditions described in subparagraph (A) may be expended—

''(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for under-represented minority individuals; and

''(ii) to provide improved access to the library and informational resources of the school.

''(C) EXCEPTION.—The requirements of paragraph (1)(C) shall not apply to a historically black college or university that receives funding under paragraphs (2) or (5).

''(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

''(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

''(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals; and

''(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

''(i) the school will establish an arrangement with 1 or more public or nonprofit community based Hispanic serving organizations, or public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Hispanic individuals, the purposes of which will be to carry out a program—

''(I) to identify Hispanic students who are interested in a career in the health profession involved; and

''(II) to facilitate the educational preparation of such students to enter the health professions school; and

''(ii) the school will make efforts to recruit Hispanic students, including students who have participated in the undergraduate or other matriculation program carried out under arrangements established by the school pursuant to clause (i)(II) and will assist Hispanic students regarding the completion of the educational requirements for a degree from the school.

''(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

''(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the designated health professions school involved;

''(B) the school agrees, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

''(C) the school agrees, as a condition of receiving a grant under subsection (a), that—

''(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education, including schools of nursing, whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

''(I) to identify Native American students, from the institutions of higher education referred to in clause (i), who are interested in health professions careers; and

''(II) to facilitate the educational preparation of such students to enter the designated health professions school; and

''(ii) the designated health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the designated health professions school.

''(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are—

''(A) with respect to other centers of excellence, the conditions described in clauses (i) through (iv) of paragraph (1)(B); and

''(B) that the health professions school involved has an enrollment of under-represented minorities above the national average for such enrollments of health professions schools.

''(d) DESIGNATION AS CENTER OF EXCELLENCE.—

''(1) IN GENERAL.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Under-Represented Minority Health Professions Education.

''(2) HISPANIC CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

''(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any designated health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

''(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to a designated health professions school that does not meet such conditions if—

''(1) the school has formed a consortium in accordance with subsection (d)(1); and

''(2) the schools of the consortium collectively meet such conditions, without regard to whether the schools individually meet such conditions.

''(f) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

''(g) DEFINITIONS.—In this section:

''(1) DESIGNATED HEALTH PROFESSIONS SCHOOL.—

''(A) IN GENERAL.—The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, a school of pharmacy, or a graduate program in behavioral or mental health.

''(B) EXCEPTION.—The definition established in subparagraph (A) shall not apply to the use of the term 'designated health professions school' for purposes of subsection (c)(2).

''(2) PROGRAM OF EXCELLENCE.—The term 'program of excellence' means any program carried out by a designated health professions school with a grant made under subsection (a), if the program is for purposes for which the school involved is authorized in subsection (b) or (c) to expend the grant.

''(3) NATIVE AMERICANS.—The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there authorized to be appropriated $26,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(2) ALLOCATIONS.—Based on the amount appropriated under paragraph (1) for a fiscal year, one of the following subparagraphs shall apply:

''(A) IN GENERAL.—If the amounts appropriated under paragraph (1) for a fiscal year are $24,000,000 or less—

''(i) the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A); and

''(ii) and available after grants are made with funds under clause (i), the Secretary shall make available—

''(I) 60 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting the conditions under subsection (e)); and

''(II) 40 percent of such amount for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(B) FUNDING IN EXCESS OF $24,000,000.—If amounts appropriated under paragraph (1) for a fiscal year exceed $24,000,000 but are less than $30,000,000—

''(i) 80 percent of such excess amounts shall be made available for grants under subsection (a) to health professions schools that meet the requirements described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)); and

''(ii) 20 percent of such excess amount shall be made available for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5).

''(C) FUNDING IN EXCESS OF $30,000,000.—If amounts appropriated under paragraph (1) for a fiscal year are $30,000,000 or more, the Secretary shall make available—

''(i) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(2)(A);

''(ii) not less than $12,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e));

''(iii) not less than $6,000,000 for grants under subsection (a) to health professions schools that meet the conditions described in subsection (c)(5); and

''(iv) after grants are made with funds under clauses (i) through (iii), any remaining funds for grants under subsection (a) to health professions schools that meet the conditions described in paragraph (2)(A), (3), (4), or (5) of subsection (c).

''(3) NO LIMITATION.—Nothing in this subsection shall be construed as limiting the centers of excellence referred to in this section to the designated amount, or to preclude such entities from competing for other grants under this section.

''(4) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—With respect to activities for which a grant made under this part are authorized to be expended, the Secretary may not make such a grant to a center of excellence for any fiscal year unless the center agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the school receives such a grant.

''(B) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a center of excellence and available for carrying out activities for which a grant under this part is authorized to be expended, the Secretary may not make such a grant to the center for any fiscal year unless the center agrees that the center will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"SEC. 737. SCHOLARSHIPS FOR DISADVANTAGED STUDENTS.

''(a) IN GENERAL.—The Secretary may make a grant to an eligible entity (as defined in subsection (d)(1)) under this section for the awarding of scholarships by schools to any full-time student who is an eligible individual as defined in subsection (d). Such scholarships may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in the attendance of such school.

''(b) PREFERENCE IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant to an entity under subsection (a) unless the health professions and nursing schools involved agree that, in providing scholarships pursuant to the grant, the schools will give preference to students for whom the costs of attending the schools would constitute a severe financial hardship and, notwithstanding other provisions of this section, to former recipients of scholarships under sections 736 and 740(d)(2)(B) (as such sections existed on the day before the date of enactment of this section).

''(c) AMOUNT OF AWARD.—In awarding grants to eligible entities that are health professions and nursing schools, the Secretary shall give priority to eligible entities based on the proportion of graduating students going into primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities.

''(d) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means an entity that—

''(A) is a school of medicine, osteopathic medicine, dentistry, nursing (as defined in section 801), pharmacy, podiatric medicine, optometry, veterinary medicine, public health, chiropractic, or allied health, a school offering a graduate program in behavioral and mental health practice, or an entity providing programs for the training of physician assistants; and

''(B) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who—

''(A) is from a disadvantaged background;

''(B) has a financial need for a scholarship; and

''(C) is enrolled (or accepted for enrollment) at an eligible health professions or nursing school as a full-time student in a program leading to a degree in a health profession or nursing.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

''(a) LOAN REPAYMENTS.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in paragraph (2) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

''(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

''(A) have a degree in medicine, osteopathic medicine, dentistry, nursing, or another health profession;

''(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, nursing, or other health profession; or

''(C) are enrolled as full-time students—

''(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

''(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

''(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 801), osteopathic medicine, dentistry, pharmacy, allied health, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in behavioral and mental health.

''(4) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

''(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years; and

''(B) the contract referred to in subparagraph (A) provides that—

''(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year;

''(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty; and

''(iii) the school, in making a determination of the amount of compensation to be provided by the school to the individual for serving as a member of the faculty, will make the determination without regard to the amount of payments made (or to be made) to the individual by the Federal Government under paragraph (1).

''(5) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338C, 338G, and 338I shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

''(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (4)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved.

''(b) FELLOWSHIPS.—

''(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in increasing the number of underrepresented minority individuals who are members of the faculty of such schools.

''(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall provide an assurance, in the application submitted by the entity, that—

''(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if the individual meets the requirements of paragraphs (3) and (4); and

''(B) each fellowship awarded pursuant to the grant or contract will include—

''(i) a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member for not to exceed 3 years of training; and

''(ii) an allowance for other expenses, such as travel to professional meetings and costs related to specialized training.

''(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

''(A) identify, recruit and select underrepresented minority individuals who have the potential for teaching, administration, or conducting research at a health professions institution;

''(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

''(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of counselors; and

''(D) provide health services to rural or medically underserved populations.

''(4) REQUIREMENTS.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

''(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

''(B) provide an assurance that institutional support will be provided for the individual for the second and third years at a level that is equal to the total amount of institutional funds provided in the year in which the grant or contract was awarded;

''(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

''(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

''(5) DEFINITION.—For purposes of this subsection, the term 'underrepresented minority individuals' means individuals who are members of racial or ethnic minority groups that are underrepresented in the health professions including nursing.

"SEC. 739. EDUCATIONAL ASSISTANCE IN THE HEALTH PROFESSIONS REGARDING INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

''(a) IN GENERAL.—

''(1) AUTHORITY FOR GRANTS.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools that offer graduate programs in behavioral and mental health, programs for the training of physician assistants, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

''(2) AUTHORIZED EXPENDITURES.—A grant or contract under paragraph (1) may be used by the entity to meet the cost of—

''(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession;

''(B) facilitating the entry of such individuals into such a school;

''(C) providing counseling, mentoring, or other services designed to assist such individuals to complete successfully their education at such a school;

''(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education and health research training designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education;

''(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program;

''(F) paying such scholarships as the Secretary may determine for such individuals for

any period of health professions education at a health professions school;

''(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount determined appropriate by the Secretary (notwithstanding any other provision of law regarding the amount of stipends);

''(H) carrying out programs under which such individuals gain experience regarding a career in a field of primary health care through working at facilities of public or private nonprofit community-based providers of primary health services; and

''(I) conducting activities to develop a larger and more competitive applicant pool through partnerships with institutions of higher education, school districts, and other community-based entities.

''(3) DEFINITION.—In this section, the term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in behavioral or mental health.

''(b) REQUIREMENTS FOR AWARDS.—In making awards to eligible entities under subsection (a)(1), the Secretary shall give preference to approved applications for programs that involve a comprehensive approach by several public or nonprofit private health or educational entities to establish, enhance and expand educational programs that will result in the development of a competitive applicant pool of individuals from disadvantaged backgrounds who desire to pursue health professions careers. In considering awards for such a comprehensive partnership approach, the following shall apply with respect to the entity involved:

''(1) The entity shall have a demonstrated commitment to such approach through formal agreements that have common objectives with institutions of higher education, school districts, and other community-based entities.

''(2) Such formal agreements shall reflect the coordination of educational activities and support services, increased linkages, and the consolidation of resources within a specific geographic area.

''(3) The design of the educational activities involved shall provide for the establishment of a competitive health professions applicant pool of individuals from disadvantaged backgrounds by enhancing the total preparation (academic and social) of such individuals to pursue a health professions career.

''(4) The programs or activities under the award shall focus on developing a culturally competent health care workforce that will serve the unserved and underserved populations within the geographic area.

''(c) EQUITABLE ALLOCATION OF FINANCIAL ASSISTANCE.—The Secretary, to the extent practicable, shall ensure that services and activities under subsection (a) are adequately allocated among the various racial and ethnic populations who are from disadvantaged backgrounds.

''(d) MATCHING REQUIREMENTS.—The Secretary may require that an entity that applies for a grant or contract under subsection (a), provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant or contract. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''SEC. 740. AUTHORIZATION OF APPROPRIATION.

''(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 737, $37,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. Of the amount appropriated in any fiscal year, the Secretary shall ensure that not less than 16 percent shall be distributed to schools of nursing.

''(b) LOAN REPAYMENTS AND FELLOWSHIPS.—For the purpose of carrying out section 738, there is authorized to be appropriated $1,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(c) EDUCATIONAL ASSISTANCE IN HEALTH PROFESSIONS REGARDING INDIVIDUALS FOR DISADVANTAGED BACKGROUNDS.—For the purpose of grants and contracts under section 739(a)(1), there is authorized to be appropriated $29,400,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002. The Secretary may use not to exceed 20 percent of the amount appropriated for a fiscal year under this subsection to provide scholarships under section 739(a)(2)(F).

''(d) REPORT.—Not later than 6 months after the date of enactment of this part, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the efforts of the Secretary to address the need for a representative mix of individuals from historically minority health professions schools, or from institutions or other entities that historically or by geographic location have a demonstrated record of training or educating underrepresented minorities, within various health professions disciplines, on peer review councils.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 795 of the Public Health Service Act (42 U.S.C. 295n) is repealed.

(2) NONTERMINATION OF AUTHORITY.—The amendments made by this section shall not be construed to terminate agreements that, on the day before the date of enactment of this Act, are in effect pursuant to section 795 of the Public Health Service Act (42 U.S.C. 795) as such section existed on such date. Such agreements shall continue in effect in accordance with the terms of the agreements. With respect to compliance with such agreements, any period of practice as a provider of primary health services shall be counted towards the satisfaction of the requirement of practice pursuant to such section 795.

(c) CONFORMING AMENDMENTS.—Section 481A(c)(3)(D)(i) of the Public Health Service Act (42 U.S.C. 287a–2(c)(3)(D)(i)) is amended by striking ''section 739'' and inserting ''part B of title VII''.

SEC. 102. TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended—

*(1) in the part heading by striking ''**PRIMARY HEALTH CARE**'' and inserting ''**FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, PHYSICIAN ASSISTANTS, GENERAL DENTISTRY, AND PEDIATRIC DENTISTRY**'';*

(2) by repealing section 746 (42 U.S.C. 293j);

(3) in section 747 (42 U.S.C. 293k)—

(A) by striking the section heading and inserting the following:

''SEC. 747. FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.'';

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting '', internal medicine, or pediatrics'' after ''family medicine''; and

(II) by inserting before the semicolon the following: ''that emphasizes training for the practice of family medicine, general internal medicine, or general pediatrics (as defined by the Secretary)'';

(ii) in paragraph (2), by inserting '', general internal medicine, or general pediatrics'' before the semicolon;

(iii) in paragraphs (3) and (4), by inserting ''(including geriatrics), general internal medicine or general pediatrics'' after ''family medicine'';

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

(v) in paragraph (4), by striking the period and inserting a semicolon; and

(vii) by adding at the end thereof the following new paragraphs:

''(5) to meet the costs of projects to plan, develop, and operate or maintain programs for the training of physician assistants (as defined in section 799B), and for the training of individuals who will teach in programs to provide such training; and

''(6) to meet the costs of planning, developing, or operating programs, and to provide financial assistance to residents in such programs, of general dentistry or pediatric dentistry.

For purposes of paragraph (6), entities eligible for such grants or contracts shall include entities that have programs in dental schools, approved residency programs in the general or pediatric practice of dentistry, approved advanced education programs in the general or pediatric practice of dentistry, or approved residency programs in pediatric dentistry.'';

(C) in subsection (b)—

(i) in paragraphs (1) and (2)(A), by inserting '', general internal medicine, or general pediatrics'' after ''family medicine'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''or'' at the end; and

(II) in subparagraph (B), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(3) PRIORITY IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give priority to any qualified applicant for such an award that proposes a collaborative project between departments of primary care.'';

(D) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b), the following new subsection:

''(c) PRIORITY.—

''(1) IN GENERAL.—With respect to programs for the training of interns or residents, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers, which enter and remain in primary care practice or general or pediatric dentistry.

''(2) DISADVANTAGED INDIVIDUALS.—With respect to programs for the training of interns, residents, or physician assistants, the Secretary shall give priority in awarding grants under this section to qualified applicants that have a record of training individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among primary care practice or general or pediatric dentistry).

''(3) SPECIAL CONSIDERATION.—In awarding grants under this section the Secretary shall give special consideration to projects which prepare practitioners to care for underserved populations and other high risk groups such as the elderly, individuals with HIV-AIDS, substance abusers, homeless, and victims of domestic violence.''; and

(F) in subsection (e) (as so redesignated by subparagraph (D))—

(i) in paragraph (1), by striking ''$54,000,000'' and all that follows and inserting ''$78,300,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.''; and

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

''(2) ALLOCATION.—

''(A) IN GENERAL.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available—

''(i) not less than $49,300,000 for awards of grants and contracts under subsection (a) to

programs of family medicine, of which not less than $8,600,000 shall be made available for awards of grants and contracts under subsection (b) for family medicine academic administrative units;

''(ii) not less than $17,700,000 for awards of grants and contracts under subsection (a) to programs of general internal medicine and general pediatrics;

''(iii) not less than $6,800,000 for awards of grants and contracts under subsection (a) to programs relating to physician assistants; and

''(iv) not less than $4,500,000 for awards of grants and contracts under subsection (a) to programs of general or pediatric dentistry.

''(B) RATABLE REDUCTION.—If amounts appropriated under paragraph (1) for any fiscal year are less than the amount required to comply with subparagraph (A), the Secretary shall ratably reduce the amount to be made available under each of clauses (i) through (iv) of such subparagraph accordingly.''; and

(4) by repealing sections 748 through 752 (42 U.S.C. 293l through 293p) and inserting the following:

''SEC. 748. ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.

''(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Training in Primary Care Medicine and Dentistry (in this section referred to as the 'Advisory Committee').

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

''(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals. In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

''(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

''(c) TERMS.—

''(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

''(A) ⅓ of such members shall serve for a term of 1 year;

''(B) ⅓ of such members shall serve for a term of 2 years; and

''(C) ⅓ of such members shall serve for a term of 3 years.

''(2) VACANCIES.—

''(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

''(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Advisory Committee shall—

''(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under section 747; and

''(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under section 747.

''(e) MEETINGS AND DOCUMENTS.—

''(1) MEETINGS.—The Advisory Committee shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

''(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

''(f) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

''(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

''(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.''.

SEC. 103. INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended to read as follows:

''PART D—INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES

''SEC. 750. GENERAL PROVISIONS.

''(a) COLLABORATION.—To be eligible to receive assistance under this part, an academic institution shall use such assistance in collaboration with 2 or more disciplines.

''(b) ACTIVITIES.—An entity shall use assistance under this part to carry out innovative demonstration projects for strategic workforce supplementation activities as needed to meet national goals for interdisciplinary, community-based linkages. Such assistance may be used consistent with this part—

''(1) to develop and support training programs;

''(2) for faculty development;

''(3) for model demonstration programs;

''(4) for the provision of stipends for fellowship trainees;

''(5) to provide technical assistance; and

''(6) for other activities that will produce outcomes consistent with the purposes of this part.

''SEC. 751. AREA HEALTH EDUCATION CENTERS.

''(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

''(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

''(A) IN GENERAL.—The Secretary shall award grants to and enter into contracts with schools of medicine and osteopathic medicine, and incorporated consortia made up of such schools, or the parent institutions of such schools, for projects for the planning, development and operation of area health education center programs that—

''(i) improve the recruitment, distribution, supply, quality and efficiency of personnel providing health services in underserved rural and urban areas and personnel providing health services to populations having demonstrated serious unmet health care needs;

''(ii) increase the number of primary care physicians and other primary care providers who provide services in underserved areas through the offering of an educational continuum of health career recruitment through clinical education concerning underserved areas in a comprehensive health workforce strategy;

''(iii) carry out recruitment and health career awareness programs to recruit individuals from underserved areas and under-represented populations, including minority and other elementary or secondary students, into the health professions;

''(iv) prepare individuals to more effectively provide health services to underserved areas or underserved populations through field placements, preceptorships, the conduct of or support of community-based primary care residency programs, and agreements with community-based organizations such as community health centers, migrant health centers, Indian health centers, public health departments and others;

''(v) conduct health professions education and training activities for students of health professions schools and medical residents;

''(vi) conduct at least 10 percent of medical student required clinical education at sites remote to the primary teaching facility of the contracting institution; and

''(vii) provide information dissemination and educational support to reduce professional isolation, increase retention, enhance the practice environment, and improve health care through the timely dissemination of research findings using relevant resources.

''(B) OTHER ELIGIBLE ENTITIES.—With respect to a State in which no area health education center program is in operation, the Secretary may award a grant or contract under subparagraph (A) to a school of nursing.

''(C) PROJECT TERMS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the period during which payments may be made under an award under subparagraph (A) may not exceed—

''(I) in the case of a project, 12 years or

''(II) in the case of a center within a project, 6 years.

''(ii) EXCEPTION.—The periods described in clause (i) shall not apply to projects that have completed the initial period of Federal funding under this section and that desire to compete for model awards under paragraph (2)(A).

''(2) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

''(A) IN GENERAL.—In the case of any entity described in paragraph (1)(A) that—

''(i) has previously received funds under this section;

''(ii) is operating an area health education center program; and

''(iii) is no longer receiving financial assistance under paragraph (1);

the Secretary may provide financial assistance to such entity to pay the costs of operating and carrying out the requirements of the program as described in paragraph (1).

''(B) MATCHING REQUIREMENT.—With respect to the costs of operating a model program under subparagraph (A), an entity, to be eligible for financial assistance under subparagraph (A), shall make available (directly or through contributions from State, county or municipal governments, or the private sector) recurring non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs.

''(C) LIMITATION.—The aggregate amount of awards provided under subparagraph (A) to entities in a State for a fiscal year may not exceed the lesser of—

''(i) $2,000,000; or

''(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by such entities.

''(b) REQUIREMENTS FOR CENTERS.—

''(1) GENERAL REQUIREMENT.—Each area health education center that receives funds under this section shall encourage the regionalization of health professions schools through the establishment of partnerships with community-based organizations.

''(2) SERVICE AREA.—Each area health education center that receives funds under this section shall specifically designate a geographic area or medically underserved population to be served by the center. Such area or population shall be in a location removed from the main location of the teaching facilities of the schools participating in the program with such center.

''(3) OTHER REQUIREMENTS.—Each area health education center that receives funds under this section shall—

''(A) assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs;

''(B) arrange and support rotations for students and residents in family medicine, general internal medicine or general pediatrics, with at least one center in each program being affiliated with or conducting a rotating osteopathic internship or medical residency training program in family medicine (including geriatrics), general internal medicine (including geriatrics), or general pediatrics in which no fewer than 4 individuals are enrolled in first-year positions;

''(C) conduct and participate in interdisciplinary training that involves physicians and other health personnel including, where practicable, public health professionals, physician assistants, nurse practitioners, nurse midwives, and behavioral and mental health providers; and

''(D) have an advisory board, at least 75 percent of the members of which shall be individuals, including both health service providers and consumers, from the area served by the center.

''(c) CERTAIN PROVISIONS REGARDING FUNDING.—

''(1) ALLOCATION TO CENTER.—Not less than 75 percent of the total amount of Federal funds provided to an entity under this section shall be allocated by an area health education center program to the area health education center. Such entity shall enter into an agreement with each center for purposes of specifying the allocation of such 75 percent of funds.

''(2) OPERATING COSTS.—With respect to the operating costs of the area health education center program of an entity receiving funds under this section, the entity shall make available (directly or through contributions from State, county or municipal governments, or the private sector) non-Federal contributions in cash toward such costs in an amount that is equal to not less than 50 percent of such costs, except that the Secretary may grant a waiver for up to 75 percent of the amount of the required non-Federal match in the first 3 years in which an entity receives funds under this section.

''SEC. 752. HEALTH EDUCATION AND TRAINING CENTERS.

''(a) IN GENERAL.—To be eligible for funds under this section, a health education training center shall be an entity otherwise eligible for funds under section 751 that—

''(1) addresses the persistent and severe unmet health care needs in States along the border between the United States and Mexico and in the State of Florida, and in other urban and rural areas with populations with serious unmet health care needs;

''(2) establishes an advisory board comprised of health service providers, educators and consumers from the service area;

''(3) conducts training and education programs for health professions students in these areas;

''(4) conducts training in health education services, including training to prepare community health workers; and

''(5) supports health professionals (including nursing) practicing in the area through educational and other services.

''(b) ALLOCATION OF FUNDS.—The Secretary shall make available 50 percent of the amounts appropriated for each fiscal year under section 752 for the establishment or operation of health education training centers through projects in States along the border between the United States and Mexico and in the State of Florida.

''SEC. 753. EDUCATION AND TRAINING RELATING TO GERIATRICS.

''(a) GERIATRIC EDUCATION CENTERS.—

''(1) IN GENERAL.—The Secretary shall award grants or contracts under this section to entities described in paragraphs (1), (3), or (4) of section 799B, and section 853(2), for the establishment or operation of geriatric education centers.

''(2) REQUIREMENTS.—A geriatric education center is a program that—

''(A) improves the training of health professionals in geriatrics, including geriatric residencies, traineeships, or fellowships;

''(B) develops and disseminates curricula relating to the treatment of the health problems of elderly individuals;

''(C) supports the training and retraining of faculty to provide instruction in geriatrics;

''(D) supports continuing education of health professionals who provide geriatric care; and

''(E) provides students with clinical training in geriatrics in nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers.

''(b) GERIATRIC TRAINING REGARDING PHYSICIANS AND DENTISTS.—

''(1) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians, dentists and behavioral and mental health professionals who plan to teach geriatric medicine, geriatric behavioral or mental health, or geriatric dentistry.

''(2) REQUIREMENTS.—Each project for which a grant or contract is made under this subsection shall—

''(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric behavioral or mental health;

''(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

''(C) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching behavioral mental health professionals who have experience or training in geriatric behavioral or mental health;

''(D) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or behavioral or mental health;

''(E) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric behavioral or mental health units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

''(F) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

''(3) TRAINING OPTIONS.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

''(A) A 1-year retraining program in geriatrics for—

''(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and behavioral or mental health at schools of medicine and osteopathic medicine;

''(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry; and

''(iii) behavioral or mental health professionals who are faculty members in departments of behavioral or mental health; and

''(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

''(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, behavioral or mental health, neurology, gynecology, or rehabilitation medicine;

''(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience; and

''(iii) behavioral or mental health professionals who have completed graduate medical education programs in behavioral or mental health.

''(4) DEFINITIONS.—For purposes of this subsection:

''(A) The term 'graduate medical education program' means a program sponsored by a school of medicine, a school of osteopathic medicine, a hospital, or a public or private institution that—

''(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

''(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

''(B) The term 'post-doctoral dental education program' means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

''(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

''(ii) has been accredited by the Commission on Dental Accreditation.

''(c) GERIATRIC FACULTY FELLOWSHIPS.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide Geriatric Academic Career Awards to eligible individuals to promote the career development of such individuals as academic geriatricians.

''(2) ELIGIBLE INDIVIDUALS.—To be eligible to receive an Award under paragraph (1), an individual shall—

''(A) be board certified or board eligible in internal medicine, family practice, or psychiatry;

''(B) have completed an approved fellowship program in geriatrics; and

''(C) have a junior faculty appointment at an accredited (as determined by the Secretary) school of medicine or osteopathic medicine.

''(3) LIMITATIONS.—No Award under paragraph (1) may be made to an eligible individual unless the individual—

''(A) has submitted to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, and the Secretary has approved such application; and

''(B) provides, in such form and manner as the Secretary may require, assurances that the individual will meet the service requirement described in subsection (e).

''(4) AMOUNT AND TERM.—

''(A) AMOUNT.—The amount of an Award under this section shall equal $50,000 for fiscal

year 1998, adjusted for subsequent fiscal years to reflect the increase in the Consumer Price Index.

''(B) TERM.—The term of any Award made under this subsection shall not exceed 5 years.

''(5) SERVICE REQUIREMENT.—An individual who receives an Award under this subsection shall provide training in clinical geriatrics, including the training of interdisciplinary teams of health care professionals. The provision of such training shall constitute at least 75 percent of the obligations of such individual under the Award.

''SEC. 754. QUENTIN N. BURDICK PROGRAM FOR RURAL INTERDISCIPLINARY TRAINING.

''(a) GRANTS.—The Secretary may make grants or contracts under this section to help entities fund authorized activities under an application approved under subsection (c).

''(b) USE OF AMOUNTS.—

''(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

''(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

''(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

''(C) deliver health care services to individuals residing in rural areas;

''(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

''(E) increase the recruitment and retention of health care practitioners from rural areas and make rural practice a more attractive career choice for health care practitioners.

''(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

''(A) the distribution of stipends to students of eligible applicants;

''(B) the establishment of a post-doctoral fellowship program;

''(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

''(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

''(3) ADMINISTRATION.—

''(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

''(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

''(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

''(c) APPLICATIONS.—Applications submitted for assistance under this section shall—

''(1) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas; and

''(2) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community behavioral and mental health centers, long-term care facilities, Native Hawaiian health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act.

''(d) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

''SEC. 755. ALLIED HEALTH AND OTHER DISCIPLINES.

''(a) IN GENERAL.—The Secretary may make grants or contracts under this section to help entities fund activities of the type described in subsection (b).

''(b) ACTIVITIES.—Activities of the type described in this subsection include the following:

''(1) Assisting entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this paragraph may include—

''(A) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

''(B) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

''(C) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

''(D) those that provide career advancement training for practicing allied health professionals;

''(E) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

''(F) those that develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

''(G) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

''(H) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research;

''(I) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program; and

''(i) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

''(ii) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary; and

''(J) those to meet the costs of projects to plan, develop, and operate or maintain graduate programs in behavioral and mental health practice.

''(2) Planning and implementing projects in preventive and primary care training for podiatric physicians in approved or provisionally approved residency programs that shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

''(3) Carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

''SEC. 756. ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.

''(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Interdisciplinary, Community-Based Linkages (in this section referred to as the 'Advisory Committee').

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Secretary shall determine the appropriate number of individuals to serve on the Advisory Committee. Such individuals shall not be officers or employees of the Federal Government.

''(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Committee from among individuals who are health professionals from schools of the types described in sections 751(a)(1)(A), 751(a)(1)(B), 753(b), 754(3)(A), and 755(b). In making such appointments, the Secretary shall ensure a fair balance between the health professions, that at least 75 percent of the members of the Advisory Committee are health professionals, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved.

''(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Committee under paragraph (2), the Secretary shall ensure the adequate representation of women and minorities.

''(c) TERMS.—

''(1) IN GENERAL.—A member of the Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed—

''(A) ⅓ of the members shall serve for a term of 1 year;

''(B) ⅓ of the members shall serve for a term of 2 years; and

''(C) ⅓ of the members shall serve for a term of 3 years.

''(2) VACANCIES.—

''(A) IN GENERAL.—A vacancy on the Advisory Committee shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

''(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Advisory Committee shall—

''(1) provide advice and recommendations to the Secretary concerning policy and program development and other matters of significance concerning the activities under this part; and

''(2) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, and the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Committee, including findings and recommendations made by the Committee concerning the activities under this part.

''(e) MEETINGS AND DOCUMENTS.—

''(1) MEETINGS.—The Advisory Committee shall meet not less than 3 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

''(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Committee shall prepare and make available an agenda of the matters to be considered by the Advisory Committee at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Committee shall prepare and make available a summary of the meeting and any actions taken by the Committee based upon the meeting.

''(f) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—Each member of the Advisory Committee shall be compensated at a rate equal to the daily equivalent of the annual rate

of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Committee.

''(2) EXPENSES.—The members of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

''(g) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.

''SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $55,600,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(b) ALLOCATION.—

''(1) IN GENERAL.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall make available—

''(A) not less than $28,587,000 for awards of grants and contracts under section 751;

''(B) not less than $3,765,000 for awards of grants and contracts under section 752, of which not less than 50 percent of such amount shall be made available for centers described in subsection (a)(1) of such section; and

''(C) not less than $22,631,000 for awards of grants and contracts under sections 753, 754, and 755.

''(2) RATABLE REDUCTION.—If amounts appropriated under subsection (a) for any fiscal year are less than the amount required to comply with paragraph (1), the Secretary shall ratably reduce the amount to be made available under each of subparagraphs (A) through (C) of such paragraph accordingly.

''(3) INCREASE IN AMOUNTS.—If amounts appropriated for a fiscal year under subsection (a) exceed the amount authorized under such subsection for such fiscal year, the Secretary may increase the amount to be made available for programs and activities under this part without regard to the amounts specified in each of subparagraphs (A) through (C) of paragraph (2).

''(c) OBLIGATION OF CERTAIN AMOUNTS.—

''(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—Of the amounts made available under subsection (b)(1)(A) for each fiscal year, the Secretary may obligate for awards under section 751(a)(2)—

''(A) not less than 23 percent of such amounts in fiscal year 1998;

''(B) not less than 30 percent of such amounts in fiscal year 1999;

''(C) not less than 35 percent of such amounts in fiscal year 2000;

''(D) not less than 40 percent of such amounts in fiscal year 2001; and

''(E) not less than 45 percent of such amounts in fiscal year 2002.

''(2) SENSE OF CONGRESS.—It is the sense of the Congress that—

''(A) every State have an area health education center program in effect under this section; and

''(B) the ratio of Federal funding for the model program under section 751(a)(2) should increase over time and that Federal funding for other awards under this section shall decrease so that the national program will become entirely comprised of programs that are funded at least 50 percent by State and local partners.''.

SEC. 104. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended to read as follows:

''PART E—HEALTH PROFESSIONS AND PUBLIC HEALTH WORKFORCE

''Subpart 1—Health Professions Workforce Information and Analysis

''SEC. 761. HEALTH PROFESSIONS WORKFORCE INFORMATION AND ANALYSIS.

''(a) PURPOSE.—It is the purpose of this section to—

''(1) provide for the development of information describing the health professions workforce and the analysis of workforce related issues; and

''(2) provide necessary information for decision-making regarding future directions in health professions and nursing programs in response to societal and professional needs.

''(b) GRANTS OR CONTRACTS.—The Secretary may award grants or contracts to State or local governments, health professions schools, schools of nursing, academic health centers, community-based health facilities, and other appropriate public or private nonprofit entities to provide for—

''(1) targeted information collection and analysis activities related to the purposes described in subsection (a);

''(2) research on high priority workforce questions;

''(3) the development of a non-Federal analytic and research infrastructure related to the purposes described in subsection (a); and

''(4) the conduct of program evaluation and assessment.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $750,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(2) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than $600,000 for conducting health professions research and for carrying out data collection and analysis in accordance with section 792.

''(3) AVAILABILITY OF ADDITIONAL FUNDS.—Amounts otherwise appropriated for programs or activities under this title may be used for activities under subsection (b) with respect to the programs or activities from which such amounts were made available.''.

(b) COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 301 of the Health Professions Education Extension Amendments of 1992 (Public Law 102–408) is amended—

(1) in subsection (j), by striking ''1995'' and inserting ''2002'';

(2) in subsection (k), by striking ''1995'' and inserting ''2002'';

(3) by adding at the end thereof the following new subsection:

''(l) FUNDING.—Amounts otherwise appropriated under this title may be utilized by the Secretary to support the activities of the Council.'';

(4) by transferring such section to part E of title VII of the Public Health Service Act (as amended by subsection (a));

(5) by redesignating such section as section 762; and

(6) by inserting such section after section 761.

SEC. 105. PUBLIC HEALTH WORKFORCE DEVELOPMENT.

Part E of title VII of the Public Health Service Act (as amended by section 104) is further amended by adding at the end the following:

''Subpart 2—Public Health Workforce

''SEC. 765. GENERAL PROVISIONS.

''(a) IN GENERAL.—The Secretary may award grants or contracts to eligible entities to increase the number of individuals in the public health workforce, to enhance the quality of such workforce, and to enhance the ability of the workforce to meet national, State, and local health care needs.

''(b) ELIGIBILITY.—To be eligible to receive a grant or contract under subsection (a) an entity shall—

''(1) be—

''(A) a health professions school, including an accredited school or program of public health, health administration, preventive medicine, or dental public health or a school providing health management programs;

''(B) an academic health center;

''(C) a State or local government; or

''(D) any other appropriate public or private nonprofit entity; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) PREFERENCE.—In awarding grants or contracts under this section the Secretary may grant a preference to entities—

''(1) serving individuals who are from disadvantaged backgrounds (including underrepresented racial and ethnic minorities); and

''(2) graduating large proportions of individuals who serve in underserved communities.

''(d) ACTIVITIES.—Amounts provided under a grant or contract awarded under this section may be used for—

''(1) the costs of planning, developing, or operating demonstration training programs;

''(2) faculty development;

''(3) trainee support;

''(4) technical assistance;

''(5) to meet the costs of projects—

''(A) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health, that have available full-time faculty members with training and experience in the fields of preventive medicine and dental public health; and

''(B) to provide financial assistance to residency trainees enrolled in such programs;

''(6) the retraining of existing public health workers as well as for increasing the supply of new practitioners to address priority public health, preventive medicine, public health dentistry, and health administration needs;

''(7) preparing public health professionals for employment at the State and community levels; or

''(8) other activities that may produce outcomes that are consistent with the purposes of this section

''(e) TRAINEESHIPS.—

''(1) IN GENERAL.—With respect to amounts used under this section for the training of health professionals, such training programs shall be designed to—

''(A) make public health education more accessible to the public and private health workforce;

''(B) increase the relevance of public health academic preparation to public health practice in the future;

''(C) provide education or training for students from traditional on-campus programs in practice-based sites; or

''(D) develop educational methods and distance-based approaches or technology that address adult learning requirements and increase knowledge and skills related to community-based cultural diversity in public health education.

''(2) SEVERE SHORTAGE DISCIPLINES.—Amounts provided under grants or contracts under this section may be used for the operation of programs designed to award traineeships to students in accredited schools of public health who enter educational programs in fields where there is a severe shortage of public health professionals, including epidemiology, biostatistics, environmental health, toxicology, public health nursing, nutrition, preventive medicine, maternal and child health, and behavioral and mental health professions.

''SEC. 766. PUBLIC HEALTH TRAINING CENTERS.

''(a) IN GENERAL.—The Secretary may make grants or contracts for the operation of public health training centers.

''(b) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—A public health training center shall be an accredited school of public health, or another public or nonprofit private institution accredited for the provision of graduate or specialized training in public health, that plans, develops, operates, and evaluates projects that are in furtherance of the goals established by the Secretary for the year 2000 in the areas of preventive medicine, health promotion and disease prevention, or improving access to and quality of health services in medically underserved communities.

''(2) PREFERENCE.—In awarding grants or contracts under this section the Secretary shall give preference to accredited schools of public health.

''(c) CERTAIN REQUIREMENTS.—With respect to a public health training center, an award may not be made under subsection (a) unless the program agrees that it—

''(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations;

''(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities;

''(3) will specifically designate a geographic area or medically underserved population to be served by the center that shall be in a location removed from the main location of the teaching facility of the school that is participating in the program with such center; and

''(4) will assess the health personnel needs of the area to be served by the center and assist in the planning and development of training programs to meet such needs.

''SEC. 767. PUBLIC HEALTH TRAINEESHIPS.

''(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

''(b) CERTAIN REQUIREMENTS.—

''(1) AMOUNT.—The amount of any grant under this section shall be determined by the Secretary.

''(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

''(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, nutrition, and maternal and child health).

''SEC. 768. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

''(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

''(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

''(2) to provide financial assistance to residency trainees enrolled in such programs.

''(b) ADMINISTRATION.—

''(1) AMOUNT.—The amount of any grant under subsection (a) shall be determined by the Secretary.

''(2) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

''(3) OTHER FUNDS.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

''SEC. 769. HEALTH ADMINISTRATION TRAINEESHIPS AND SPECIAL PROJECTS.

''(a) IN GENERAL.—The Secretary may make grants to State or local governments (that have in effect preventive medical and dental public health residency programs) or public or nonprofit private educational entities (including graduate schools of social work and business schools that have health management programs) that offer a program described in subsection (b)—

''(1) to provide traineeships for students enrolled in such a program; and

''(2) to assist accredited programs health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

''(b) RELEVANT PROGRAMS.—The program referred to in subsection (a) is an accredited program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

''(c) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

''(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

''(2) The applicant recruits and admits students from medically underserved communities.

''(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

''(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

''(d) CERTAIN PROVISIONS REGARDING TRAINEESHIPS.—

''(1) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

''(2) PREFERENCE FOR CERTAIN STUDENTS.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

''SEC. 770. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this subpart, there is authorized to be appropriated $9,100,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(b) LIMITATION REGARDING CERTAIN PROGRAM.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 30 percent for carrying out section 767.''.

SEC. 106. GENERAL PROVISIONS.

(a) IN GENERAL.—

(1) Part F of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is repealed.

(2) Part G of title VII of the Public Health Service Act (42 U.S.C. 295j et seq.) is amended—

(A) by redesignating such part as part F;

(B) in section 791 (42 U.S.C. 295j)—

(i) by striking subsection (b); and

(ii) redesignating subsection (c) as subsection (b);

(C) by repealing section 793 (42 U.S.C. 295l);

(D) by repealing section 798;

(E) by redesignating section 799 as section 799B; and

(F) by inserting after section 794, the following new sections:

''SEC. 796. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional health professions program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant health workforce needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish. To the extent practicable, grantees under this section shall establish linkages with health care providers who provide care for underserved communities and populations.

''SEC. 797. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, dissemination of information, and exploring new policy directions, as appropriate to meet recognized health workforce objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

''SEC. 798. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. As determined by the Secretary, such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''SEC. 799. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as

needed to meet health workforce goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as may be necessary.

''(b) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this title from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities for funding and participation in health professions and nursing training activities. The Secretary may accept applications from for-profit private entities if determined appropriate by the Secretary.

''(c) INFORMATION REQUIREMENTS.—

''(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(2) DATA COLLECTION.—The Secretary shall establish procedures to ensure that, with respect to any data collection required under this title, such data is collected in a manner that takes into account age, sex, race, and ethnicity.

''(3) USE OF FUNDS.—The Secretary shall establish procedures to permit the use of amounts appropriated under this title to be used for data collection purposes.

''(4) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants or contracts under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

''(d) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(e) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

''(f) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

''(1) IN GENERAL.—Each application for a grant under this title, except any scholarship or loan program, including those under sections 701, 721, or 723, shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

''(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall ensure sex, racial, ethnic, and geographic balance among the membership of such groups.

''(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

''(g) PREFERENCE OR PRIORITY CONSIDERATIONS.—In considering a preference or priority for funding which is based on outcome measures for an eligible entity under this title, the Secretary may also consider the future ability of the eligible entity to meet the outcome preference or priority through improvements in the eligible entity's program design.

''(h) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

''(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under section 761; and

''(2) discipline-specific workforce information and analytical activities are carried out as part of—

''(A) the community-based linkage program under part D; and

''(B) the health workforce development program under subpart 2 of part E.

''(i) OSTEOPATHIC SCHOOLS.—For purposes of this title, any reference to—

''(1) medical schools shall include osteopathic medical schools; and

''(2) medical students shall include osteopathic medical students.

''SEC. 799A. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.''.

(b) PROFESSIONAL COUNSELORS AS MENTAL HEALTH PROFESSIONALS.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by inserting ''professional counselors,'' after ''clinical psychologists,''.

SEC. 107. PREFERENCE IN CERTAIN PROGRAMS.

(a) IN GENERAL.—Section 791 of the Public Health Service Act (42 U.S.C. 295j), as amended by section 105(a)(2)(B), is further amended by adding at the end thereof the following subsection:

''(c) EXCEPTIONS FOR NEW PROGRAMS.—

''(1) IN GENERAL.—To permit new programs to compete equitably for funding under this section, those new programs that meet at least 4 of the criteria described in paragraph (3) shall qualify for a funding preference under this section.

''(2) DEFINITION.—As used in this subsection, the term 'new program' means any program that has graduated less than three classes. Upon graduating at least three classes, a program shall have the capability to provide the information necessary to qualify the program for the general funding preferences described in subsection (a).

''(3) CRITERIA.—The criteria referred to in paragraph (1) are the following:

''(A) The mission statement of the program identifies a specific purpose of the program as being the preparation of health professionals to serve underserved populations.

''(B) The curriculum of the program includes content which will help to prepare practitioners to serve underserved populations.

''(C) Substantial clinical training experience is required under the program in medically underserved communities.

''(D) A minimum of 20 percent of the clinical faculty of the program spend at least 50 percent of their time providing or supervising care in medically underserved communities.

''(E) The entire program or a substantial portion of the program is physically located in a medically underserved community.

''(F) Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

''(G) The program provides a placement mechanism for deploying graduates to medically underserved communities.''.

(b) CONFORMING AMENDMENTS.—Section 791(a) of the Public Health Service Act (42 U.S.C. 295j(a)) is amended—

(1) in paragraph (1), by striking ''sections 747'' and all that follows through ''767'' and inserting ''sections 747 and 750''; and

(2) in paragraph (2), by striking ''under section 798(a)''.

SEC. 108. DEFINITIONS.

(a) GRADUATE PROGRAM IN BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B(1)(D) of the Public Health Service Act (42 U.S.C. 295p(1)(D)) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) by inserting ''behavioral health and'' before ''mental''; and

(2) by inserting ''behavioral health and mental health practice,'' before ''clinical''.

(b) PROFESSIONAL COUNSELING AS A BEHAVIORAL AND MENTAL HEALTH PRACTICE.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 106(a)(2)(E)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) by inserting ''and 'graduate program in professional counseling''' after ''graduate program in marriage and family therapy'''; and

(ii) by inserting before the period the following: ''and a concentration leading to a graduate degree in counseling'';

(B) in subparagraph (D), by inserting ''professional counseling,'' after ''social work,''; and

(C) in subparagraph (E), by inserting ''professional counseling,'' after ''social work,''; and

(2) in paragraph (5)(C), by inserting before the period the following: ''or a degree in counseling or an equivalent degree''.

(c) MEDICALLY UNDERSERVED COMMUNITY.—Section 799B(6) of the Public Health Service Act (42 U.S.C. 295p(6)) (as so redesignated by section 105(a)(2)(E)) is amended—

(1) in subparagraph (B), by striking ''or'' at the end thereof;

(2) in subparagraph (C), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(D) is designated by a State Governor (in consultation with the medical community) as a shortage area or medically underserved community.''.

(d) PROGRAMS FOR THE TRAINING OF PHYSICIAN ASSISTANTS.—Paragraph (3) of section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended to read as follows:

''(3) The term 'program for the training of physician assistants' means an educational program that—

''(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary care under the supervision of a physician;

''(B) extends for at least one academic year and consists of—

''(i) supervised clinical practice; and

''(ii) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

''(C) has an enrollment of not less than eight students; and

''(D) trains students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.''.

(e) PSYCHOLOGIST.—Section 799B of the Public Health Service Act (42 U.S.C. 295p) (as so redesignated by section 105(a)(2)(E)) is amended by adding at the end the following:

''(11) The term 'psychologist' means an individual who—

''(A) holds a doctoral degree in psychology; and

''(B) is licensed or certified on the basis of the doctoral degree in psychology, by the State in which the individual practices, at the independent practice level of psychology to furnish diagnostic, assessment, preventive, and therapeutic services directly to individuals.''.

SEC. 109. TECHNICAL AMENDMENT ON NATIONAL HEALTH SERVICE CORPS.

Section 338B(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(B)) is amended by striking ''or other health profession'' and

inserting ''behavioral and mental health, or other health profession''.

SEC. 110. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendments made by this subtitle, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle B—Nursing Workforce Development

SEC. 121. SHORT TITLE.

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

SEC. 122. PURPOSE.

It is the purpose of this subtitle to restructure the nurse education authorities of title VIII of the Public Health Service Act to permit a comprehensive, flexible, and effective approach to Federal support for nursing workforce development.

SEC. 123. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended—

(1) by striking the title heading and all that follows except for subpart II of part B and sections 846 and 855; and inserting the following:

''TITLE VIII—NURSING WORKFORCE DEVELOPMENT'';

(2) in subpart II of part B, by striking the subpart heading and inserting the following:

''PART E—STUDENT LOANS'';

(3) by striking section 837;

(4) by inserting after the title heading the following new parts:

''PART A—GENERAL PROVISIONS

''SEC. 801. DEFINITIONS.

''As used in this title:

''(1) ELIGIBLE ENTITIES.—The term 'eligible entities' means schools of nursing, nursing centers, academic health centers, State or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit to the Secretary an application in accordance with section 802.

''(2) SCHOOL OF NURSING.—The term 'school of nursing' means a collegiate, associate degree, or diploma school of nursing in a State.

''(3) COLLEGIATE SCHOOL OF NURSING.—The term 'collegiate school of nursing' means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and related subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, or to an equivalent degree, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college or university is accredited.

''(4) ASSOCIATE DEGREE SCHOOL OF NURSING.—The term 'associate degree school of nursing' means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

''(5) DIPLOMA SCHOOL OF NURSING.—The term 'diploma school of nursing' means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

''(6) ACCREDITED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'accredited' when applied to any program of nurse education means a program accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education and when applied to a hospital, school, college, or university (or a unit thereof) means a hospital, school, college, or university (or a unit thereof) which is accredited by a recognized body or bodies, or by a State agency, approved for such purpose by the Secretary of Education. For the purpose of this paragraph, the Secretary of Education shall publish a list of recognized accrediting bodies, and of State agencies, which the Secretary of Education determines to be reliable authority as to the quality of education offered.

''(B) NEW PROGRAMS.—A new program of nursing that, by reason of an insufficient period of operation, is not, at the time of the submission of an application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies or State agency, shall be deemed accredited for purposes of this title if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of students of the first entering class in such a program.

''(7) NONPROFIT.—The term 'nonprofit' as applied to any school, agency, organization, or institution means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

''(8) STATE.—The term 'State' means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

''SEC. 802. APPLICATION.

''(a) IN GENERAL.—To be eligible to receive a grant or contract under this title, an eligible entity shall prepare and submit to the Secretary an application that meets the requirements of this section, at such time, in such manner, and containing such information as the Secretary may require.

''(b) PLAN.—An application submitted under this section shall contain the plan of the applicant for carrying out a project with amounts received under this title. Such plan shall be consistent with relevant Federal, State, or regional program plans.

''(c) PERFORMANCE OUTCOME STANDARDS.—An application submitted under this section shall contain a specification by the applicant entity of performance outcome standards that the project to be funded under the grant or contract will be measured against. Such standards shall address relevant national nursing needs that the project will meet. The recipient of a grant or contract under this section shall meet the standards set forth in the grant or contract application.

''(d) LINKAGES.—An application submitted under this section shall contain a description of the linkages with relevant educational and health care entities, including training programs for other health professionals as appropriate, that the project to be funded under the grant or contract will establish.

''SEC. 803. USE OF FUNDS.

''(a) IN GENERAL.—Amounts provided under a grant or contract awarded under this title may be used for training program development and support, faculty development, model demonstrations, trainee support including tuition, books, program fees and reasonable living expenses during the period of training, technical assistance, workforce analysis, and dissemination of information, as appropriate to meet recognized nursing objectives, in accordance with this title.

''(b) MAINTENANCE OF EFFORT.—With respect to activities for which a grant awarded under this title is to be expended, the entity shall agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant.

''SEC. 804. MATCHING REQUIREMENT.

''The Secretary may require that an entity that applies for a grant or contract under this title provide non-Federal matching funds, as appropriate, to ensure the institutional commitment of the entity to the projects funded under the grant. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''SEC. 805. PREFERENCE.

''In awarding grants or contracts under this title, the Secretary shall give preference to applicants with projects that will substantially benefit rural or underserved populations, or help meet public health nursing needs in State or local health departments.

''SEC. 806. GENERALLY APPLICABLE PROVISIONS.

''(a) AWARDING OF GRANTS AND CONTRACTS.—The Secretary shall ensure that grants and contracts under this title are awarded on a competitive basis, as appropriate, to carry out innovative demonstration projects or provide for strategic workforce supplementation activities as needed to meet national nursing service goals and in accordance with this title. Contracts may be entered into under this title with public or private entities as determined necessary by the Secretary.

''(b) INFORMATION REQUIREMENTS.—

''(1) IN GENERAL.—Recipients of grants and contracts under this title shall meet information requirements as specified by the Secretary.

''(2) EVALUATIONS.—The Secretary shall establish procedures to ensure the annual evaluation of programs and projects operated by recipients of grants under this title. Such procedures shall ensure that continued funding for such programs and projects will be conditioned upon a demonstration that satisfactory progress has been made by the program or project in meeting the objectives of the program or project.

''(c) TRAINING PROGRAMS.—Training programs conducted with amounts received under this title shall meet applicable accreditation and quality standards.

''(d) DURATION OF ASSISTANCE.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

''(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with

any other provision of this title that relates to the period during which payments may be made under the award.

''(e) PEER REVIEW REGARDING CERTAIN PROGRAMS.—

''(1) IN GENERAL.—Each application for a grant under this title, except advanced nurse traineeship grants under section 811(a)(2), shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval.

''(2) COMPOSITION.—Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. In providing for the establishment of peer review groups and procedures, the Secretary shall, except as otherwise provided, ensure sex, racial, ethnic, and geographic representation among the membership of such groups.

''(3) ADMINISTRATION.—This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

''(f) ANALYTIC ACTIVITIES.—The Secretary shall ensure that—

''(1) cross-cutting workforce analytical activities are carried out as part of the workforce information and analysis activities under this title; and

''(2) discipline-specific workforce information is developed and analytical activities are carried out as part of—

''(A) the advanced education nursing activities under part B;

''(B) the workforce diversity activities under part C; and

''(C) basic nursing education and practice activities under part D.

''(g) STATE AND REGIONAL PRIORITIES.—Activities under grants or contracts under this title shall, to the extent practicable, be consistent with related Federal, State, or regional nursing professions program plans and priorities.

''(h) FILING OF APPLICATIONS.—

''(1) IN GENERAL.—Applications for grants or contracts under this title may be submitted by health professions schools, schools of nursing, academic health centers, State or local governments, or other appropriate public or private nonprofit entities as determined appropriate by the Secretary in accordance with this title.

''(2) FOR PROFIT ENTITIES.—Notwithstanding paragraph (1), a for-profit entity may be eligible for a grant or contract under this title as determined appropriate by the Secretary.

''SEC. 807. TECHNICAL ASSISTANCE.

''Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

''PART B—NURSE PRACTITIONERS, NURSE MIDWIVES, NURSE ANESTHETISTS, AND OTHER ADVANCED EDUCATION NURSES

''SEC. 811. ADVANCED EDUCATION NURSING GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of—

''(1) projects that support the enhancement of advanced nursing education and practice; and

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

''(b) DEFINITION OF ADVANCED EDUCATION NURSES.—For purposes of this section, the term 'advanced education nurses' means individuals trained in advanced degree programs including individuals in combined R.N./Master's degree programs, post-nursing master's certificate programs, or, in the case of nurse midwives, in certificate programs in existence on the date that is one day prior to the date of enactment of this section, to serve as nurse practitioners, clinical nurse specialists, nurse midwives, nurse anesthetists, nurse educators, nurse administrators, or public health nurses, or in other nurse specialties determined by the Secretary to require advanced education.

''(c) AUTHORIZED NURSE PRACTITIONER AND NURSE-MIDWIFERY PROGRAMS.—Nurse practitioner and nurse midwifery programs eligible for support under this section are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

''(1) meet guidelines prescribed by the Secretary; and

''(2) have as their objective the education of nurses who will upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, acute care, and other health care settings.

''(d) AUTHORIZED NURSE ANESTHESIA PROGRAMS.—Nurse anesthesia programs eligible for support under this section are education programs that—

''(1) provide registered nurses with full-time anesthetist education; and

''(2) are accredited by the Council on Accreditation of Nurse Anesthesia Educational Programs.

''(e) OTHER AUTHORIZED EDUCATIONAL PROGRAMS.—The Secretary shall prescribe guidelines as appropriate for other advanced nurse education programs eligible for support under this section.

''(f) TRAINEESHIPS.—

''(1) IN GENERAL.—The Secretary may not award a grant to an applicant under subsection (a) unless the applicant involved agrees that traineeships provided with the grant will only pay all or part of the costs of—

''(A) the tuition, books, and fees of the program of advanced nurse education with respect to which the traineeship is provided; and

''(B) the reasonable living expenses of the individual during the period for which the traineeship is provided.

''(2) DOCTORAL PROGRAMS.—The Secretary may not obligate more than 10 percent of the traineeships under subsection (a) for individuals in doctorate degree programs.

''(3) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a)(2), the Secretary shall give special consideration to an eligible entity that agrees to expend the award to train advanced education nurses who will practice in health professional shortage areas designated under section 332.

''PART C—INCREASING NURSING WORKFORCE DIVERSITY

''SEC. 821. WORKFORCE DIVERSITY GRANTS.

''(a) IN GENERAL.—The Secretary may award grants to and enter into contracts with eligible entities to meet the costs of special projects to increase nursing education opportunities for individuals who are from disadvantaged backgrounds (including racial and ethnic minorities underrepresented among registered nurses) by providing student scholarships or stipends, 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—FUNDING

''SEC. 841. FUNDING.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out parts B, C, and D (subject to section 845(g)), there are authorized to be appropriated $65,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(b) ALLOCATIONS FOR FISCAL YEARS 1998 THROUGH 2002.—

''(1) NURSE PRACTITIONERS; NURSE MIDWIVES.—

''(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $17,564,000 for making awards of grants and contracts under section 822 as such section was in effect for fiscal year 1998.

''(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse practitioners and nurse midwives, not less than the percentage constituted by the ratio of the

amount appropriated under section 822 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 822 as such section was in effect for fiscal year 1998.

''(2) NURSE ANESTHETISTS.—

''(A) FISCAL YEAR 1998.—Of the amount appropriated under subsection (a) for fiscal year 1998, the Secretary shall reserve not less than $2,761,000 for making awards of grants and contracts under section 831 as such section was in effect for fiscal year 1998.

''(B) FISCAL YEARS 1999 THROUGH 2002.—Of the amount appropriated under subsection (a) for fiscal year 1999 or any of the fiscal years 2000 through 2002, the Secretary, subject to subsection (d), shall reserve for the fiscal year involved, for making awards of grants and contracts under part B with respect to nurse anesthetists, not less than the percentage constituted by the ratio of the amount appropriated under section 831 as such section was in effect for fiscal year 1998 to the total of the amounts appropriated under this title for such fiscal year. For purposes of the preceding sentence, the Secretary, in determining the amount that has been reserved for the fiscal year involved, shall include any amounts appropriated under subsection (a) for the fiscal year that are obligated by the Secretary to continue in effect grants or contracts under section 831 as such section was in effect for fiscal year 1998.

''(c) ALLOCATIONS AFTER FISCAL YEAR 2002.—

''(1) IN GENERAL.—For fiscal year 2003 and subsequent fiscal years, amounts appropriated under subsection (a) for the fiscal year involved shall be allocated by the Secretary among parts B, C, and D (and programs within such parts) according to a methodology that is developed in accordance with paragraph (2). The Secretary shall enter into a contract with a public or private entity for the purpose of developing the methodology. The contract shall require that the development of the methodology be completed not later than February 1, 2002.

''(2) USE OF CERTAIN FACTORS.—The contract under paragraph (1) shall provide that the methodology under such paragraph will be developed in accordance with the following:

''(A) The methodology will take into account the need for and the distribution of health services among medically underserved populations, as determined according to the factors that apply under section 330(b)(3).

''(B) The methodology will take into account the need for and the distribution of health services in health professional shortage areas, as determined according to the factors that apply under section 332(b).

''(C) The methodology will take into account the need for and the distribution of mental health services among medically underserved populations and in health professional shortage areas.

''(D) The methodology will be developed in consultation with individuals in the field of nursing, including registered nurses, nurse practitioners, nurse midwives, nurse anesthetists, clinical nurse specialists, nursing educators and educational institutions, nurse executives, pediatric nurse associates and practitioners, and women's health, obstetric, and neonatal nurses.

''(E) The methodology will take into account the following factors with respect to the States:

''(i) A provider population ratio equivalent to a managed care formula of 1/1,500 for primary care services.

''(ii) The use of whole rather than fractional counts in determining the number of health care providers.

''(iii) The counting of only employed health care providers in determining the number of health care providers.

''(iv) The number of families whose income is less than 200 percent of the official poverty line (as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981).

''(v) The rate of infant mortality and the rate of low-birthweight births.

''(vi) The percentage of the general population constituted by individuals who are members or racial or ethnic minority groups, stated both by minority group and in the aggregate.

''(vii) The percentage of the general population constituted by individuals who are of Hispanic ethnicity.

''(viii) The number of individuals residing in health professional shortage areas, and the number of individuals who are members of medically underserved populations.

''(ix) The percentage of the general population constituted by elderly individuals.

''(x) The extent to which the populations served have a choice of providers.

''(xi) The impact of care on hospitalizations and emergency room use.

''(xii) The number of individuals who lack proficiency in speaking the English language.

''(xiii) Such additional factors as the Secretary determines to be appropriate.

''(3) REPORT TO CONGRESS.—Not later than 30 days after the completion of the development of the methodology required in paragraph (1), the Secretary shall submit to the Committee on Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the methodology and explaining the effects of the methodology on the allocation among parts B, C, and D (and programs within such parts) of amounts appropriated under subsection (a) for the first fiscal year for which the methodology will be in effect. Such explanation shall include a comparison of the allocation for such fiscal year with the allocation made under this section for the preceding fiscal year.

''(d) USE OF METHODOLOGY BEFORE FISCAL YEAR 2003.—With respect to the fiscal years 1999 through 2002, if the report required in subsection (c)(3) is submitted in accordance with such subsection not later than 90 days before the beginning of such a fiscal year, the Secretary may for such year implement the methodology described in the report (rather than implementing the methodology in fiscal year 2003), in which case subsection (b) ceases to be in effect. The authority under the preceding sentence is subject to the condition that the fiscal year for which the methodology is implemented be the same fiscal year identified in such report as the fiscal year for which the methodology will first be in effect.

''(e) AUTHORITY FOR USE OF ADDITIONAL FACTORS IN METHODOLOGY.—

''(1) IN GENERAL.—The Secretary shall make the determinations specified in paragraph (2). For any fiscal year beginning after the first fiscal year for which the methodology under subsection (c)(1) is in effect, the Secretary may alter the methodology by including the information from such determinations as factors in the methodology.

''(2) RELEVANT DETERMINATIONS.—The determinations referred to in paragraph (1) are as follows:

''(A) The need for and the distribution of health services among populations for which it is difficult to determine the number of individuals who are in the population, such as homeless individuals; migratory and seasonal agricultural workers and their families; individuals infected with the human immunodeficiency virus, and individuals who abuse drugs.

''(B) In the case of a population for which the determinations under subparagraph (A) are made, the extent to which the population includes individuals who are members of racial or ethnic minority groups and a specification of the skills needed to provide health services to such individuals in the language and the educational and cultural context that is most appropriate to the individuals.

''(C) Data, obtained from the Director of the Centers for Disease Control and Prevention, on rates of morbidity and mortality among various populations (including data on the rates of maternal and infant mortality and data on the rates of low-birthweight births of living infants).

''(D) Data from the Health Plan Employer Data and Information Set, as appropriate.

''PART G—NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE

''SEC. 845. NATIONAL ADVISORY COUNCIL ON NURSE EDUCATION AND PRACTICE.

''(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Advisory Council').

''(b) COMPOSITION.—

''(1) IN GENERAL.—The Advisory Council shall be composed of

''(A) not less than 21, nor more than 23 individuals, who are not officers or employees of the Federal Government, appointed by the Secretary without regard to the Federal civil service laws, of which—

''(i) 2 shall be selected from full-time students enrolled in schools of nursing;

''(ii) 2 shall be selected from the general public;

''(iii) 2 shall be selected from practicing professional nurses; and

''(iv) 9 shall be selected from among the leading authorities in the various fields of nursing, higher, secondary education, and associate degree schools of nursing, and from representatives of advanced education nursing groups (such as nurse practitioners, nurse midwives, and nurse anesthetists), hospitals, and other institutions and organizations which provide nursing services; and

''(B) the Secretary (or the delegate of the Secretary (who shall be an ex officio member and shall serve as the Chairperson)).

''(2) APPOINTMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall appoint the members of the Advisory Council and each such member shall serve a 4 year term. In making such appointments, the Secretary shall ensure a fair balance between the nursing professions, a broad geographic representation of members and a balance between urban and rural members. Members shall be appointed based on their competence, interest, and knowledge of the mission of the profession involved. A majority of the members shall be nurses.

''(3) MINORITY REPRESENTATION.—In appointing the members of the Advisory Council under paragraph (1), the Secretary shall ensure the adequate representation of minorities.

''(c) VACANCIES.—

''(1) IN GENERAL.—A vacancy on the Advisory Council shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

''(2) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Advisory Council shall—

''(1) provide advice and recommendations to the Secretary and Congress concerning policy matters arising in the administration of this title, including the range of issues relating to the nurse workforce, education, and practice improvement;

''(2) provide advice to the Secretary and Congress in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the range

of issues relating to nurse supply, education and practice improvement; and

''(3) not later than 3 years after the date of enactment of this section, and annually thereafter, prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate, and the Committee on Commerce of the House of Representatives, a report describing the activities of the Council, including findings and recommendations made by the Council concerning the activities under this title.

''(e) MEETINGS AND DOCUMENTS.—

''(1) MEETINGS.—The Advisory Council shall meet not less than 2 times each year. Such meetings shall be held jointly with other related entities established under this title where appropriate.

''(2) DOCUMENTS.—Not later than 14 days prior to the convening of a meeting under paragraph (1), the Advisory Council shall prepare and make available an agenda of the matters to be considered by the Advisory Council at such meeting. At any such meeting, the Advisory Council shall distribute materials with respect to the issues to be addressed at the meeting. Not later than 30 days after the adjourning of such a meeting, the Advisory Council shall prepare and make available a summary of the meeting and any actions taken by the Council based upon the meeting.

''(f) COMPENSATION AND EXPENSES.—

''(1) COMPENSATION.—Each member of the Advisory Council shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. All members of the Council who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

''(2) EXPENSES.—The members of the Advisory Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

''(g) FUNDING.—Amounts appropriated under this title may be utilized by the Secretary to support the nurse education and practice activities of the Council.

''(h) FACA.—The Federal Advisory Committee Act shall apply to the Advisory Committee under this section only to the extent that the provisions of such Act do not conflict with the requirements of this section.''; and

(6) by redesignating section 855 as section 810, and transferring such section so as to appear after section 809 (as added by the amendment made by paragraph (5)).

SEC. 124. SAVINGS PROVISION.

In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by section 123, the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

Subtitle C—Financial Assistance

CHAPTER 1—SCHOOL-BASED REVOLVING LOAN FUNDS

SEC. 131. PRIMARY CARE LOAN PROGRAM.

(a) REQUIREMENT FOR SCHOOLS.—Section 723(b)(1) of the Public Health Service Act (42 U.S.C. 292s(b)(1)), as amended by section 2014(c)(2)(A)(ii) of Public Law 103–43 (107 Stat. 216), is amended by striking ''3 years before'' and inserting ''4 years before''.

(b) NONCOMPLIANCE.—Section 723(a)(3) of the Public Health Service Act (42 U.S.C. 292s(a)(3)) is amended to read as follows:

''(3) NONCOMPLIANCE BY STUDENT.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with such agreement, the loan involved will begin to accrue interest at a rate of 18 percent per year beginning on the date of such noncompliance.''.

(c) REPORT REQUIREMENT.—Section 723 of the Public Health Service Act (42 U.S.C. 292s) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

SEC. 132. LOANS FOR DISADVANTAGED STUDENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 724(f)(1) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is amended by striking ''$15,000,000 for fiscal year 1993'' and inserting ''$8,000,000 for each of the fiscal years 1998 through 2002''.

(b) REPEAL.—Effective October 1, 2002, paragraph (1) of section 724(f) of the Public Health Service Act (42 U.S.C. 292t(f)(1)) is repealed.

SEC. 133. STUDENT LOANS REGARDING SCHOOLS OF NURSING.

(a) IN GENERAL.—Section 836(b) of the Public Health Service Act (42 U.S.C. 297b(b)) is amended—

(1) in paragraph (1), by striking the period at the end and inserting a semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''and'' at the end; and

(B) by inserting before the semicolon at the end the following: '', and (C) such additional periods under the terms of paragraph (8) of this subsection'';

(3) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following paragraph:

''(8) pursuant to uniform criteria established by the Secretary, the repayment period established under paragraph (2) for any student borrower who during the repayment period failed to make consecutive payments and who, during the last 12 months of the repayment period, has made at least 12 consecutive payments may be extended for a period not to exceed 10 years.''.

(b) MINIMUM MONTHLY PAYMENTS.—Section 836(g) of the Public Health Service Act (42 U.S.C. 297b(g)) is amended by striking ''$15'' and inserting ''$40''.

(c) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 836 of the Public Health Service Act (42 U.S.C. 297b) is amended by adding at the end the following new subsection:

''(l) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school of nursing that has an agreement with the Secretary pursuant to section 835 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(d) BREACH OF AGREEMENTS.—Section 846 of the Public Health Service Act (42 U.S.C. 297n) is amended by adding at the end thereof the following new subsection:

''(h) BREACH OF AGREEMENT.—

''(1) IN GENERAL.—In the case of any program under this section under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

''(A) In the case of a program under this section that makes an award of Federal funds for attending an accredited program of nursing (in this section referred to as a 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

''(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

''(ii) is dismissed from the nursing program for disciplinary reasons; or

''(iii) voluntarily terminates the nursing program.

''(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this section for the period of time applicable under the program.

''(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such subsection if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

''(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the 3-year period beginning on the date the United States becomes so entitled.

''(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this section shall be available for the purposes of such program, and shall remain available for such purposes until expended.''.

(e) TECHNICAL AMENDMENTS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a)—

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

''(a) If a school terminates a loan fund established under an agreement pursuant to section 835(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:''; and

(B) in paragraph (1), by striking ''at the close of September 30, 1999,'' and inserting ''on the date of termination of the fund''; and

(2) in subsection (b), to read as follows:

''(b) If a capital distribution is made under subsection (a), the school involved shall, after such capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans

made from the loan fund established under section 835(b) as determined by the Secretary under subsection (a).''.

SEC. 134. GENERAL PROVISIONS.

(a) MAXIMUM STUDENT LOAN PROVISIONS AND MINIMUM PAYMENTS.—

(1) IN GENERAL.—Section 722(a)(1) of the Public Health Service Act (42 U.S.C. 292r(a)(1)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the sum of'' and all that follows through the end thereof and inserting ''the cost of attendance (including tuition, other reasonable educational expenses, and reasonable living costs) for that year at the educational institution attended by the student (as determined by such educational institution).''.

(2) THIRD AND FOURTH YEARS.—Section 722(a)(2) of the Public Health Service Act (42 U.S.C. 292r(a)(2)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''the amount $2,500'' and all that follows through ''including such $2,500)'' and inserting ''the amount of the loan may, in the case of the third or fourth year of a student at a school of medicine or osteopathic medicine, be increased to the extent necessary''.

(3) REPAYMENT PERIOD.—Section 722(c) of the Public Health Service Act (42 U.S.C. 292r(c)), as amended by section 2014(b)(1) of Public Law 103–43, is amended—

(A) in the subsection heading by striking ''TEN-YEAR'' and inserting ''REPAYMENT'';

(B) by striking ''ten-year period which begins'' and inserting ''period of not less than 10 years nor more than 25 years, at the discretion of the institution, which begins''; and

(C) by striking ''such ten-year period'' and inserting ''such period''.

(4) MINIMUM PAYMENTS.—Section 722(j) of the Public Health Service Act (42 U.S.C. 292r(j)), as amended by section 2014(b)(1) of Public Law 103–43, is amended by striking ''$15'' and inserting $40''.

(b) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

(1) IN GENERAL.—Section 722 of the Public Health Service Act (42 U.S.C. 292r), as amended by section 2014(b)(1) of Public Law 103–43, is amended by adding at the end the following new subsection:

''(m) ELIMINATION OF STATUTE OF LIMITATION FOR LOAN COLLECTIONS.—

''(1) PURPOSE.—It is the purpose of this subsection to ensure that obligations to repay loans under this section are enforced without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced.

''(2) PROHIBITION.—Notwithstanding any other provision of Federal or State law, no limitation shall terminate the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by a school that has an agreement with the Secretary pursuant to section 721 that is seeking the repayment of the amount due from a borrower on a loan made under this subpart after the default of the borrower on such loan.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective with respect to actions pending on or after the date of enactment of this Act.

(c) DATE CERTAIN FOR CONTRIBUTIONS.—Paragraph (2) of section 735(e) of the Public Health Service Act (42 U.S.C. 292y(e)(2)) is amended to read as follows:

''(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary shall be obligated before the end of the succeeding fiscal year.''.

CHAPTER 2—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

SEC. 141. HEALTH EDUCATION ASSISTANCE LOAN PROGRAM.

(a) HEALTH EDUCATION ASSISTANCE LOAN DEFERMENT FOR BORROWERS PROVIDING HEALTH SERVICES TO INDIANS.—

(1) IN GENERAL.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is amended by striking ''and (x)'' and inserting ''(x) not in excess of three years, during which the borrower is providing health care services to Indians through an Indian health program (as defined in section 108(a)(2)(A) of the Indian Health Care Improvement Act (25 U.S.C. 1616a(a)(2)(A)); and (xi)''.

(2) CONFORMING AMENDMENTS.—Section 705(a)(2)(C) of the Public Health Service Act (42 U.S.C. 292d(a)(2)(C)) is further amended—

(A) in clause (xi) (as so redesignated) by striking ''(ix)'' and inserting ''(x)''; and

(B) in the matter following such clause (xi), by striking ''(x)'' and inserting ''(xi)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to services provided on or after the first day of the third month that begins after the date of the enactment of this Act.

(b) REPORT REQUIREMENT.—Section 709(b) of the Public Health Service Act (42 U.S.C. 292h(b)) is amended—

(1) in paragraph (4)(B), by adding ''and'' after the semicolon;

(2) in paragraph (5), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (6).

(c) PROGRAM ELIGIBILITY.—

(1) LIMITATIONS ON LOANS.—Section 703(a) of the Public Health Service Act (42 U.S.C. 292b(a)) is amended by striking ''or clinical psychology'' and inserting ''or behavioral and mental health practice, including clinical psychology''.

(2) DEFINITION OF ELIGIBLE INSTITUTION.—Section 719(1) of the Public Health Service Act (42 U.S.C. 292o(1)) is amended by striking ''or clinical psychology'' and inserting ''or behavioral and mental health practice, including clinical psychology''.

SEC. 142. HEAL LENDER AND HOLDER PERFORMANCE STANDARDS.

(a) GENERAL AMENDMENTS.—Section 707(a) of the Public Health Service Act (42 U.S.C. 292f) is amended—

(1) by striking the last sentence;

(2) by striking ''determined.'' and inserting ''determined, except that, if the insurance beneficiary including any servicer of the loan is not designated for 'exceptional performance', as set forth in paragraph (2), the Secretary shall pay to the beneficiary a sum equal to 98 percent of the amount of the loss sustained by the insured upon that loan.'';

(3) by striking ''Upon'' and inserting:

''(1) IN GENERAL.—Upon''; and

(4) by adding at the end the following new paragraph:

''(2) EXCEPTIONAL PERFORMANCE.—

''(A) AUTHORITY.—Where the Secretary determines that an eligible lender, holder, or servicer has a compliance performance rating that equals or exceeds 97 percent, the Secretary shall designate that eligible lender, holder, or servicer, as the case may be, for exceptional performance.

''(B) COMPLIANCE PERFORMANCE RATING.—For purposes of subparagraph (A), a compliance performance rating is determined with respect to compliance with due diligence in the disbursement, servicing, and collection of loans under this subpart for each year for which the determination is made. Such rating shall be equal to the percentage of all due diligence requirements applicable to each loan, on average, as established by the Secretary, with respect to loans serviced during the period by the eligible lender, holder, or servicer.

''(C) ANNUAL AUDITS FOR LENDERS, HOLDERS, AND SERVICERS.—Each eligible lender, holder, or servicer desiring a designation under subparagraph (A) shall have an annual financial and compliance audit conducted with respect to the loan portfolio of such eligible lender, holder, or servicer, by a qualified independent organization from a list of qualified organizations identified by the Secretary and in accordance with standards established by the Secretary. The standards shall measure the lender's, holder's, or servicer's compliance with due diligence standards and shall include a defined statistical sampling technique designed to measure the performance rating of the eligible lender, holder, or servicer for the purpose of this section. Each eligible lender, holder, or servicer shall submit the audit required by this section to the Secretary.

''(D) SECRETARY'S DETERMINATIONS.—The Secretary shall make the determination under subparagraph (A) based upon the audits submitted under this paragraph and any information in the possession of the Secretary or submitted by any other agency or office of the Federal Government.

''(E) QUARTERLY COMPLIANCE AUDIT.—To maintain its status as an exceptional performer, the lender, holder, or servicer shall undergo a quarterly compliance audit at the end of each quarter (other than the quarter in which status as an exceptional performer is established through a financial and compliance audit, as described in subparagraph (C)), and submit the results of such audit to the Secretary. The compliance audit shall review compliance with due diligence requirements for the period beginning on the day after the ending date of the previous audit, in accordance with standards determined by the Secretary.

''(F) REVOCATION AUTHORITY.—The Secretary shall revoke the designation of a lender, holder, or servicer under subparagraph (A) if any quarterly audit required under subparagraph (E) is not received by the Secretary by the date established by the Secretary or if the audit indicates the lender, holder, or servicer has failed to meet the standards for designation as an exceptional performer under subparagraph (A). A lender, holder, or servicer receiving a compliance audit not meeting the standard for designation as an exceptional performer may reapply for designation under subparagraph (A) at any time.

''(G) DOCUMENTATION.—Nothing in this section shall restrict or limit the authority of the Secretary to require the submission of claims documentation evidencing servicing performed on loans, except that the Secretary may not require exceptional performers to submit greater documentation than that required for lenders, holders, and servicers not designated under subparagraph (A).

''(H) COST OF AUDITS.—Each eligible lender, holder, or servicer shall pay for all the costs associated with the audits required under this section.

''(I) ADDITIONAL REVOCATION AUTHORITY.—Notwithstanding any other provision of this section, a designation under subparagraph (A) may be revoked at any time by the Secretary if the Secretary determines that the eligible lender, holder, or servicer has failed to maintain an overall level of compliance consistent with the audit submitted by the eligible lender, holder, or servicer under this paragraph or if the Secretary asserts that the lender, holder, or servicer may have engaged in fraud in securing designation under subparagraph (A) or is failing to service loans in accordance with program requirements.

''(J) NONCOMPLIANCE.—A lender, holder, or servicer designated under subparagraph (A) that fails to service loans or otherwise comply with applicable program regulations shall be considered in violation of the Federal False Claims Act.''.

(b) DEFINITION.—Section 707(e) of the Public Health Service Act (42 U.S.C. 292f(e)) is amended by adding at the end the following new paragraph:

''(4) The term 'servicer' means any agency acting on behalf of the insurance beneficiary.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to loans submitted to the Secretary for payment on or after the first day of the sixth month that begins after the date of enactment of this Act.

SEC. 143. INSURANCE PROGRAM.

Section 710(a)(2)(B) of the Public Health Service Act (42 U.S.C. 292i(a)(2)(B)) is amended by striking ''any of the fiscal years 1993 through 1996'' and inserting ''fiscal year 1993 and subsequent fiscal years''.

SEC. 144. HEAL BANKRUPTCY.

(a) IN GENERAL.—Section 707(g) of the Public Health Service Act (42 U.S.C. 292f(g)) is amended in the first sentence by striking ''A debt which is a loan insured'' and inserting ''Notwithstanding any other provision of Federal or State law, a debt that is a loan insured''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any loan insured under the authority of subpart I of part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) that is listed or scheduled by the debtor in a case under title XI, United States Code, filed—

(1) on or after the date of enactment of this Act; or

(2) prior to such date of enactment in which a discharge has not been granted.

SEC. 145. HEAL REFINANCING.

Section 706 of the Public Health Service Act (42 U.S.C. 292e) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by striking ''CONSOLIDATION'' and inserting ''REFINANCING OR CONSOLIDATION''; and

(B) in the first sentence, by striking ''indebtedness'' and inserting ''indebtedness or the refinancing of a single loan''; and

(2) in subsection (e)—

(A) in the subsection heading, by striking ''DEBTS'' and inserting ''DEBTS AND REFINANCING'';

(B) in the first sentence, by striking ''all of the borrower's debts into a single instrument'' and inserting ''all of the borrower's loans insured under this subpart into a single instrument (or, if the borrower obtained only 1 loan insured under this subpart, refinancing the loan 1 time)''; and

(C) in the second sentence, by striking ''consolidation'' and inserting ''consolidation or refinancing''.

TITLE II—OFFICE OF MINORITY HEALTH

SEC. 201. REVISION AND EXTENSION OF PROGRAMS OF OFFICE OF MINORITY HEALTH.

(a) DUTIES AND REQUIREMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended by striking subsection (b) and all that follows and inserting the following:

''(b) DUTIES.—With respect to improving the health of racial and ethnic minority groups, the Secretary, acting through the Deputy Assistant Secretary for Minority Health (in this section referred to as the 'Deputy Assistant Secretary'), shall carry out the following:

''(1) Establish short-range and long-range goals and objectives and coordinate all other activities within the Public Health Service that relate to disease prevention, health promotion, service delivery, and research concerning such individuals. The heads of each of the agencies of the Service shall consult with the Deputy Assistant Secretary to ensure the coordination of such activities.

''(2) Enter into interagency agreements with other agencies of the Public Health Service.

''(3) Support research, demonstrations and evaluations to test new and innovative models.

''(4) Increase knowledge and understanding of health risk factors.

''(5) Develop mechanisms that support better information dissemination, education, prevention, and service delivery to individuals from disadvantaged backgrounds, including individuals who are members of racial or ethnic minority groups.

''(6) Ensure that the National Center for Health Statistics collects data on the health status of each minority group.

''(7) With respect to individuals who lack proficiency in speaking the English language, enter into contracts with public and nonprofit private providers of primary health services for the purpose of increasing the access of the individuals to such services by developing and carrying out programs to provide bilingual or interpretive services.

''(8) Support a national minority health resource center to carry out the following:

''(A) Facilitate the exchange of information regarding matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care.

''(B) Facilitate access to such information.

''(C) Assist in the analysis of issues and problems relating to such matters.

''(D) Provide technical assistance with respect to the exchange of such information (including facilitating the development of materials for such technical assistance).

''(9) Carry out programs to improve access to health care services for individuals with limited proficiency in speaking the English language. Activities under the preceding sentence shall include developing and evaluating model projects.

''(c) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an advisory committee to be known as the Advisory Committee on Minority Health (in this subsection referred to as the 'Committee').

''(2) DUTIES.—The Committee shall provide advice to the Deputy Assistant Secretary carrying out this section, including advice on the development of goals and specific program activities under paragraphs (1) through (9) of subsection (b) for each racial and ethnic minority group.

''(3) CHAIR.—The chairperson of the Committee shall be selected by the Secretary from among the members of the voting members of the Committee. The term of office of the chairperson shall be 2 years.

''(4) COMPOSITION.—

''(A) The Committee shall be composed of 12 voting members appointed in accordance with subparagraph (B), and nonvoting, ex officio members designated in subparagraph (C).

''(B) The voting members of the Committee shall be appointed by the Secretary from among individuals who are not officers or employees of the Federal Government and who have expertise regarding issues of minority health. The racial and ethnic minority groups shall be equally represented among such members.

''(C) The nonvoting, ex officio members of the Committee shall be such officials of the Department of Health and Human Services as the Secretary determines to be appropriate.

''(5) TERMS.—Each member of the Committee shall serve for a term of 4 years, except that the Secretary shall initially appoint a portion of the members to terms of 1 year, 2 years, and 3 years.

''(6) VACANCIES.—If a vacancy occurs on the Committee, a new member shall be appointed by the Secretary within 90 days from the date that the vacancy occurs, and serve for the remainder of the term for which the predecessor of such member was appointed. The vacancy shall not affect the power of the remaining members to execute the duties of the Committee.

''(7) COMPENSATION.—Members of the Committee who are officers or employees of the United States shall serve without compensation. Members of the Committee who are not officers or employees of the United States shall receive compensation, for each day (including travel time) they are engaged in the performance of the functions of the Committee. Such compensation may not be in an amount in excess of the daily equivalent of the annual maximum rate of basic pay payable under the General Schedule (under title 5, United States Code) for positions above GS–15.

''(d) CERTAIN REQUIREMENTS REGARDING DUTIES.—

''(1) RECOMMENDATIONS REGARDING LANGUAGE AS IMPEDIMENT TO HEALTH CARE.—The Deputy Assistant Secretary for Minority Health shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate Departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

''(2) EQUITABLE ALLOCATION REGARDING ACTIVITIES.—In carrying out subsection (b), the Secretary shall ensure that services provided under such subsection are equitably allocated among all groups served under this section by the Secretary.

''(3) CULTURAL COMPETENCY OF SERVICES.—The Secretary shall ensure that information and services provided pursuant to subsection (b) are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

''(e) GRANTS AND CONTRACTS REGARDING DUTIES.—

''(1) IN GENERAL.—In carrying out subsection (b), the Secretary acting through the Deputy Assistant Secretary may make awards of grants, cooperative agreements, and contracts to public and nonprofit private entities.

''(2) PROCESS FOR MAKING AWARDS.—The Deputy Assistant Secretary shall ensure that awards under paragraph (1) are made, to the extent practical, only on a competitive basis, and that a grant is awarded for a proposal only if the proposal has been recommended for such an award through a process of peer review.

''(3) EVALUATION AND DISSEMINATION.—The Deputy Assistant Secretary, directly or through contracts with public and private entities, shall provide for evaluations of projects carried out with awards made under paragraph (1) during the preceding 2 fiscal years. The report shall be included in the report required under subsection (f) for the fiscal year involved.

''(f) REPORTS.—

''(1) IN GENERAL.—Not later than February 1 of fiscal year 1999 and of each second year thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the activities carried out under this section during the preceding 2 fiscal years and evaluating the extent to which such activities have been effective in improving the health of racial and ethnic minority groups. Each such report shall include the biennial reports submitted under sections 201(e)(3) and 201(f)(2) for such years by the heads of the Public Health Service agencies.

''(2) AGENCY REPORTS.—Not later than February 1, 1999, and biennially thereafter, the heads of the Public Health Service agencies shall submit to the Deputy Assistant Secretary a report summarizing the minority health activities of each of the respective agencies.

''(g) DEFINITION.—For purposes of this section:

''(1) The term 'racial and ethnic minority group' means American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans and Pacific Islanders; Blacks; and Hispanics.

''(2) The term 'Hispanic' means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1998, such sums as

may be necessary for each of the fiscal years 1999 through 2002.''.

(b) AUTHORIZATION FOR NATIONAL CENTER FOR HEALTH STATISTICS.—Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m), by adding at the end the following:

''(4)(A) Subject to subparagraph (B), the Secretary, acting through the Center, shall collect data on Hispanics and major Hispanic subpopulation groups and American Indians, and for developing special area population studies on major Asian American and Pacific Islander populations.

''(B) The provisions of subparagraph (A) shall be effective with respect to a fiscal year only to the extent that funds are appropriated pursuant to paragraph (3) of subsection (n), and only if the amounts appropriated for such fiscal year pursuant to each of paragraphs (1) and (2) of subsection (n) equal or exceed the amounts so appropriated for fiscal year 1997.'';

(2) in subsection (n)(1), by striking ''through 1998'' and inserting ''through 2003''; and

(3) in subsection (n)

(A) in the first sentence of paragraph (2)—

(i) by striking ''authorized in subsection (m)'' and inserting ''authorized in paragraphs (1) through (3) of subsection (m)''; and

(ii) by striking ''$5,000,000'' and all that follows through the period and inserting ''such sums as may be necessary for each of the fiscal years 1999 through 2003.''; and

(B) by adding at the end the following:

''(3) For activities authorized in subsection (m)(4), there are authorized to be appropriated $1,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002.''.

(c) MISCELLANEOUS AMENDMENTS.—Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) in the heading for the section by striking ''ESTABLISHMENT OF''; and

(2) in subsection (a), by striking ''Office of the Assistant Secretary for Health'' and inserting ''Office of Public Health and Science''.

TITLE III—SELECTED INITIATIVES

SEC. 301. STATE OFFICES OF RURAL HEALTH.

Section 338J of the Public Health Service Act (42 U.S.C. 254r) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''in cash''; and

(2) in subsection (j)(1)—

(A) by striking ''and'' after ''1992,''; and

(B) by inserting before the period the following: '', and such sums as may be necessary for each of the fiscal years 1998 through 2002''; and

(3) in subsection (k), by striking ''$10,000,000'' and inserting ''$36,000,000''.

SEC. 302. DEMONSTRATION PROJECTS REGARDING ALZHEIMER'S DISEASE.

(a) IN GENERAL.—Section 398(a) of the Public Health Service Act (42 U.S.C. 280c–3(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''not less than 5, and not more than 15,'';

(2) in paragraph (2)—

(A) by inserting after ''disorders'' the following: ''who are living in single family homes or in congregate settings''; and

(B) by striking ''and'' at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

''(3) to improve the access of such individuals to home-based or community-based long-term care services (subject to the services being provided by entities that were providing such services in the State involved as of October 1, 1995), particularly such individuals who are members of racial or ethnic minority groups, who have limited proficiency in speaking the English language, or who live in rural areas; and''.

(b) DURATION.—Section 398A of the Public Health Service Act (42 U.S.C. 280c–4) is amended—

(1) in the heading for the section, by striking ''**LIMITATION**'' and all that follows and inserting ''**REQUIREMENT OF MATCHING FUNDS**'';

(2) by striking subsection (a);

(3) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(4) in subsection (a) (as so redesignated), in each of paragraphs (1)(C) and (2)(C), by striking ''third year'' and inserting ''third or subsequent year''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 398B(e) of the Public Health Service Act (42 U.S.C. 280c–5(e)) is amended—

(1) by striking ''and such sums'' and inserting ''such sums''; and

(2) by inserting before the period the following: '', $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 through 2002''.

SEC. 303. PROJECT GRANTS FOR IMMUNIZATION SERVICES.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking ''individuals against vaccine-preventable diseases'' and all that follows through the first period and inserting the following: ''children, adolescents, and adults against vaccine-preventable diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 through 2002.''; and

(2) in paragraph (2), by striking ''1990'' and inserting ''1997''.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TECHNICAL CORRECTIONS REGARDING PUBLIC LAW 103–183.

(a) AMENDATORY INSTRUCTIONS.—Public Law 103–183 is amended—

(1) in section 601—

(A) in subsection (b), in the matter preceding paragraph (1), by striking ''Section 1201 of the Public Health Service Act (42 U.S.C. 300d)'' and inserting ''Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.)''; and

(B) in subsection (f)(1), by striking ''in section 1204(c)'' and inserting ''in section 1203(c) (as redesignated by subsection (b)(2) of this section)'';

(2) in section 602, by striking ''for the purpose'' and inserting ''For the purpose''; and

(3) in section 705(b), by striking ''317D((l)(1)'' and inserting ''317D(l)(1)''.

(b) PUBLIC HEALTH SERVICE ACT.—The Public Health Service Act, as amended by Public Law 103–183 and by subsection (a) of this section, is amended—

(1) in section 317E(g)(2), by striking ''making grants under subsection (b)'' and inserting ''carrying out subsection (b)'';

(2) in section 318, in subsection (e) as in effect on the day before the date of the enactment of Public Law 103–183, by redesignating the subsection as subsection (f);

(3) in subpart 6 of part C of title IV—

(A) by transferring the first section 447 (added by section 302 of Public Law 103–183) from the current placement of the section;

(B) by redesignating the section as section 447A; and

(C) by inserting the section after section 447;

(4) in section 1213(a)(8), by striking ''provides for for'' and inserting ''provides for'';

(5) in section 1501, by redesignating the second subsection (c) (added by section 101(f) of Public Law 103–183) as subsection (d); and

(6) in section 1505(3), by striking ''nonprofit''.

(c) MISCELLANEOUS CORRECTION.—Section 401(c)(3) of Public Law 103–183 is amended in the matter preceding subparagraph (A) by striking ''(d)(5)'' and inserting ''(e)(5)''.

(d) CONFORMING AMENDMENT.—Section 308(b) of the Public Health Service Act (42 U.S.C. 242m(b)) is amended—

(1) in paragraph (2)(A), by striking ''306(n)'' and inserting ''306(m)''; and

(2) in paragraph (2)(C), by striking ''306(n)'' and inserting ''306(m)''.

(e) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–183.

SEC. 402. MISCELLANEOUS AMENDMENTS REGARDING PHS COMMISSIONED OFFICERS.

(a) ANTI-DISCRIMINATION LAWS.—Amend section 212 of the Public Health Service Act (42 U.S.C. 213) by adding the following new subsection at the end thereof:

''(f) Active service of commissioned officers of the Service shall be deemed to be active military service in the Armed Forces of the United States for purposes of all laws related to discrimination on the basis of race, color, sex, ethnicity, age, religion, and disability.''

(b) TRAINING IN LEAVE WITHOUT PAY STATUS.—Section 218 of the Public Health Service Act (42 U.S.C. 218a) is amended by adding at the end the following:

''(c) A commissioned officer may be placed in leave without pay status while attending an educational institution or training program whenever the Secretary determines that such status is in the best interest of the Service. For purposes of computation of basic pay, promotion, retirement, compensation for injury or death, and the benefits provided by sections 212 and 224, an officer in such status pursuant to the preceding sentence shall be considered as performing service in the Service and shall have an active service obligation as set forth in subsection (b) of this section.''.

(c) UTILIZATION OF ALCOHOL AND DRUG ABUSE RECORDS THAT APPLY TO THE ARMED FORCES.—Section 543(e) of the Public Health Service Act (42 U.S.C. 290dd–2(e)) is amended by striking ''Armed Forces'' each place that such term appears and inserting ''Uniformed Services''.

SEC. 403. CLINICAL TRAINEESHIPS.

Section 303(d)(1) of the Public Health Service Act (42 U.S.C. 242a(d)(1)) is amended by inserting ''counseling,'' after ''family therapy,''.

SEC. 404. PROJECT GRANTS FOR SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b–1(l)(1)) is amended by striking ''1998'' and inserting ''2002''.

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

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

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''1998'' and inserting ''2002''; and

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

(2) in paragraph (2), by striking ''1998'' and inserting ''2002''.

SEC. 406. CDC LOAN REPAYMENT PROGRAM.

Section 317F of the Public Health Service Act (42 U.S.C. 247b-7) is amended—

(1) in subsection (a)(1), by striking ''$20,000'' and inserting ''$35,000'';

(2) in subsection (c), by striking ''1998'' and inserting ''2002''; and

(3) by adding at the end the following:

''(d) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated for a fiscal year for contracts under subsection (a) shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.''.

SEC. 407. COMMUNITY PROGRAMS ON DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 318(h)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)(2)) is amended by striking ''fiscal year 1997'' and inserting ''for each of the fiscal years 1997 through 2002''.

(b) STUDY.—The Secretary of Health and Human Services shall request that the Institute of Medicine conduct a study concerning the

training needs of health professionals with respect to the detection and referral of victims of family or acquaintance violence. Not later than 2 years after the date of enactment of this Act, the Institute of Medicine shall prepare and submit to Congress a report concerning the study conducted under this subsection.

SEC. 408. STATE LOAN REPAYMENT PROGRAM.

Section 338I(i)(1) of the Public Health Service Act (42 U.S.C. 254q–1(i)(1)) is amended by inserting before the period '', and such sums as may be necessary for each of the fiscal years 1998 through 2002''.

SEC. 409. AUTHORITY OF THE DIRECTOR OF NIH.

Section 402(b) of the Public Health Service Act (42 U.S.C. 282(b)) is amended—

(1) in paragraph (11), by striking ''and'' at the end thereof;

(2) in paragraph (12), by striking the period and inserting a semicolon; and

(3) by adding after paragraph (12), the following new paragraphs:

''(13) may conduct and support research training—

''(A) for which fellowship support is not provided under section 487; and

''(B) which does not consist of residency training of physicians or other health professionals; and

''(14) may appoint physicians, dentists, and other health care professionals, subject to the provisions of title 5, United States Code, relating to appointments and classifications in the competitive service, and may compensate such professionals subject to the provisions of chapter 74 of title 38, United States Code.''.

SEC. 410. RAISE IN MAXIMUM LEVEL OF LOAN REPAYMENTS.

(a) REPAYMENT PROGRAMS WITH RESPECT TO AIDS.—Section 487A of the Public Health Service Act (42 U.S.C. 288–1) is amended—

(1) in subsection (a), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in subsection (c), by striking ''1996'' and inserting ''2001''.

(b) REPAYMENT PROGRAMS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.—Section 487B(a) of the Public Health Service Act (42 U.S.C. 288–2(a)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(c) REPAYMENT PROGRAMS WITH RESPECT TO RESEARCH GENERALLY.—Section 487C(a)(1) of the Public Health Service Act (42 U.S.C. 288–3(a)(1)) is amended by striking ''$20,000'' and inserting ''$35,000''.

(d) REPAYMENT PROGRAMS WITH RESPECT TO CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—Section 487E(a) of the Public Health Service Act (42 U.S.C. 288–5(a)) is amended—

(1) in paragraph (1), by striking ''$20,000'' and inserting ''$35,000''; and

(2) in paragraph (3), by striking ''338C'' and inserting ''338B, 338C''.

SEC. 411. CONSTRUCTION OF REGIONAL CENTERS FOR RESEARCH ON PRIMATES.

Section 481B(a) of the Public Health Service Act (42 U.S.C. 287a–3(a)) is amended—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''$5,000,000'' and inserting ''up to $2,500,000''.

SEC. 412. PEER REVIEW.

Section 504(d)(2) of the Public Health Service Act (42 U.S.C. 290aa–3(d)(2)) is amended by striking ''cooperative agreement, or contract'' each place that such appears and inserting ''or cooperative agreement''.

SEC. 413. FUNDING FOR TRAUMA CARE.

Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32) is amended by striking ''and 1996'' and inserting ''through 2002''.

SEC. 414. HEALTH INFORMATION AND HEALTH PROMOTION.

Section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking ''through 1996'' and inserting ''through 2002''.

SEC. 415. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910 of the Public Health Service Act (42 U.S.C. 300w–9) is amended—

(1) in subsection (a)—

(A) by striking ''two-year period'' and inserting ''3-year period (with an optional 4th year based on performance)''; and

(B) by striking ''one grant'' and inserting ''3 grants''; and

(2) in subsection (d), by striking ''1997'' and inserting ''2005''.

SEC. 416. ADMINISTRATION OF CERTAIN REQUIREMENTS.

(a) IN GENERAL.—Section 2004 of Public Law 103–43 (107 Stat. 209) is amended by striking subsection (a).

(b) CONFORMING AMENDMENTS.—Section 2004 of Public Law 103–43, as amended by subsection (a) of this section, is amended—

(1) by striking ''(b) SENSE'' and all that follows through ''In the case'' and inserting the following:

''(a) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case'';

(2) by striking ''(2) NOTICE TO RECIPIENTS OF ASSISTANCE'' and inserting the following:

''(b) NOTICE TO RECIPIENTS OF ASSISTANCE''; and

(3) in subsection (b), as redesignated by paragraph (2) of this subsection, by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(c) EFFECTIVE DATE.—This section is deemed to have taken effect immediately after the enactment of Public Law 103–43.

SEC. 417. AIDS DRUG ASSISTANCE PROGRAM.

Section 2618(b)(3) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)) is amended—

(1) in subparagraph (A), by striking ''and the Commonwealth of Puerto Rico'' and inserting '', the Commonwealth of Puerto Rico, the Virgin Islands, and Guam''; and

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

SEC. 418. NATIONAL FOUNDATION FOR BIOMEDICAL RESEARCH.

Part I of title IV of the Public Health Service Act (42 U.S.C. 290b et seq.) is amended—

(1) by striking the part heading and inserting the following:

''PART I—FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH'';

and

(2) in section 499—

(A) in subsection (a), by striking ''National Foundation for Biomedical Research'' and inserting ''Foundation for the National Institutes of Health'';

(B) in subsection (k)(10)—

(i) by striking ''not''; and

(ii) by adding at the end the following: ''Any funds transferred under this paragraph shall be subject to all Federal limitations relating to Federally-funded research.''; and

(C) in subsection (m)(1), by striking ''$200,000'' and all that follows through ''1995'' and inserting ''$500,000 for each fiscal year''.

SEC. 419. FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES.

(a) SHORT TITLE.—This section may be cited as the ''Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act''.

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading preventable cause of mental retardation, and it is 100 percent preventable;

(2) estimates on the number of children each year vary, but according to some researchers, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

(c) PURPOSE.—It is the purpose of this section to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

(d) ESTABLISHMENT OF PROGRAM.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

''(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

''(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

''(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

''(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

''(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

''(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

''(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

''(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

''(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

''(d) NATIONAL TASK FORCE.—

''(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

''(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

''(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

''(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and representatives from advocacy and research organization such as the Research Society on Alcoholism, the FAS Family Resource Institute, the National Organization of Fetal Alcohol Syndrome, the Arc, the academic community, and Federal, State and local government agencies and offices.

''(3) FUNCTIONS.—The Task Force shall—

''(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

''(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

''(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

''(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

''To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

''(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

''(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

''This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).''.

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

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

THE CALENDAR

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of the following bills: S. 2039, S. 2276 and H.R. 3687.

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

Mr. THOMAS. Mr. President, I further ask unanimous consent that the committee amendments to S. 2276 be agreed to, the committee amendment to H.R. 3687 not be agreed to, the bills then be read a third time and passed, the motion to reconsider be laid upon the table, and the statements relating to the bill be printed in the RECORD, with the above occurring en bloc.

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

EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

The bill (S. 2039) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2039

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de Tierra Adentro National Historic Trail Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600-1609) and Santa Fe (1610–1821);

(2) the portion of El Camino Real in what is now the United States extended between El Paso, Texas, and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed trails for trade long before Europeans arrived;

(5) in 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) during the Mexican National Period and part of the United States Territorial Period, El Camino Real facilitated the emigration of people to New Mexico and other areas that were to become part of the United States;

(7) the exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderland was made possible by El Camino Real, the historical period of which extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderland, promoting cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans; and

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic

Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''(21) EL CAMINO REAL DE TIERRA ADENTRO.—

''(A) IN GENERAL.—El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

''(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

''(ii) consult with affected Federal, State, and tribal agencies in the administration of the trail.

''(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL ACT OF 1998

The Senate proceeded to consider the bill (S. 2276) to amend the National Trails System Act to designate El Camino Real de los Tejas as a National Historic Trail, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 2276

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''El Camino Real de los Tejas National Historic Trail Act of 1998''.

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de los Tejas (the Royal Road to the Tejas), served as the primary route between the Spanish viceregal capital of Mexico City and the Spanish provincial capital of Tejas at Los Adaes (1721–1773) and San Antonio (1773–1821);

(2) the seventeenth, eighteenth, and early nineteenth century rivalries among the European colonial powers of Spain, France, and England and after their independence, Mexico and the United States, for dominion over lands fronting the Gulf of Mexico, were played out along the evolving travel routes in this immense area;

(3) the future of several American Indian nations, whose prehistoric trails were later used by the Spaniards for exploration and colonization, was tied to these larger forces and events and the nations were fully involved in and affected by the complex cultural interactions that ensued;

(4) the Old San Antonio Road was a series of routes established in the early 19th century sharing the same corridor and some routes of El Camino Real, and carried American immigrants from the east, contributing to the formation of the Republic of Texas, and its annexation to the United States;

(5) the exploration, conquest, colonization, settlement, migration, military occupation, religious conversion, and cultural exchange that occurred in a large area of the borderland was facilitated by El Camino Real de los Tejas as it carried Spanish and Mexican influences northeastward, and by its successor, the Old San Antonio Road, which carried American influence westward, during a historic period which extended from 1689 to 1850; and

(6) the portions of El Camino Real de los Tejas in what is now the United States extended from the Rio Grande near Eagle Pass and [Loredo] *Laredo,* Texas and involved routes that changed through time, that total almost 2,600 miles in combined length, generally coursing northeasterly through San Antonio, Bastrop, Nacogdoches, and San Augustine in Texas to Natchitoches, Louisiana, a general corridor distance of 550 miles.

SEC. 3. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

''[(21)] *(22)* EL CAMINO REAL DE LOS TEJAS.—

''(A) IN GENERAL.—El Camino Real de los Tejas (The Royal Road to the Tejas) National Historic Trail, a combination of routes totaling 2,580 miles in length from the Rio Grande near Eagle Pass and Laredo, Texas to Natchitoches, Louisiana, and including the Old San Antonio Road, as generally depicted on the maps entitled 'El Camino Real de los Tejas', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de los Tejas, Texas-Louisiana', dated [__ 1998] *July 1998.* A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(B) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.''.

The Committee amendments were agreed to.

The bill (S. 2276), as amended, was passed.

CANADIAN RIVER PROJECT PREPAYMENT ACT

The Senate proceeded to consider the bill (H.R. 3687) to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas, which had been reported from the Committee on Energy and Natural Resources, with an amendment on page 4 to strike ''shall have the right'' and insert in lieu thereof ''may be permitted'', as follows:

H.R. 3687

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Canadian River Project Prepayment Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''Authority'' means the Canadian River Municipal Water Authority, a conservation and reclamation district of the State of Texas.

(2) The term ''Canadian River Project Authorization Act'' means the Act entitled ''An Act to authorize the construction, operation, and maintenance by the Secretary of the Interior of the Canadian River reclamation project, Texas'', approved December 29, 1950 (chapter 1183; 64 Stat. 1124).

(3) The term ''Project'' means all of the right, title and interest in and to all land and improvements comprising the pipeline and related facilities of the Canadian River Project authorized by the Canadian River Project Authorization Act.

(4) The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. PREPAYMENT AND CONVEYANCE OF PROJECT.

(a) IN GENERAL.—(1) In consideration of the Authority accepting the obligation of the Federal Government for the Project and subject to the payment by the Authority of the applicable amount under paragraph (2) within the 360-day period beginning on the date of the enactment of this Act, the Secretary shall convey the Project to the Authority, as provided in section 2(c)(3) of the Canadian River Project Authorization Act (64 Stat. 1124).

(2) For purposes of paragraph (1), the applicable amount shall be—

(A) $34,806,731, if payment is made by the Authority within the 270-day period beginning on the date of enactment of this Act; or

(B) the amount specified in subparagraph (A) adjusted to include interest on that amount since the date of the enactment of this Act at the appropriate Treasury bill rate for an equivalent term, if payment is made by the Authority after the period referred to in subparagraph (A).

(3) If payment under paragraph (1) is not made by the Authority within the period specified in paragraph (1), this Act shall have no force or effect.

(b) FINANCING.—Nothing in this Act shall be construed to affect the right of the Authority to use a particular type of financing.

SEC. 4. RELATIONSHIP TO EXISTING OPERATIONS.

(a) IN GENERAL.—Nothing in this Act shall be construed as significantly expanding or otherwise changing the use or operation of the Project from its current use and operation.

(b) FUTURE ALTERATIONS.—If the Authority alters the operations or uses of the Project it shall comply with all applicable laws or regulations governing such alteration at that time.

(c) RECREATION.—The Secretary of the Interior, acting through the National Park Service, shall continue to operate the Lake Meredith National Recreation Area at Lake Meredith.

(d) FLOOD CONTROL.—The Secretary of the Army, acting through the Corps of Engineers, shall continue to prescribe regulations for the use of storage allocated to flood control at Lake Meredith as prescribed in the Letter of Understanding entered into between the Corps, the Bureau of Reclamation, and the Authority in March and May 1980.

(e) SANFORD DAM PROPERTY.—The Authority [shall have the right] *may be permitted* to occupy and use without payment of lease or rental charges or license or use fees the property retained by the Bureau of Reclamation at Sanford Dam and all buildings constructed by the United States thereon for use as the Authority's headquarters and maintenance facility. Buildings constructed by the Authority on such property, or past and future additions to Government constructed buildings, shall be allowed to remain on the property. The Authority shall operate and maintain such property and facilities without cost to the United States.

SEC. 5. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provision of consideration by the Authority in accordance with section 3(b) shall extinguish all payment obligations under contract numbered 14–06–500–485 between the Authority and the Secretary.

(b) OPERATION AND MAINTENANCE COSTS.—After completion of the conveyance provided for in section 3, the Authority shall have full responsibility for the cost of operation and maintenance of Sanford Dam, and shall continue to have full responsibility for operation and maintenance of the Project pipeline and related facilities.

(c) GENERAL.—Rights and obligations under the existing contract No. 14–06–500–485 between the Authority and the United States, other than provisions regarding repayment of construction charge obligation by the Authority and provisions relating to the Project aqueduct, shall remain in full force and effect for the remaining term of the contract.

SEC. 6. RELATIONSHIP TO OTHER LAWS.

Upon conveyance of the Project under this Act, the Reclamation Act of 1902 (82 Stat. 388) and all Acts amendatory thereof or supplemental thereto shall not apply to the Project.

SEC. 7. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of the Project under this Act, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed property.

The Committee amendment was rejected.

The bill (H.R. 3687) was passed.

WEIR FARM NATIONAL HISTORIC SITE

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1718) to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property.

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

Resolved, That the bill from the Senate (S. 1718) entitled ''An Act to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. WEIR FARM NATIONAL HISTORIC SITE, CONNECTICUT.

(a) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES.—Section 4 of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1171) is amended by adding at the end the following:

''(d) ACQUISITION OF LAND FOR VISITOR AND ADMINISTRATIVE FACILITIES; LIMITATIONS.—

''(1) ACQUISITION.—

''(A) IN GENERAL.—To preserve and maintain the historic setting and character of the historic site, the Secretary may acquire not more than 15 additional acres for the development of visitor and administrative facilities for the historic site.

''(B) PROXIMITY.—The property acquired under this subsection shall be contiguous to or in close proximity to the property described in subsection (b).

''(C) MANAGEMENT.—The acquired property shall be included within the boundary of the historic site and shall be managed and maintained as part of the historic site.

''(2) DEVELOPMENT.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

''(3) AGREEMENTS.—Prior to and as a prerequisite to any development of visitor and administrative facilities on the property acquired under paragraph (1), the Secretary shall enter into 1 or more agreements with the appropriate zoning authority of the town of Ridgefield, Connecticut, and the town of Wilton, Connecticut, for the purposes of—

''(A) developing the parking, visitor, and administrative facilities for the historic site; and

''(B) managing bus traffic to the historic site and limiting parking for large tour buses to an offsite location.''.

(b) INCREASE IN MAXIMUM ACQUISITION AUTHORITY.—Section 7 of the Weir Farm National Historic Site Act of 1990 (16 U.S.C. 461 note; Public Law 101–485; 104 Stat. 1173) is amended by striking ''$1,500,000'' and inserting ''$4,000,000''.

SEC. 2. ACQUISITION AND MANAGEMENT OF WILCOX RANCH, UTAH, FOR WILDLIFE HABITAT.

(a) FINDINGS.—Congress finds the following:

(1) The lands within the Wilcox Ranch in eastern Utah are prime habitat for wild turkeys, eagles, hawks, bears, cougars, elk, deer, bighorn sheep, and many other important species, and Range Creek within the Wilcox Ranch could become a blue ribbon trout stream.

(2) These lands also contain a great deal of undisturbed cultural and archeological resources, including ancient pottery, arrowheads, and rock homes constructed centuries ago.

(3) These lands, while comprising only approximately 3,800 acres, control access to over 75,000 acres of Federal lands under the jurisdiction of the Bureau of Land Management.

(4) Acquisition of the Wilcox Ranch would benefit the people of the United States by preserving and enhancing important wildlife habitat, ensuring access to lands of the Bureau of Land Management, and protecting priceless archeological and cultural resources.

(5) These lands, if acquired by the United States, can be managed by the Utah Division of Wildlife Resources at no additional expense to the Federal Government.

(b) ACQUISITION OF LANDS.—As soon as practicable, after the date of the enactment of this Act, the Secretary of the Interior shall acquire, through purchase, the Wilcox Ranch located in Emery County, in eastern Utah.

(c) FUNDS FOR PURCHASE.—The Secretary of the Interior is authorized to use not more than $5,000,000 from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–5) for the purchase of the Wilcox Ranch under subsection (b).

(d) MANAGEMENT OF LANDS.—Upon payment by the State of Utah of one-half of the purchase price of the Wilcox Ranch to the United States, or transfer by the State of Utah of lands of the same such value to the United States, the Secretary of the Interior shall transfer to the State of Utah all right, title, and interest of the United States in and to those Wilcox Ranch lands acquired under subsection (b) for management by the State Division of Wildlife Resources for wildlife habitat and public access.

SEC. 3. LAND CONVEYANCE, YAVAPAI COUNTY, ARIZONA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without consideration and for educational related purposes, to Embry-Riddle Aeronautical University, Florida, a nonprofit corporation authorized to do business in the State of Arizona, all right, title, and interest of the United States, if any, to a parcel of real property consisting of approximately 16 acres in Yavapai County, Arizona, which is more fully described as the parcel lying east of the east right-of-way boundary of the Willow Creek Road in the southwest one-quarter of the southwest one-quarter (SW¼SW¼) of section 2, township 14 north, range 2 west, Gila and Salt River meridian.

(b) TERMS OF CONVEYANCE.—Subject to the limitation that the land to be conveyed is to be used only for educational related purposes, the conveyance under subsection (a) is to be made without any other conditions, limitations, reservations, restrictions, or terms by the United States. If the Secretary of the Interior determines that the conveyed lands are not being used for educational related purposes, at the option of the United States, the lands shall revert to the United States.

SEC. 4. LAND EXCHANGE, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b) are conveyed to the United States in accordance with this section, the Secretary of the Interior shall convey to the party conveying the non-Federal lands all right, title, and interest of the United States in and to a parcel of land consisting of approximately 8 acres administered by the Department of Interior as part of the El Portal Administrative Site in the State of California, as generally depicted on the map entitled ''El Portal Administrative Site Land Exchange'', dated June 1998.

(b) RECEIPT OF NON-FEDERAL LANDS.—The parcel of non-Federal lands referred to in subsection (a) consists of approximately 8 acres, known as the Yosemite View parcel, which is located adjacent to the El Portal Administrative

Site, as generally depicted on the map referred to in subsection (a). Title to the non-Federal lands must be acceptable to the Secretary of the Interior, and the conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary. The parcel shall conform with the title approval standards applicable to Federal land acquisitions.

(c) EQUALIZATION OF VALUES.—If the value of the Federal land and non-Federal lands to be exchanged under this section are not equal in value, the difference in value shall be equalized through a cash payment or the provision of goods or services as agreed upon by the Secretary and the party conveying the non-Federal lands.

(d) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in part 2200 of title 43, Code of Federal Regulations, as in effect on the date of the enactment of this subtitle.

(e) BOUNDARY ADJUSTMENT.—Upon completion of the land exchange, the Secretary shall adjust the boundaries of the El Portal Administrative Site as necessary to reflect the exchange. Lands acquired by the Secretary under this section shall be administered as part of the El Portal Administrative Site.

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in appropriate offices of the Department of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the land exchange under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

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

LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE ACT OF 1998

Mr. THOMAS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1408) to establish the Lower East Side Tenement National Historic Site, and for other purposes.

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

Resolved, That the bill from the Senate (S. 1408) entitled ''An Act to establish the Lower East Side Tenement National Historic Site, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

TITLE I—LOWER EAST SIDE TENEMENT NATIONAL HISTORIC SITE, NEW YORK.

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this title are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 102. DEFINITIONS.

As used in this title:

(1) HISTORIC SITE.—The term ''historic site'' means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 103.

(2) MUSEUM.—The term ''Museum'' means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

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

SEC. 103. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this title and the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 104. MANAGEMENT OF THE HISTORIC SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 103(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this title authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE II—OTHER MATTERS

SEC. 201. CASA MALPAIS NATIONAL HISTORIC LANDMARK, ARIZONA.

(a) FINDINGS.—The Congress finds and declares that—

(1) the Casa Malpais National Historic Landmark was occupied by one of the largest and most sophisticated Mogollon communities in the United States;

(2) the landmark includes a 58-room masonry pueblo, including stairways, Great Kiva complex, and fortification walls, a prehistoric trail, and catacomb chambers where the deceased were placed;

(3) the Casa Malpais was designated as a national historic landmark by the Secretary of the Interior in 1964; and

(4) the State of Arizona and the community of Springerville are undertaking a program of interpretation and preservation of the landmark.

(b) PURPOSE.—It is the purpose of this section to assist in the preservation and interpretation of the Casa Malpais National Historic Landmark for the benefit of the public.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—In furtherance of the purpose of this section, the Secretary of the Interior is authorized to enter into cooperative agreements with the State of Arizona and the town of Springerville, Arizona, pursuant to which the Secretary may provide technical assistance to interpret, operate, and maintain the Casa Malpais National Historic Landmark and may also provide financial assistance for planning, staff training, and development of the Casa Malpais National Historic Landmark, but not including other routine operations.

(2) ADDITIONAL PROVISIONS.—Any such agreement may also contain provisions that—

(A) the Secretary, acting through the Director of the National Park Service, shall have right to access at all reasonable times to all public portions of the property covered by such agreement for the purpose of interpreting the landmark; and

(B) no changes or alterations shall be made in the landmark except by mutual agreement between the Secretary and the other parties to all such agreements.

(d) APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to provide financial assistance in accordance with this section.

SEC. 202. PROVISION FOR ROADS IN PICTURED ROCKS NATIONAL LAKESHORE.

Section 6 of the Act of October 15, 1966, entitled ''An Act to establish in the State of Michigan the Pictured Rocks National Lakeshore, and for other purposes'' (16 U.S.C. 460s–5), is amended as follows:

(1) In subsection (b)(1) by striking ''including a scenic shoreline drive'' and inserting ''including appropriate improvements to Alger County Road H–58''.

(2) By adding at the end the following new subsection:

''(c) PROHIBITION OF CERTAIN CONSTRUCTION.—A scenic shoreline drive may not be constructed in the Pictured Rocks National Lakeshore.''.

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

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

OREGON PUBLIC LANDS TRANSFER AND PROTECTION ACT OF 1998

Mr. THOMAS. Mr. President, I ask unanimous consent the Senator proceed to the immediate consideration of H.R. 4326, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4326) to transfer administrative jurisdiction over certain Federal lands located within or adjacent to the Rogue River National Forest and to clarify the authority of the Bureau of Land Management to sell and exchange other Federal lands in Oregon.

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

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

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

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

The bill (H.R. 4326) was considered read the third time and passed.

AUTOMOBILE NATIONAL HERITAGE AREA

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3910, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 3910) to authorize the Automobile National Heritage Area in the State of Michigan, and for other purposes.

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

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

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

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

The bill (H.R. 3910) was considered read the third time and passed.

Mr. THOMAS. I thank the Chair very much.

I thank the Senator from Texas for his time in allowing us to complete these bills.

Mr. GRAMM. Mr. President, I yield to the Senator from Pennsylvania for the purpose of a unanimous consent request.

Mr. SPECTER. Mr. President, my understanding is the Senator from Texas has the floor now.

I ask unanimous consent that at the conclusion of his 30-minute allocation that I be permitted to speak as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair. I thank my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, thank you for the recognition. I guess before I speak I need to thank several people. I thank Senator BYRD, who has left the floor, for insisting on a unanimous consent request that allowed me to have the opportunity to speak today. Senator BYRD is a Member who always reminds us that we do well to be courteous to one another. I appreciate his generosity.

Second, I am going to speak today on education and on other subjects. Much of the material that I am going to use was developed by Senator FRIST in the Budget Committee Task Force on Education. I want to be sure to give Senator FRIST credit for developing much of this material.

Mr. President, today, as we reach the end of the term, I want to say a little bit about four different subjects. I rarely get up and speak on more than one subject because many Senators, myself included, have trouble doing one subject justice. But I need to say a few words about education. I want to say a few things about home health care. I want to talk a little bit about R&D tax credits that are now pending in both Houses. And, finally, I want to talk about the world economy and what I see the lessons to be, and say a little bit about IMF.

EDUCATION

Mr. GRAMM. Mr. President, let me begin with education. First of all, I want to express some concern about the fact that the administration has decided, in the waning hours of this Congress, to suddenly bring education up as an issue in this omnibus spending bill that we are working on. I want to explain why I have concerns about this.

First of all, so far as I am aware, the administration never mentioned education as an issue, despite the fact that we have been negotiating now for several weeks, until last Friday. All the time we were working, trying to finish the business of the American people, the administration never raised education as an issue, and suddenly on Saturday the President brings it up in his radio address, and now every day the President is somewhere doing a photo opportunity, or a press conference, or having a fundraiser on the education issue.

I want to say a little bit about that because part of what makes it possible for you to finish your work, under very difficult circumstances at the end of a session, is when you have mutual trust, when you believe that both sides to the negotiation are acting in good faith and that we are trying to do the work of the American people and not gain political advantage. I am afraid that in this case the President is not acting in good faith in dealing with us on this issue.

A second reason I was surprised this issue surfaced so late in our negotiations is that the President, in January, proposed in his initial budget that we spend $32 billion in appropriations on education. When we reported our funding bill, we spent $32 billion on education. So it seems strange to me to now have this issue raised about education when, in fact, we have provided almost exactly the amount of money that the President sought in January. But whether we think it is political or not, whether it makes any sense, given that we have funded almost identical levels to those requested by the President, the President has raised the education issue and I thought it was important to give a brief response of what the difference is.

The dispute is not about how much money is going to be spent on education. As I said earlier, the President requested $32 billion; we have provided $32 billion. The question is not about how much money is going to be spent but the debate is about who is going to do the spending. Despite all the rhetoric of the President and the administration, the debate is not about the level of spending but who is going to do the spending. They want the Federal Government to do the spending. They want bureaucrats in Washington, DC, to do the spending. And what Republicans have done in the first change in national education policy in over 30 years is, we have voted to pass money back to local school districts so that local parents, local teachers, and locally elected school board members can set education priority. So the debate is not about how much money is going to be spent, the debate is about who is going to do the spending.

Since the President has raised the issue, let me tell you our side of the story. Our side of the story first points out that we spend a lot of money on education, and we should. In 1969, we were spending $68.5 billion on primary and secondary education in America.

Today, we are spending a whopping $564.2 billion. So, in dollar terms, we have almost increased education funding tenfold.

But yet, while education funding has exploded since 1969, we have seen SAT scores, which measure high school achievement, stagnate, we have seen reading stores stagnate, and we have seen, since 1969, a systematic decline of American student performance on international tests, where we have gone from virtually the top of each major learning category to near the bottom on each learning category.

In fact, I just pick two here. This last year on international tests on physics, of all the nations that participated in the program, the United States of America ranked dead last. On math, a critically important ability given the modern era we live in—and we all understand the importance of mathematical skills in the information age—America ranked second to last of all nations that participated in the math testing program. This despite the fact that, on a per capita basis, we are one of the largest spenders on education in the world, spending in some cases two or three times as much per student as the nations that achieved the top scores on these tests.

One of the reasons we are spending so much money and getting so little for it is really encapsulated in this chart. What this chart seeks to do is to show the 23 different federal government agencies that we have funding education through 300 different Federal programs, in trying to provide money for teachers, for at-risk students, and for young children. As you can see, looking at this chart, what we have created is a massive bureaucracy which has overlapping responsibilities and where we have 300 different programs basically all trying to achieve the same thing.

Looking at this chart, you will not be shocked by the next chart. The next chart really is the measure of how efficient we are in getting the dollar we spend in Washington through to the classroom where the child is learning. What this tries to show is, starting out with $1 we spend here—not just through the Department of Education, but all federal education spending—how much of it actually gets to the classroom. Fifteen cents of every dollar we spend never gets to the school district because, for all practical purposes, it never gets out of the State and Federal bureaucracy. It basically is consumed here and in various State capitals, with Federal bureaucracies that we are basically paying to tell people how to run education. Forty-eight cents out of every dollar can go to support local bureaucracies—support staff, administration staff, people who are not directly involved in classroom instruction.

So the bottom line is, from all of this mass of bureaucracy, we are getting 37 cents out of every dollar the federal government is spending on education into the classroom. So no wonder we are spending all this money with such poor results. This is the existing system. It is the 37-cent solution. And the President says, many of our colleagues say, give this system more money.

Our answer has been, look, if this system can only get 37 cents out of every dollar to the classroom, this system is fundamentally broken and it needs to be changed. What we would do in changing it is, basically, we want to go to a block grant system which takes much of the money that we spend in Washington, except for the amount that is targeted to critical needs such as children with special learning disabilities, special education programs, and what we would like to do is take $10.2 billion of the money we are spending in Washington and, rather than giving 63 cents out of every dollar of it to bureaucrats, which we do now, we would like to take the $10.2 billion and give it directly to local school systems. So local parents, local teachers, and locally elected school board members would determine how that money is spent. That gives us a 100-cent solution, because then every dollar will go to local teachers, local parents, and locally elected school board members.

The President and, obviously, many people in Washington believe we know better; that it is worth having a program where only 37 cents out of every dollar gets to the classroom because the bureaucracy is adding so much value by telling parents and teachers and locally elected school board members, who do not understand education, how to do it.

If anybody ever believed that, surely when we are in a situation where our test scores have stagnated, our reading scores are flat or declining, and where we are ranking last, or near last, in every achievement test given internationally, I just think it is unconscionable and hurtful to the country and to the children to stay with a system where only 37 cents out of every dollar we spend gets through to the classroom.

That is what the debate is about. When you hear the President say, ''We want Congress to act on education,'' we have already acted. The President wanted $32 billion. We have given the President $32 billion. But where the difference is, the President wanted the Federal Government to spend the money, the President wanted to keep a system where 63 cents out of every dollar gets lost before it gets to the classroom, and what we are trying to do is to give the money directly to local school systems and cut the bureaucrats out of it.

When you hear the President talking about this issue, understand that, despite what he appears to be saying, the dispute is not about how much money is going to be spent, the dispute is about who is going to do the spending. Bill Clinton and our Democrat colleagues want the Federal Government to do the spending with an old system where bureaucrats get 63 cents out of every dollar. We want local parents, local teachers, locally elected school board members to do the spending, because we believe that people love their children more than the Government does. We believe that parents know better about education than the Government does.

Let me also say for those who say, ''Where are the education bills that have been passed in this Congress?'' let me just remind those who are interested that we passed a bill in this Congress, this year, that provided parents with the ability to set aside tax free up to $2,000 a year to use to send their children to summer school or to get afterschool tutoring or to buy education equipment, like a computer, or to send their children to parochial or private schools, if they choose. The President vetoed that bill.

We passed literacy funding. The President vetoed that bill.

We passed a teacher merit pay program. The President, standing with the teachers unions and not with the students, vetoed that bill.

We passed a bill giving low-income families some choice in education. The President sent his child to private school in the District of Columbia, and he had every right to do it. The point is, however, that we wanted to give working families the same rights the President had, and the President vetoed it.

We had tax relief for parents whose children use the State tuition prepaid plan where you can start paying, even before your child is born, for him or her to go to Texas A&M, and you can do it at a discount because your money is building up. If they pass the test and can get in, you have paid for it. We wanted to give tax advantages to encourage families to do that. The President vetoed it.

We had tax relief for employer-provided education assistance. We have all heard employers everywhere saying to us, ''The kids who come to work for us out of high school don't have the skills they need. They can't read, they can't write, they can't reason.'' So employers are beginning to pay their own money to reeducate their workers. We wanted to encourage it by making it tax free if they do that, because they know the skills they need. The President vetoed it.

Finally, we now are trying to give local school systems more control, to take control away from Federal bureaucrats. The President says he will veto it unless we change it to spend the money his way, which is 63 cents for bureaucrats and 37 cents for classrooms. That is not good enough for America anymore.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes left.

HOME HEALTH CARE, R&D TAX AND THE WORLD ECONOMY

Mr. GRAMM. Mr. President, let me now turn to home health care, R&D tax credit and the world economy.

HOME HEALTH CARE

We put together a bill in the Finance Committee to provide $1 billion to the home health care industry, which has been hit by a failure of HCFA to implement a workable program to try to control the exploding cost of home health care.

As my colleagues will remember, we passed a bill to have a simple $5 copayment for home health care. That copayment would not apply to moderate-income people who would have their cost paid by Medicaid. The administration said, no, that they could save the money in another way, that they could reform the system. So in the omnibus reconciliation bill for the 1997 budget last Congress, we gave them the ability to do that. Now they have come up with a totally unworkable program which they say they can't fix.

We responded in two ways: No. 1, we in the Senate Finance Committee came up with a bill to provide $1 billion for home health care, and we paid for it by going back and correcting a technical error in the 1997 bill. We meant in that bill to require the Federal Government to reduce payments to health care providers for bad debt because it was producing perverse incentives where they were not trying to collect debts, since the Government paid them off 100 cents on the dollar, and where they were basically extending credit where there was no hope of collection because, again, it wasn't their money.

We meant to do that for every health care provider, but by a technical drafting error, it only applied to hospitals. So we were going to expand it to every other health care provider. It saved us about $1 billion from current law, and we were going to provide $1 billion for home health care relief to give the administration another year or 18 months to try to fix the problem that they have created. We have now had Members of the Senate—at least one Member—object to that funding mechanism.

Look, I don't object to the fact that Senators have a right to stop a bill in the waning hours of the session. I think that represents part of the strength of the Senate and, quite frankly, if you are going to make laws in the last hour of the session, you ought to have unanimous agreement.

I am disappointed, because I thought that was a reasonable way to try to fix the problem. We now have many other people trying to come up with ways of funding this $1 billion, including some proposals that we have a bunch of little tax increases.

I don't think that is the way to go. I hope we can work out a compromise, but there has been so much said about this issue that I wanted to come to the floor and go on record as saying I am for the solution that we reached in the Finance Committee that would pay for another $1 billion of aid to home health care by changing the 1997 law to stop payments for bad debt so that if you don't collect your bills, you have to pay for it, and not the taxpayer. I hope we can work out something.

I certainly believe it is possible to come up with a solution. I thought we had a good one. Someone objected to it. So now we are scrambling trying to find another solution.

R&D CREDIT

I am for the R&D tax credit. I think it should be extended. I think the House has come up with a good extender bill. I am for the House bill. I am afraid that if we fool around trying to add items, like tax credits for biomass energy, which I think is a wasteful subsidy, that we are going to end up with one bill in the Senate, one bill in the House, and we are not going to get the tax extenders. I hope we can just adopt the House bill which deals fundamentally with the major issue in the tax extenders, and that major issue is the R&D tax credit.

WORLD ECONOMY

Finally, in the few minutes I have left, let me say a little bit about the world economy. I think that something fundamentally is getting lost in all of this discussion in the last couple of weeks about the world economy. One would think in listening to the administration and the many commentators that the problem in the world economy is that there is some economic equivalent to the flu which is going around the world and it is being caught randomly.

The plain truth is, the collapse of the economies in Asia was due to crony capitalism where government was directing capital politically rather than economically. That system failed. As a result, it pulled down the economies, first of Thailand, and now several countries in Asia, including Japan.

The solution to the problem is to end crony capitalism. The solution to the problem is to open their markets for competition from American goods and goods produced all around the world, and eliminate the crony capitalism in places like Japan, where American goods had been kept out and in the process it has weakened their economy and it has hurt the world economy. The solution is not to engage in capital controls. And the solution is not to simply have the world use its money to support economic systems that do not work.

So I think it is important to remember that the problem in the world economy is that we had countries practicing crony capitalism. I think in the end this can turn out to be a good thing, not a bad thing. I think if we reform economies in Asia, if we learn the lesson in America that the Government should not be deciding where investments are made, I think the world economy can come back and be strong.

I am very concerned about the International Monetary Fund. It was set up at the end of World War II as part of the Bretton Woods agreement. In those days, we had fixed exchange rates, and the IMF was supposed to provide financing to make the system work. The United States, in 1969, went on flexible exchange rates. The Bretton Woods agreement died. We have not had an international financial crisis come out of America since. So IMF has been scrambling to try to find something to do.

I do not believe they have done a good job. I think in Russia they provided money most of which was simply stolen. I think they did not get the economic reforms they sought, and they squandered their money and ours. I am very concerned about what is happening in much of Asia. But I have decided, with some concrete reforms, to go along with additional money for IMF. But they are going to have to make the reforms to get the money.

The reforms are: If you want to use your money, you can do anything you want to do economically in the world. If you want to shoot your economy in the foot, or someplace worse, you have a right to do it, but you do not have a right to do it with our money. If you want our money, you are going to have to set out a plan to open up your economy for world trade, you are going to have to have movement toward free trade and free capital movement, you are going to have to set up a system where you give everybody equal justice under the law in areas like bankruptcy, and you are going to have to end crony capitalism where the kinfolks of rulers, where politically favored members of political parties, end up getting ownership of property and end up getting investment under their control.

The point is, these reforms are critically important if we are to avoid a world financial crisis. And these reforms are going to have to be made if we are going to provide the IMF the money.

I just want to respond very briefly to the representative from France, and others, who said, ''How dare the United States of America try to tell us what to do.'' Let me make it clear, we do not care what they do with their money. But if they are going to spend our money, they are going to have to use it on programs that we believe can work. And if they do not want to do it our way, that is great, just do not take our money; and they are not going to get it unless they do it our way.

Finally, I think in some ways we are adding to the world financial crisis by using rhetoric that seems akin to the sort of ''The sky is falling'' logic. Crony capitalism failed. Government does not work as an allocator of capital. That is hardly a surprise, but it is a lesson that is proven in Japan and all over Asia.

I remember not long ago sitting down with a President and with a Cabinet Member and another Member of the Senate, and there was really a discussion about our Government funding

high-definition television as part of industrial policy; the Japanese were doing it, and we could lose our cutting edge in technology.

Well, what happened? Fortunately, we did not do it. I opposed it. The Japanese invested over $1 billion in their technology, which failed. The world adopted our private technology, and we now dominate the world market. Crony capitalism does not work in America, it does not work in Japan, it certainly did not work in Korea and Thailand, and the sooner they change their system, the better off they are going to be.

If they want to set their economy right by using a system that we know works—capitalism and democracy—then we want to help. If they want to keep trying crony capitalism and socialism, we wish them good luck, we will include them in our prayers, but we will not fund that experiment, because we know it does not work.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—2-DAY CONTINUING RESOLUTION

Mr. SPECTER. Mr. President, I have been asked to make a unanimous consent request on behalf of our leader, Senator LOTT.

I ask unanimous consent that when the Senate begins consideration of the two-day continuing resolution, there be 10 minutes equally divided between the chairman and ranking minority member of the Appropriations Committee, and following the conclusion or yielding back of time, the resolution be agreed to and the motion to reconsider be laid upon the table, all without additional action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to comment about the budget process and the status of events now pending between the Congress and the Administration.

We have come to a stage on appropriations where so many decisions are left, in the final analysis, to negotiations which involve only four Members of Congress and now the Chief of Staff of the President's administration, which I believe is far removed from the regular order of the United States Congress and the regular order as envisioned by the Constitution where the Congress legislates, presents bills to the President, and the President either signs or vetoes those bills.

We have, as we all know, 100 Members of the Senate and 435 Members of the House of Representatives. And it is my view that, if unconstitutional, it is certainly an unwise de facto delegation of power to four Members of Congress: The Majority and Minority Leaders of the Senate, the Speaker, and the Minority Leader of the House of Representatives.

My bill is illustrative. I chair the appropriations subcommittee which has jurisdiction of three major Departments: The Department of Education, the Department of Health and Human Services, and the Department of Labor. And my staff and I worked during the month of August, a recess month, so that when we came back into session on August 31 we would be prepared, as we were on September 1, to have the subcommittee act. The full committee then acted on September 3 in an effort to have this complex and important bill considered early on by the Senate.

The bill never came to the Senate floor because of other pressing business and candidly, because the bill was so controversial that it would likely be tied up in matters which might not be resolved. However, I believe that had these issues been debated on the Senate floor, I think that they would have had chance, a realistic chance. Ultimately, with enough time and effort, we could have prevailed. Similarly, in the House of Representatives there was never floor consideration to the legislation covering these three important departments.

So the subcommittee chairman and the ranking members met and tried to work out many of the points of contention. The matters have never been considered on the floor of the Senate where under our procedures Senators have the right to offer amendments, the right to modify figures in the regular legislative consideration.

We are going to have to take a hard look at our procedures when we reconvene next January so that we go back to the regular order and to the process under which this body, the Senate, considers the legislation we have handled on the floor and then in the conference report and then present it to the President for his signature or for his veto, as he exercises his Presidential judgment.

We had a conference last Friday with representatives from the Office of Management and Budget and the chairmen of the Appropriations Committees from both Houses, as well as the chairmen of the subcommittees and ranking members. At that time we were considering an objection which the President had raised to the appropriations bill covering education. The President had just had a rose garden news conference and was very, very critical of Congress for failing to meet his demands, his requests, his priorities on education.

I was asked to participate in a responsive news conference which, unlike the President's power of the bully pulpit, received virtually no attention. The facts are these: The President has requested for education $31,185,302,000; on Friday the House-Senate Conference Committee had come to a figure of $31,832,358,000. Rounding off the numbers, the President was at $31.2 billion and the House-Senate conference was at $31.8 billion. We were $600 million over the President's figure. It led me at that news conference to comment that the President either did not know what the figures were or was negotiating not in good faith in representing that the Congress had not met his requests for an education funding figure.

A further controversy developed, and I believe is still pending, although those negotiations are ongoing. And minute by minute we do not know whether agreements are made or not until we hear their final report. The President asked for $1.1 billion for classroom size. The President proposed paying for that item with the proceeds from the tobacco settlement, except there never was a tobacco settlement and we never had those proceeds to work with.

My subcommittee had anticipated that problem and had, in the report which we filed, provided for reduction in classroom size to meet what the President considered a priority. We agreed with him that it was a priority. We allocated some $300 million for that effort. According to the information presented in our conference, the maximum expenditure for the next fiscal year would have been $50 million. So we had adequately taken care of the President's priority and we had more than enough funding to proceed for the first year.

It was our concern that the congressional authorizing committees had not taken up the item, which should be done in the context where we saw there was adequate funding. Had we had the tobacco proceeds, I think a good bit more attention would have been paid to this. When the funding did not come through, the subcommittee made its best efforts. I believe the facts are illustrated on these items, which were the bones of contention. The subcommittee had provided more funding for education than the President had requested, and it made an appropriate allocation for classroom reduction size. Congress had done its job on education.

It is obvious that when the President speaks from that bully pulpit he may even get more attention than when a Senator addresses the same subject on the Senate floor, seen by very few people on C-SPAN2. But at least we do what we can to establish the record for the propriety of our congressional action.

The business of having 535 elected Members of the Congress delegate authority to four individual Members, short-circuiting our process, is not in the national interest.

One of the items which has been under consideration in the subcommittee has been a complex question of organ transplants. The subcommittee has adopted the recommendation of the administration, put forward by Secretary of Health and Human Services Donna Shalala, to establish regulations issued by her Department. We held a hearing on the subject and tried to

come to grips with that issue. A differing point of view was put forth by the House of Representatives.

I concede that while the House advocates had parochial interests of their State, I, too, had an interest in Pennsylvania on this issue. Looking at the broader national aspects, it really is a matter to be decided by the medical experts. I think that was provided for in the regulations proposed by the Secretary of Health and Human Services. The Secretary had no parochial interest and was speaking for the national interest. If the Secretary was wrong, that is a matter which ought to be decided by the authorizing committee. It ought not to be left to the appropriators.

That is only illustrative of many, many riders we have where the appropriators are called upon to decide very, very complex questions which ought to be resolved after hearings, analysis, floor debate, and a decision on what is public policy. They really are not issues to be decided by how much money ought to be allocated to a specific line, which is the function of appropriations.

It is my hope that these procedures will be corrected when the Congress reconvenes next January, to find a way to return to regular order and to have these issues considered by the full Senate, considered in a Conference Committee, and presented to the President.

When we had our conference last Friday, I raised the question head on with members of the Office of Management and Budget where this education item was a matter for veto. He had some difference of opinion of some $330 million, which is not insignificant, but is not enormous on a $32 billion budget. The representative of the administration couldn't answer the question. If we had passed a bill and submitted it to the President, I think he would not have vetoed. My instinct is if we passed a bill and submitted it to the President, the funding figure which he wished for, classroom size reduction, which has now been conceded by the congressional negotiators, but it left open the issue of whether it would be decided by the States and local government or decided by the Federal Government, with the President pressing to have a mandate from the Federal Government operated out of Washington instead of leaving it to local government.

Here again, I think the President would not have exercised his veto, or at least had we followed regular order and the constitutional procedure without having the President in the negotiations on the appropriations bill—where he ought not to be, his representative ought not to be—we would have had a determination as to whether it rose to the magnitude of a Presidential veto.

Our institutions have been well served, as we know, when we follow constitutional procedures, when you follow regular order on what has been established. I do believe that these shortcuts are not in the public interest and we ought to return to the tried and tested ways of the appropriations process.

I ask unanimous consent to have printed in the RECORD the chart I referred to earlier.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

LABOR, HEALTH HUMAN SERVICES AND EDUCATION APPROPRIATIONS

	1998 comparable	Budget request	House committee bill	Senate committee bill	Tentative agreement—House	Tentative agreement—Senate	Open issues UA
Title II—Department of HHS, current year (federal)	162,167,174	177,149,724	176,289,059	176,178,717	178,665,109	178,695,109	30,000
Prior year advances	31,036,993	31,718,189	31,718,189	31,718,189	31,718,189	31,718,189	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Total	195,002,239	210,819,578	209,958,913	209,591,621	212,338,963	212,368,963	30,000
Mandatory, current year	132,981,566	145,960,968	146,055,968	146,040,968	146,230,968	146,230,968	
Prior year advances	29,099,993	29,618,189	29,618,189	29,618,189	29,618,189	29,618,189	
Subtotal: Mandatory	162,081,559	175,579,157	175,674,157	175,659,157	175,849,157	175,849,157	
Discretionary	29,185,608	31,188,756	30,233,091	30,137,749	32,434,141	32,464,141	30,000
Prior year advances	1,937,000	2,100,000	2,100,000	2,100,000	2,100,000	2,100,000	
Trust funds, current year	1,798,072	1,951,665	1,951,665	1,694,715	1,955,665	1,955,665	
Projected HCFA user fee collections		(264,500)					
Child Care Welfare Reform rescission	(3,000)						
Viagra Limitation			(40,000)		(40,000)		40,000
Adjustment for legislative cap on Title XX SSBGs	(81,000)	(471,000)	(81,000)	(471,000)	(81,000)	(81,000)	
Subtotal: Discretionary	32,836,680	34,504,921	34,163,756	33,461,464	36,368,806	36,438,806	70,000
Total: 302(b) scorekeeping	194,918,239	210,084,078	309,837,913	209,120,621	212,217,963	212,287,963	70,000
Title III—Department of Education current year (federal funds)	30,701,330	32,142,182	31,481,671	31,867,651	32,250,768	32,797,056	546,288
Mandatory, current year	2,555,086	2,615,266	2,616,640	2,615,266	2,622,584	2,622,584	
Discretionary, current year (federal funds)	28,146,244	29,526,916	28,865,031	29,252,385	29,628,184	30,174,472	546,288
Prior year advances	1,298,386	1,658,386	1,658,386	1,658,386	1,658,386	1,658,386	
Subtotal, Discretionary	29,444,630	31,185,302	30,523,417	30,910,771	31,286,570	31,832,858	546,288
Total, 302(b) scorekeeping	31,999,716	33,800,568	33,140,057	33,526,037	33,909,154	34,455,442	546,288
Title IV—Related Agencies (federal funds, current year)	17,738,380	23,195,669	23,058,541	23,207,418	23,173,046	23,182,836	9,790

HATE CRIMES

Mr. SPECTER. Mr. President, we have seen the issue of hate crimes again tragically before the American people with a horrendous event in Laramie, WY, on October 6, just last week, where a young man, Matthew Shepard, was kidnaped, robbed, severely beaten, and left tied to a fence in freezing weather. He died 5 days later from his wounds.

Two men have been charged with the murder. It appears that the attack was motivated at least in part by an antigay bias. Police have stated that while robbery was the main motive for the attack, that Mr. Shepard was apparently chosen as a victim because he was gay.

It has been reported by the investigators that the two suspects lured Mr. Shepard from the bar by stating that they, too, were gay and wanted to meet with him. The girlfriend of one of the two suspects has stated that Shepard was targeted because he had flirted with the suspect earlier that evening and allegedly embarrassed him.

The issue of hate crimes was very much a national focus months ago, on June 7 of 1998, when Mr. James Byrd, Jr., an African-American, was kidnaped and killed by being dragged from the back of a pickup truck. Three white men have been charged with the murder. The evidence indicates that there was racial motivation for the attack. Authorities have stated that all three suspects were white supremacists and had white supremacist tattoos on their bodies. All three were identified as belonging to the Ku Klux Klan and the Confederate Knights of America while serving in prison. Racist literature was seized from the home shared by the suspects.

The current hate crime legislation was deemed inadequate on the murder of Mr. Byrd because the victim was attacked in a way where he was not seeking to exercise a federally protected right.

On November 13, 1997, Senator KENNEDY, Senator WYDEN, and I introduced the Hate Crimes Prevention Act, which has not moved forward. It is my view that there is no place in America for

hate. There is just no place in America for hate. There is no place for hatred of African-Americans, hatred of Asians, and there is no place for hatred of Jews, Muslims, gays, or anyone else. That is antithetical to America, antithetical to the concepts of the melting pot. We see around the world what has happened in places like Bosnia, and we see what has happened in Kosovo, and we have seen what has happened in Africa. But in the United States, there is no place for hate.

I have asked both leaders in the Congress and the President to push to have this legislation included in the final Omnibus Appropriations Act. I know it is difficult to do. Let's see what happens on it. There ought to be a very, very strong stand taken against hate. Gays ought to be included in the protection, and we ought not to have the highly technical, legalistic concepts of the exercise of a federally protected right.

I served for 8 years as district attorney of Philadelphia and 4 years as assistant district attorney before that, and crime was horrendous. But when hate is added to the crime, it becomes an intolerable circumstance, something which should be acted upon by the Congress of the United States. The legislation has been modified to arrive at a situation where local authorities would call for Federal assistance. I am not sure that is a wise provision, because so frequently we find local authorities unwilling to act, and that is really the reason for the necessity for Federal action. But the legislation has been modified in a number of important respects to try to give an impetus for enactment. We should not await the next tragedy on hate—whether it is directed to someone of Asian ancestry, or someone who is Jewish, or a Muslim, or a gay, or an African-American—to motivate us to take the appropriate steps and be very, very tough in the response and prosecution of those offenses.

Mr. President, in the absence of anyone else seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COCHRAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to proceed as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

EDUCATION

Mr. GREGG. Mr. President, we have heard a lot of talk about education in the last few days, especially from the White House, and about adequate funding for education. I think no item more clearly defines the difference between the two parties on the issue of funding education than the issue of special education.

This White House has been so enthusiastic for creating new programs, that are controlled here in Washington, which tell the teachers, principals, parents, and students back in my State, and in the State of Mississippi, where the occupant of the Chair comes from, and every State of this country, how they shall run their schools on a day-to-day basis, how to manage curriculums, whom they shall hire, when they shall hire them, what they will do after school. This administration has been so insistent in trying to move the control of education to the Federal level and now has come forward with a new series of efforts to accomplish that. But this administration has failed consistently to fund the most fundamental obligation of the Federal Government in the area of education—specifically, the obligation under special education.

Back in 1976, I think, when the special education bill was passed, which was a major step forward in this Nation toward caring for kids who have special needs, the Federal Government committed to the local communities of this country that it would pay 40 percent of the cost of those children's educational needs. But what has happened? Well, when the Republican Congress took control of Congress 4 years ago, at that point, the obligations being paid by the Federal Government weren't 40 percent of the cost of special ed needs, they were only 6 percent of the costs. The difference, 34 percent, which was supposed to be picked up by the Federal Government, was being borne by the local taxpayer.

What was the practical effect of that? The practical effect of that was that the local tax burden was skewed and the local school districts' ability to support their educational agenda was controlled not by what they wanted to do but by their need to meet a Federal mandate that was not being paid for by the Federal Government—specifically, special education. So where a local school board might have wanted to add new teachers, or an afterschool program, or a new language program, or put in new computers, they could not do it. Why? Because they had to pay the cost of the special education students, which costs were supposed to be borne by the Federal Government, at least to the extent of 40 percent.

So you would have thought that this ''education Presidency''—as it tries to proclaim itself—would have wanted to correct that problem, would have recognized that as the first step in its efforts on education, and would have fulfilled the underlying obligation to special needs kids and paid the 40 percent the Federal Government is obliged to pay under the law.

What actually happened? In every budget that the President of the United States has sent up to this Congress since this Congress was taken over by the Republican Party, there has been essentially no increase in funding for special education. As a result, what this administration has said is: Rather than funding the needs of special ed kids, we want to create brand new programs, we want to go out and tell the school districts what they are going to have to do with Federal dollars, rather than using the Federal dollars to fund the needs of the special needs kids the way we are supposed to under the law.

So they set up this scenario where they say to local school districts: We are not going to pay you what we are supposed to and allow you to free up your money to spend it on what you need, such as books and teachers—or whatever the local school district thinks it needs. Rather, we are going to tell you what you need, and we are going to make you come to the Federal Government, come to the Federal bureaucrat, and say, ''Please, Federal bureaucrat, give us back some of our money so we can pay for new educational initiatives.'' But we have to do exactly what you tell us in initiating those initiatives. It obviously makes no sense.

What did the Republican Congress do? It said let's live up to our obligations as a Congress first. So we made a priority. In fact, S. 1, the No. 1 bill of the Senate, made as its priority setting a course to fully fund special education at the 40 percent required under the law. We made great strides in this under the leadership of the majority leader, under the leadership of the Senator from Pennsylvania, who is the head of the appropriations subcommittee, with the strong effort of the coalition here on our side of the aisle.

We have increased funding for special education dramatically in the last 3 years, with no help from the administration. Three years ago, we put it up; we increased special education funding by almost $700 million. Last year, we increased it by almost $690 million. This year, we have increased it again by $500 million. So we have taken the percentage which the Federal Government is paying for special education from 6 percent when we took control of the Congress up to over 10 percent now, and it is moving in the right direction.

Now, one more time this week, we hear this disingenuous argument coming from the administration that if we are going to have good education, we have to create a new program where the Federal Government, the President, and his friends at some national labor union and down here at the Department of Education tell local educators how to spend their dollars and what they must spend their dollars on.

If the President really wanted to address the educational needs of this country, he would say to local school districts: I want another $1 billion, but I want to give it back to the local school districts to help them with special education, and that will free up the local school districts to be able to spend money for what they think they need.

Not every school district in this country needs more teachers. Not every school district in this country has a terrible school building. Some school districts need more computers. Some school districts want to expand their language programs. Some school districts want to expand their dance programs. Some may want to expand their math programs. That decision should be made at the local level. Only the parents, only the teachers, only the principals really know what a local school district needs in order to make it a better place for kids to learn in. We don't know in Washington.

Yet, the President and his friends and his supporters seem to feel that they know best, that they can run all the school districts in this country out of some building down here on Constitution Avenue. It doesn't work that way.

If we really want to help out local school districts, what we will do is relieve them of having to fulfill the obligations of the Federal Government by paying the costs of special education and free up those dollars so that the local school districts can spend them where they see fit, where they feel they will get the best return. If we really want to help local education, what we will do as a Congress and what the President should be suggesting is that we will fund the special education needs of kids in this country to the tune of 40 percent, which we committed to.

Ironically, if you take the dollars being proposed by the President to be spent on his new categorical programs where he tells everybody in the country how to run their school districts, and you add them up, in 5 years—which is the goal that we have set as a Republican Congress—in 5 years, you will be at just about the 40 percent that the Federal Government said it was going to spend on special education. If you take those dollars and you move them over to special education, you will be accomplishing what we said we were going to do back in the 1970s. But, more importantly, we will be freeing up the local school districts to educate kids the way they know they must be educated rather than the way some bureaucrat down here in Washington thinks they should be educated.

That is the difference. That is what the debate is about. The Republicans believe that schools should be operated at the local level, that it should be the parents, the teachers, and the principals who make the decisions on education. Regrettably, some of our colleagues on the other side, and clearly the people down on Pennsylvania Avenue, feel that they know better than parents, teachers, and principals—they should be the ones operating our schools.

This is not a dollar fight. It is not a question of putting more dollars in education. It is a question of where the dollars go, how they are better managed, how they can give the best return for the dollars spent for education which we need.

So there is the difference.

The Republican Congress is showing the right way. We have put our money in the right programs. We have committed to special education the huge increase in spending. I just wish the President would join us in that.

Mr. President, I yield the floor.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that all the debate time on the 2-day continuing resolution be yielded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the order, the joint resolution is passed.

The joint resolution (H.J.Res. 135) was considered read a third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m. with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that I may go over that 5-minute limit by not to exceed an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE DEBATE OVER EDUCATION

Mr. GORTON. Mr. President, I can do no better than to echo the eloquent remarks of my friend and colleague from New Hampshire. The debate over education today is not a debate over its importance. It is not a debate over the relative commitment of Republicans and Democrats to increase the educational opportunities for our children. The debate, as we have it today, is over who determines how and where that money should be spent—bureaucrats in Washington, DC, or the parents, teachers, principals, and elected school board members in thousands of school districts across the United States. That debate is a vitally important one.

In his 1997 state of education speech, Secretary Riley said, ''We should not cloud our children's future with silly arguments about Federal Government intrusion.'' But that is exactly what this debate is about. It isn't silly, and it couldn't possibly be more important.

Secretary Riley may feel it very natural that he and the President and his bureaucrats in the Department of Education here in Washington, DC, should set those priorities for all of the thousands of school districts across the country. We do not. We believe in the wisdom of school board members and in the dedication of principals and teachers and parents to the quality of their children's education.

I want to emphasize once again, the President in his budget this year asked for $31.4 billion for education. The budget passed by the Senate of the United States has $31.4 billion for education. Later, the President came back and asked for an additional $1.1 billion. Republicans have agreed that that $1.1 billion is appropriate.

But in negotiations, of which I have been a part, the President has narrow prescriptions for the use of that $1.1 billion. In fact, when I looked at the statutory language that the President's people asked for, the first two lines were about the appropriation of $1.1 billion. All of the rest of the language was designed to restrict the discretion of State and local education agencies in connection with the spending of that $1.1 billion, narrowly focused on teachers, focused even more on teachers in the first three grades; subject to the rules and regulations of the Federal Department of Education at every possible turn, the distribution formula and the set of rules already adopted for the spending of money from the pot into which this $1.1 billion is to go, according to the President. The formal rules take up just 15 pages of regulations—perhaps 15 pages too many. But the nonregulatory guidance for those regulations is another 171 pages. And, of course, there would have to be additional regulations on top of those, and additional guidance on top of those, for this program as the President has recommended it.

In its publication called ''Education At The Crossroads,'' the Education Committee of the House of Representatives reports that there are now 760 Federal education programs, requiring something over 48,600,000 hours of paperwork per year—48,600,000 hours of paperwork. We simply need not add to that burden. Mr. President, 90 percent of those hours now paid for out of the education budgets of our school districts and of our States, 90 percent of those hours could be far more profitably spent on additional instruction for our students or the money spent on improving the physical quality of our schools or the equipment that our schools and our teachers use to train our children. But those moneys are now spent meeting the regulations of the Federal Government accompanying the modest amount of money—some 7 percent to 8 percent—the modest amount of money that the Federal Government supplies as against the States and local taxpayers for the maintenance and the instruction in our public school program.

We, on the other hand, without a debate with the President over the

amount of money to be spent on education, prefer that it be distributed through an existing Federal program, the one existing Federal program that carries very few regulations with it, directly to the school districts of the United States, to be spent in the way that each of those school districts feels most appropriate. More teachers? Yes, where those school districts feel that is their No. 1 priority. Focused on special education where, as the Senator from New Hampshire pointed out, we have imposed innumerable burdens and regulations on our school districts but supply less than 10 percent of the money to meet those regulations? On other matters that may be more significant to particular school districts across the country? Yes.

In discussion of this issue in the course of the last 24 hours with a distinguished Democratic Member of the House of Representatives on the committee there dealing with education, we were told that even in that Representative's own district, the school boards could not be trusted. This Representative was eloquent on the tumbled-down nature of many of the schools in his city, eloquent on the lack of adequate teaching in that school district, but he was totally unwilling to let the people who elected both him and the school board members in his city—he was unwilling to allow those elected school board members to decide how this new money should be used. He was convinced, for some reason or another, that they would ignore the condition of their schools and the quality of their teachers and find something else to spend the money on.

Between that idea and ours, there is a great gulf fixed. We feel that if the school boards are allowed to determine how this money should be spent, it will, in the vast majority of all cases, be spent more wisely than it could possibly be spent under a set of one-size-fits-all regulations from Washington, DC, and we feel that there will be more money in the schools because less of it will be used for this 48-plus million hours of filling out paperwork.

Those are the two principal reasons for our perspective on this issue—a trust in the dedication of the parents and teachers and principals and superintendents and school board members to the education of the children committed to their care, and to the belief that the less the paperwork, the fewer the regulations, the more dollars that can get actually into the classroom.

That may be the last major issue separating us from the President in coming up with an overall omnibus budget and allowing this Congress to finish its work. But it is an issue of profound importance to every American—our students and our parents and all other Americans who wish to bequeath to their children and their grandchildren an even stronger America than the one they inherited from their parents.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I ask unanimous consent that I be allowed to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. THOMAS. Mr. President, I ask unanimous consent that Darlene Koontz, a fellow with the National Park Service, be granted the privilege of the floor for this afternoon's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PARKS RESTORATION

Mr. THOMAS. Mr. President, I rise today and come to the floor to thank the Senate and the House for the passage of S. 1693, the Vision 2020 bill, national parks reform. I think it is a great day for the Congress and for our national parks. Parks are one of the real resources, one of the real treasures that we have in this country that I think all of us have feelings for. There are lots of different parks and lots of different kinds of parks, but they are all our heritage. They are our culture.

I think we have known for some time that the parks have needed some assistance. They are more visited now than ever. They are more utilized, as they should be, by Americans than ever. The Park Service, on the other hand, thinks that they are at least $10 billion in arrears in infrastructure costs and they need to change. I think there is a willingness to change on the part of the Park Service. So through hard work and bipartisan compromise we forged a bill that will preserve and help protect our parks now and well into the next century.

I have a special place in my heart for parks. I grew up right outside of Yellowstone Park near Cody, WY. We have the first park, Yellowstone, that is more than 125 years old now, also Grand Teton Park, which is, of course, a spectacular and unusual place, Devil's Tower. So parks are very much a part of the West. They also are very much part of the rest of the country. Right here in Virginia, last week my wife and I went to Philadelphia, Independence Park, one of the great treasures of our history. So I am very pleased with this legislation and I think it will be helpful.

Let me mention a few of the major provisions of S. 1693. First, it requires the Department to develop a strategic plan and comprehensive budget for the individual units. It is a large business. The budget is $1.2 billion. So there has to, now, in addition to the management of resources, be management of a large financial issue. We need plans. We need a Park Service that has transparency in terms of its plans and in terms of its budget. There needs to be a budget. There needs to be assurance that the expenditures are the same as the appropriations requests. That has not always been the case.

We need to establish a process for developing new parks. There are criteria for parks and they need to be followed. We have a proposition where there would be a study to see if, indeed, that park does square with the criteria that we have set forth. Too often, I think, Members of Congress have been able to bring parks into the system to be supported by Federal dollars when, frankly, they really perhaps did not meet the criteria that they should.

The bill provides for enhanced training opportunities for Park Service employees. Many of them have very specialized jobs, very specialized work to inventory and to understand what the resources are and to protect them. In my experience of working with Government and in this Government, I don't know of an agency that has a more dedicated staff than does the Park Service. They are people who are really committed to what they are doing and committed to the preservation of parks and making them useful. We need to help with opportunities for training.

We are providing for increased scientific study and research to ensure park resources are inventoried and they are, indeed, protected.

There are two purposes: The first purpose of the park, of course, is to maintain the resources, whether they be cultural or natural resources. The second is to provide for its owners, the American people, to visit. One of the elements of that, of course, is the concessions that provide the services that are necessary.

We have worked at changing the concessions policy and making it more competitive so that new businesses can have an opportunity to provide them, to provide them more efficiently, to provide more of an opportunity, and to pay some of the income to the park as a means of sustaining it.

We have eliminated the preferential right of renewal so that there is competition for those services as they are renewed.

We have authorized the new national park collectible passport which provides an opportunity for supporters of a park to pay a little something and to have in their car window or their house window this attractive passport that will allow us to help support the parks.

We provide for increased philanthropic support for individual units to help Friends of Yellowstone, for example, to raise money, and they raise significant amounts of money for parks.

We have authorized some studies for the Park Police which is necessary. We have some 400 Park Police right here in the Capital who have large responsibilities.

These are some of the changes that we have worked at. This is the first time in 18 years that we have had a generic parks bill that is designed not to deal with some specific park but rather to deal with the whole idea of a system

that will preserve and strengthen the parks. It is the culmination of more than 2 years of work by the subcommittee. We have had hearings coast to coast. We have been in Colorado. We have been out in San Francisco. There are many different kinds of parks. We had the same reaction at the hearings: that there needs to be more resources; they need to be managed better; we need to have more support; we need to deal with gateway communities; and have better communications. I think these things will be strengthened. We passed a bill that, I think, will do much of that.

I want to take a moment to thank some of the people who were involved. We hear a lot about the difficulty of passing legislation, and it is difficult. Everyone has, legitimately, different ideas about how things ought to be done; indeed, philosophies of how they might be done. The media, of course, emphasizes the conflicts that we have, and we have conflicts. Here, although most everyone will agree with parks, there are conflicts about how we resolve these things.

I am so pleased we had an opportunity to come together with people on both sides of the aisle, with people in the administration, with people in the Congress. No one got everything they wanted. We had to make concessions. We had to make changes, give up some things, add some things. But that is the way the legislative process has to work.

I particularly thank Senator MURKOWSKI, the chairman of the Energy and Natural Resources Committee, for all of his guidance on this legislation. Without his help, of course, we wouldn't have had this bill before the Senate. The chairman went out of his way to ensure that negotiations stayed on track. As you know, Alaska has some unique things. He helped to make this thing work.

I also thank Senator BUMPERS, the ranking minority member of the committee. I know personally that he has worked on some of these things. He has worked on the issue of concessions in particular for at least 10 years. He made some concessions on this issue. Without him, frankly, we wouldn't have a bill, particularly over in the House where he worked at it. I just say to the Senator from Arkansas that I really appreciate his help and appreciate the attitude that he brought here to this debate.

I thank Secretary of Interior Bruce Babbitt. It is no secret that we don't always agree with a lot of things, like public lands. Bruce Babbitt worked as hard as anyone could be asked to work. He came from California to work with our staff on this. He helped form a compromise.

Also, I thank Assistant Secretary Don Barry—these folks worked very hard—as well as BOB BENNETT. There is a whole list of people. Over in the House, JIM HANSEN and Chairman DON YOUNG worked very hard as well.

Finally, I thank the staff, of course, at all levels in the Senate, in the committee, particularly my personal associates: Liz Brimmer, my chief of staff; Dan Naatz, legislative director; Jim O'Toole, who is the director of the committee staff; and Steve Shackelton, a fellow, who worked originally with us on the bill.

I wanted to come to the floor to say a couple of things. One is, I am very pleased we passed this. I think it is going to help parks.

Second, I am impressed with the system when we really do work together and cooperate to come up with something that is a compromise and reach the goals with which we began.

Mr. President, I thank you for the time and say, again, I am very pleased we were able to bring this to passage in the Senate.

VISION 20–20 LEGISLATION

Mr. MURKOWSKI. Mr. President, today is a historic day for the Congress, the National Park Service and the American people. After two years of intense negotiations, hearings from coast to coast, and a great deal of hard work I am pleased to inform my colleagues that we have National Park Service Reform.

More importantly, after eight years of disagreement, and as part of the National Park Service reform package, we have achieved victory; we have come together in true bi-partisan fashion, and we have reformed the management and administration of concession operations in the National Park Service System.

Under this legislation, and in addition to concession reform, we have provided the National Park Service with increased opportunities, in cooperation with colleges and universities, to conduct scientific research in our parks so that in future years resource management decisions can be based more on sound science as opposed to emotion and guess work.

We direct the Secretary of the Interior to develop a comprehensive training program for employees in all professional careers in the work force of the National Park Service to ensure that personnel have the best, up-to-date knowledge, skills and abilities with which to manage, interpret and protect the resources of the National Park System.

As we all know the management and administration of parks is becoming more complex. We require managers who are fully prepared to take on the challenges that the next century will offer. The Secretary is directed to develop a training program which will ensure that future park managers will come from the cream of the crop and will be fully prepared to assume the responsibilities that management and administration of multiple park programs will demand.

We have established procedures for the establishment of new units of the National Park System to ensure that only those areas of truly national significance are authorized.

Mr. President, the original bill passed by the Senate contained new fee authorities which would have allowed the actual users of the System to shoulder more of the responsibility to decrease the $8 billion dollar back-log in maintenance and infrastructure repair needed in our parks. Unfortunately, the other Body decided to delete these provisions from this legislative package. I regret this decision; however, I want you to know that the Committee on Energy and Natural Resources is going to address the fee systems for all of the agencies under our jurisdiction early in the next Congress. There are needs to be met and problems to be resolved in this specific arena.

Senator THOMAS came up with a park passport and stamp as an entrance pass to our National Parks. The winning design of the stamp will be through a competitive process each year, a similar process to the popular Duck Stamp that we are all familiar with. It's a great marketing tool and should increase revenues. Along that same line we are directing the National Park Foundation to assist other park friends groups. The Foundation possesses a great deal of expertise in fund raising and philanthropic activities. Sharing that expertise will benefit hundreds of parks across this Nation.

We also direct the Secretary and provide him the authority to lease unused Park Service buildings and enter into expanded cooperative agreements in the hope that the private sector will take advantage of occupying and maintaining some of these unused structures, thereby off-setting expenditures by the Service.

Mr. President, Senator THOMAS, Senator BUMPERS, Senator BENNETT, and Secretary Babbitt entered into negotiations on concession reform. The end result is before you today. All of these gentlemen deserve our congratulations and thanks for the time and energy each put into the effort.

This bill is a direct result of discussions amongst the House and Senate Committees, representatives of the concession industry, and other interest groups. It reflects, I believe, a fair and just resolution of some issues about which there is legitimate disagreement. The recent amendment offered by Representative MILLER alters the terms of that agreement to some degree, but it remains a piece of legislation I can still support and endorse. However, I do think the amendment does give rise to a need for some clarification.

Protection of the existing possessory interests of concessioners is an important element of this legislation. Possessory interest is a significant and valuable right. It reflects the capital investment of the concessioner. It was one of the foundations on which the 1965 Concessions Act was built and it

can not be simply eliminated. The concessioners are entitled to the protections which the 1965 Act promised.

For those reasons I think we must make clear what the Miller amendment does not do. In authorizing the Secretary to, in the future, alter the treatment of possessory interests, it does not empower him to do what Congress has specifically chosen not to do, by which I mean deny those concessioners the value of their existing possessory interest. Regardless of what the Secretary may ultimately decide, those existing possessory interest will remain a valuable and legally protected right for which concessioners must be compensated. They will remain entitled to see their investment protected and to receive the benefit of their bargain.

Mr. President, on another point, we have just received a GAO study that tells us that many of our existing concession facilities are below standard and deteriorating. Visitors to our parks should not expect to stay in a facility that cannot pass the minimum requirements that apply to those hotels and motels on the borders of our parks. On that note, and as I have previously stated the negotiations that lead to this compromise were difficult to say the least. Each had to come across the table, no one got everything they wanted except the American people, and they got a lot.

The provisions of this compromise mean that we will have the expertise of the private sector to assist and advise the National Park Service in the management and administration of concession operations. I am confident that under this scenario concession operations have no where to go but to produce better quality services.

The private sector will be more than glad to provide major investments in new and existing facilities because they are able to maintain a financial interest in the properties. There is a great incentive for the operators to maintain their facilities and infrastructure to the highest standards possible. If they don't, the provisions provide for a decrease in the dollar amount of interest they are entitled to receive.

Finally, concession operators will be paying more in fees which go back to the parks.

Mr. President, I personally want to thank Senator THOMAS for the extreme effort that he has put forth in this endeavor. In my years in the Senate I have never seen a Senator work harder on this contentious issue. He has done the impossible.

And, last but not least, I want to say thank you to the Committee staff, for the hard work, the lost weekends, the evenings and for the great work.

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I understand we are in morning business. I ask unanimous consent that I be allowed to speak for the next 15 minutes uninterrupted.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President.

EDUCATION

Mr. HARKIN. Mr. President, as a member of the Appropriations Committee and as the ranking member on the Labor, Health and Human Services, and Education Subcommittee of the Appropriations Committee—my chairman is the distinguished Senator from Pennsylvania, Senator SPECTER—we have been involved, as I am sure everyone knows, in a lot of negotiations over the last several days regarding the education portion of the bill. There are some other items there also, but basically on education.

After reading some of the newspaper accounts and listening to some of the speeches on the Senate floor, I can only come to the realization that perhaps the American people are a little bit confused now about what is going on. I respectfully submit that may be the point of what is going on—to try to confuse the American people. I am going to try to set the record a little bit straight here, in my limited amount of time.

I was in my office a little while ago listening to the Senator from Texas talk about education. He had a chart. He went on to say that only 37 cents of every dollar that comes in here, I think in the Department of Education, actually gets back out to the local schools.

Having been involved both on the authorizing committee for now 14 years and on the Appropriations Committee, an equal amount of time on Education, I was quite astounded by this figure because I never heard this figure before. So I decided to go back and find out exactly what were the facts.

So I guess the best place to look is in the committee report, compiled not by the Democrats but by the Republicans,—by Senator SPECTER for the Committee on Appropriations. Of course, I will say this, and most gratefully say, he and his staff have worked very closely with me and our appropriations staff in putting out this report.

So I looked in the report, to check on administrative costs for the Department of Education, because I never heard that figure, 37 cents. I thought, ''Boy, if that's the truth, I might join the Senator from Texas in this argument.'' So I looked it up. In this report—this is the document right here; big and thick, has a lot of numbers in it, very boring reading—the committee recommendation for the Department of Education is $34.4 billion. That number is likely to increase as a result of the negotiations on the final bill.

So then I said, ''OK, how much does the Department of Education spend administering these programs?'' Well, here is the line item. It is right here in the book. You do not have to go very far. General Departmental Management: $101 million. Well, I am not the best at math, but I tried to figure this out. And as best I can come, that is less than one-half of 1 percent of the total money that we appropriate to the Department of Education goes for administration—less than one-half of 1 percent.

I then asked my staff to find out how much of was spent for administration at the State level. And that is about 2 percent. So 2.5 percent of all the money we take in that we give the Department of Education goes for administration; therefore providing 97.5 percent to local school districts and students. That is right; out of every $1 that goes to the Department of Education, 97 cents-plus goes out to schools and to students.

Where the heck that 37-cent figure, that the Senator from Texas had, came from, I have not the foggiest idea. I have his comments. I still do not understand where he got that figure. The only thing I can expect is that maybe he did not take into account Pell grants that go directly to students that are paid to schools. I do not know. Whatever the reason is, that is not the correct figure. It is not chewed up in administration.

The documentation is right here in black and white in the committee report. It just seems that all we have is we just have a lot of rhetoric around here and somehow we are supposed to take the rhetoric for substance.

The substance is there. It is not a secret. You can find out how much goes for administration, and it is not as much as the Senator from Texas said. Fully 97 cents of every dollar that goes to the Department of Education goes out to schools, goes out to students.

Again, it seems now that what I am hearing is that the Republicans, in the negotiations, are saying that they are going to match us dollar-for-dollar, but they just want to throw the money out there in the Title VI block grant to the States, so they can do with it basically what they want. So the sort of hue and cry is ''We'll give money to the States and let the States do what they want.''

There is a better way. To deal with class size, the President has an initiative to hire 100,000 teachers to reduce class size in this country. The President and those of us on this side of the aisle, what we want to do is put that money through title I reading and math program to reduce class sizes. I am told the Republicans want to send it out through the Title VI block grant.

Again, I am sure that the American people watching me speak here are saying, ''Gobbledygook, Title I, Title VI,

so what?'' Well, so what is a big difference in whether more money gets out to the students or not.

There is a big difference. For example, in title I, we have a cap by law that says that no more than 1 percent of the money that goes out to Title I can be used for administration at the State level. One cent of every dollar, that is all, no more; so that 99 cents actually gets to the schools and the students.

However, under Title VI, 15 percent of the money that goes out to the States is held at the State level; 15 cents out of every dollar is held at the State level. The remaining 85 cents then goes out to the school districts.

Title I is more efficient and will get more resources into the classrooms and schools—99 cents of every dollar, to actually hire the teachers and reduce class size. What the Republicans are saying is, turn it over to the States. They keep 15 cents and send only 85 cents to the schools.

So I submit, Mr. President, that if you really want to cut administrative costs, if you want to get the most money out there to get the most bang for the buck, let's put the money in Title I and not the Title VI program.

There seems to be another strain going on around here and that is that ''the Federal Government is doing too much in education. The Federal Government should do less. We have got leave this to States and local communities.''

I would be the first to defend and the last person standing in defense of the right of local jurisdictions to control their schools. That does not mean that the Federal Government does not have a role to play in helping those schools. I believe it does; a significant role. And we have owned up to that over the years. But to say that the Federal Government is doing too much, I think, is to ignore what we have done in the past.

In 1980—of every dollar that went for elementary and secondary education in America, for every dollar that went out, the Federal Government provided about 10 cents. So about 10 cents of every dollar that went out for elementary and secondary education came from the Federal Government. That was 1980.

To those who say that today, in 1998, the Federal Government is doing too much in elementary and secondary education, I point out that from that point in 1980 to now the Federal Government is only providing about 6 percent of the money for elementary and secondary education. In other words, in the intervening 18 years, the Federal role in support of elementary and secondary education has been cut by almost.

I always tell my constituents in Iowa, and other places, obviously, you wonder why your property taxes are going up. That is why. In order to keep the schools up and to meet their constitutional requirements to provide for new technology, to help fix up crumbling schools, the States then have to put it back on the local jurisdictions, and they have to raise property taxes. That is why the property taxes seem to be going up all over this country.

So I always say to people, if you want property tax relief, the best thing is to get the Federal Government back up to where we were in 1980. You do that and you will find out we will be able to fix our crumbling schools, we will be able to hire 100,000 teachers and reduce class size, we will be able to wire the schools for the Internet, and get the technology these kids need at an early level.

Mr. President, if we had just held constant from where we were in 1980 to today—do not increase but do not decrease; simply held constant—the Federal Government's share of elementary and secondary education would be about a 44-percent increase. We would be providing an additional $10 billion more each year our local schools. And any way you cut it, that spells property tax relief. That spells more technology for our schools.

If I might digress just a moment, there are some who think that our kids in elementary school have to learn the basics first and then they can get on to computers. There are some who say that what our kids need is a No. 2 lead pencil and a Big Chief tablet; they learn that first, and then they can go into computers. They fail to recognize that the No. 2 lead pencil and the Big Chief tablet of today are the desktop computer.

I know the occupant of the Chair is a little bit younger than I am, but when I was a kid in a two-room country schoolhouse in rural Iowa back in the 1940s and early 1950s, we had a blackboard and a piece of chalk. That was our computer. We used that blackboard and a piece of chalk; we had our Big Chief tablet and No. 2 lead pencil. That might have been OK for my generation. It is not OK for this generation; it is not OK for the kids today. It is not something they use after they get smart, it is something they use to help them learn smart, to understand what we are going to need in the 21st century to meet our needs.

We could have that if the Federal Government would meet its obligations, if we just held constant where we were in 1980. That is what we are trying to do. We are trying to support the President's goal of reducing class size and getting 100,000 teachers out there. We are trying to support the President in his goal of getting money out to help fix our crumbling schools, so the kids don't have to go out and learn in trailers, so we don't have 30 to 35 kids in the class but something like 18 or 19, at the maximum, in any class.

Last, we hear all the speeches about turning the money over to the States and let them decide how to respond. That all sounds good. What about all of the bipartisan accomplishments that we also hear about in this Congress? We passed the Higher Education Act; we reauthorized the vocational and technical education bill; we expanded the Federal Charter Schools Program. Senators on both sides of the aisle brag about this. How can you brag about it in one breath and turn around and say that we have to turn over all the money to the States? I am a little confused about that. If you are proud of the vocational and technical education and the fact that the Federal Government has supported it and we just reauthorized it, how can you then turn around and said we shouldn't do any of this?

There is a role, a limited role, for the Federal Government, but a very powerful and important role. I believe this Congress is turning its back on its responsibilities, unless in the closing days of this session we can get an agreement to provide resources to reduce class size and fix our crumbling schools. We need the money in there right now so the kids don't have to go out in trailers in the back of the school to learn.

I hope in the closing days we will be able to get the education funding that we need.

CHILD LABOR

Mr. HARKIN. Mr. President, I turn my attention to another issue that is closely akin to education, an issue I have been working on for a long time, one which has come to the front now because of all the negotiations going on. That is the issue of child labor.

In January of this year, my staff, Rosemary Gutierrez, and I traveled to Nepal, Bangladesh, India, and Pakistan to look at the issue of child labor. While we were in Nepal, the exotic city of Katmandu, I met with a young man who had been a former child laborer. He told me about the awful conditions that were in some of these countries, yet the official government line is, there is no child labor; it is prohibited.

On a Sunday evening, right after it got dark, about dusk, we got into an unmarked car—the former child laborer, a driver, my staff person, and I—and drove to the outskirts of Katmandu to a carpet factory. It was thought by my host, this young man who had been a former child laborer, that the owner of the factory was not going to be there. He kind of knew the guard at the gate and said we could get through. So we drove out to the outskirts. Sure enough, there was a gate, there was a wire fence. The guard let us through. We went up, and the young man talked to him in Nepalese, since I don't speak Nepalese, and we were let through.

What was on the outside of the gate before we entered? This sign right here, in Nepalese and in English. This is the sign; I took this picture with my camera. The brick wall states:

Child labor [sic] under the age of 14 is strictly prohibited.

Right on the gate it says this. I took the picture. We went through a gate,

down a long hallway, turned left; there were doors; we opened the doors and walked in.

Remember:

Child labor under the age of 14 is strictly prohibited.

Here are some more pictures I took. These are kids working at the looms. We asked our host to ask them their ages. We have a boy here who is 9 and a girl about 12. That is just two of them. This place was loaded with kids that age, working on a Sunday at 7 o'clock in the evening; it was getting dark. They are still working full-time in dirty, dusty conditions, making these carpets.

Here is another picture I took. Again, don't tell me these are phony pictures. I took them with my camera. I was there. More kids are working at their looms—kids, 11, 12, 13, 10, 9 years old. And I have other pictures. I had my staff take a photo with me included with the kids to show that I was there. Again, there are other kids—not the same kids—other kids in the same place, all of whom basically are under the age of 14—there were some older, I admit, but a lot of them under the age of 14, working.

What we are trying to do is do something about the issue of child labor. What can we do? In 1930, Congress passed what was infamously known as the Smoot-Hawley bill. Aside from the bad things Smoot-Hawley did in terms of restricting trade, there was section 307, which is part of the law today, which has been in existence since 1930. I will read the first sentence:

All goods, wares, articles, and merchandise, mined, produced or manufactured, wholly or in part, in any foreign country by convict labor or/and forced labor, or/and indentured labor, under penal sanctions, shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

It covers forced and indentured labor. We have prohibited that ever since.

A couple of years ago, I made an inquiry of the Department of the Treasury. I asked if any items made with forced or indentured child labor had been prohibited from entering the United States under this section on forced labor. To my surprise, the answer was no. Furthermore, the Department of Treasury was not sure whether or not forced or indentured child labor was included in the definition of ''forced or indentured labor.''

This is outrageous. The law says ''forced or indentured labor,'' but we don't know if it covers kids.

Last year, during consideration of the fiscal year 1998 Treasury-Postal appropriations bill, I inserted a provision which instructed the U.S. Customs Service to block from entry into the United States any imports made by forced or indentured child labor as they are inherently imports made with forced and indentured labor.

However, this was only a 1-year provision. It was on an appropriations bill. But it passed. It was supported by the House and Senate. But it only lasted 1 year. That year is now up. That provision no longer is valid because it was only good for 1 year.

In order to ensure that goods made with forced and indentured child labor are treated the same as goods made with forced or indentured adult labor, we need to change the law permanently. Well, this summer, the Senate approved my amendment to reflect the intent of Congress to include forced and indentured child labor under this umbrella. My amendment was quite simple. The Tariff Act already says that goods made with forced or indentured labor are prohibited from entering the U.S. market. I included the words ''forced and indentured child labor,'' so there is no ambiguity in the statute's interpretation.

Unfortunately, my amendment was struck from the bill during conference because Members did not feel a tariff measure belonged on the defense authorization bill. I was told to find a more relevant measure. Well, I have it. Congress is considering a tariff measure, H.R. 4342, the Miscellaneous Tariff and Technical Corrections Act of 1998, which passed the House on August 4. It has a lot of provisions in it. There is page after page after page of technical corrections to the tariff laws. Examples: Over 100 provisions that would suspend or reduce the tariff applicable to certain specified products, most of these being a wide variety of chemicals and organic pigments, including a temporary suspension on the duties for a variety of HIV medications and anticancer drugs and other trade-related provisions—hundreds of provisions.

Here is the report. As you go through it, there is page after page, including things like pigment yellow No. 151, pigment yellow No. 175, chloroacetone, benzenepropanal. Section 2143, textile machinery. Section 2144. Here are some things and chemicals I can't even pronounce that are being changed here. A lot of chemicals. Here is 4-hexylresorcinol. I don't even know what it is.

My point is this: There are hundreds of tariff changes in this bill. This is a tariff bill. My amendment on child labor amends the Tariff Act of 1930—a tariff measure. So we have the right vehicle. But, Mr. President, because the House passed it on suspension, it came over here and it was never brought out on the floor for debate so that I could offer this amendment—an amendment which is noncontroversial. It passed the Senate twice, and passed the House once. It has been in effect for one year because it was on an appropriations bill. I just want to get an amendment to the tariff bill to indicate that forced and indentured labor includes forced and indentured ''child'' labor.

Well, I don't know why we can't include it. I did have a conversation on the telephone with the chairman of the Finance Committee last week. I asked why this noncontroversial provision couldn't be put in. I don't know that anyone would come to the floor and object to taking the Tariff Law of 1930, which forbids the importation of goods made by forced and indentured labor, and adding the words ''child labor,'' so that forced and indentured labor would cover forced and indentured child labor. Would someone come to the floor and say, OK, we have to keep everything out of this country made with forced and indentured adult labor, but if you have forced and indentured child labor, that's OK, we will bring it in. Does anybody want to come to the floor and make that argument? I doubt it. I don't think anybody would want to make that argument, because it doesn't make sense. I think we are all fairly reasonable people around here.

So I would like to get my amendment on the tariff bill—an amendment that, as I said, passed both Houses—it passed this body twice—and has been in effect for one year. I didn't hear any hue and cry from anyone. As far as I know, I never had one corporation, one business, one importer yell about it or say that ''this is awful that we are keeping goods out made with forced and indentured child labor.'' My amendment gives our Treasury Department, our Customs people, is a permanent law whereby it would say, in unambiguous terms, forced and indentured labor means forced and indentured child labor, also.

Now, could there be an objection that costs money? Well, I have an opinion here from CBO, from back on July 16 of this year.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for another 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I hope not to even take that long. Here is the analysis from CBO on my amendment: ''This proposal would not affect direct spending or receipts, so there would be no pay-as-you-go scoring under section 252 of the Balanced Budget Act.''

There you are. It doesn't cost any money. It has no effect on the budget. It has been passed. All I want to do is get it added to this bill and, since I didn't have a chance to offer it as an amendment, I only have one recourse. I put a hold on the tariff bill. I don't want it to pass by unanimous consent. Am I opposed to the tariff bill? No. I assume everything in it is fine. It has all been cleared. The chairman of the Finance Committee assured me that it has been cleared by everybody. I don't know every section and title, but I assume it's all right. I want the opportunity to put this into permanent law on a tariff bill. I don't know when the next tariff bill will come across the

Senate floor. I don't believe this language can be held hostage simply because the Senate didn't do its work. The House passed this on August 4. We had plenty of time to take it up here, but we never brought it up. So I am left in the position of having to do something that I don't like to do, which is to put a hold on the bill and not give my consent to pass the bill by unanimous consent, unless we can get this amendment added. An amendment, which I swear, I would like to know one person that could come over here and argue against it. I don't think you could find such a person.

So I see no reason why it can't be added. It's time that we say about kids what we said in 1930—in 1930—what we said about adults. This Congress said that no goods, no merchandise, or anything that is mined by forced or indentured labor can come into this country. Here we are, 68 years later, and we can't add the words ''forced and indentured child labor.''

Nonsense. I hope that those who are working on the tariff bill would be so kind as to include this amendment so that we can take away any ambiguity, clean it up once and for all, and prohibit the importation of goods made with child labor.

TRIBUTE TO SENATOR DALE BUMPERS OF ARKANSAS

Mr. HARKIN. Mr. President, I want to take a few minutes to talk in as glowing terms as I can about a great friend, a great Senator, and a person I have admired both as a Senator and as a plain good person for all the years I have been in Washington. And he is leaving us. He is retiring at the end of this session. I am speaking about perhaps the epitome of what I believe to be a good Senator, and that Senator is DALE BUMPERS of Arkansas.

I am really going to miss him, and this country is going to miss him as well. So will this Chamber. He is truly one of the finest Senators to have ever graced this body. He has done so many good things over the years. It is hard to know where to begin.

I know he started out as someone in the Marine Corps. As a Navy person I will not hold that against him. I can overlook that. But then he came back to Arkansas and practiced law, had a small business, and even raised some cattle. He had good practical experience, and knows the people of Arkansas and he knows the people of this country. The people of Arkansas rewarded that—first as Governor, and now finishing his tenure as a Senator. He was elected by more than 60 percent of the vote in the last two terms.

Senator BUMPERS came to the Senate at the same time I came to the House in 1974. For 24 years he has been here.

Someone said once about Senators in general that some Senators come here to coin a phrase, or coin a slogan, and think they have solved the problem. But not DALE BUMPERS. He has worked very hard to solve the problems of this country.

He has been a close friend, a person of immense common sense. When it comes to helping farmers, seniors, working people, and children there is no better person to have as an ally than DALE BUMPERS. He stuck to what he believed. He had the determination to get the job done with a strong commitment to the people of Arkansas. He is certainly one of the finest orators and debaters this Chamber has ever seen. He has led the fight in the Senate against government waste.

I loved to listen to his speeches on that $12 billion boondoggle called the superconductor super collider. And he won. Unfortunately, we wasted a lot of money on it. But, the people finally came to their senses and saw it as the boondoggle that it was.

I wasn't in the Senate at the time. I was in the House working to kill that other boondoggle called the Clinch River breeder reactor. Boy, you would think at that time it was the most important thing to civilization that we built that breeder reactor. But finally people came to their senses, and we stopped it. And we are better and we are stronger because of it. We saved billions of dollars that would have been wasted. DALE led the fight on that in the Senate.

He has led the fight against other wasteful spending such as star wars and the space station.

I believe that he has finally brought home to the American conscience the issue of mining interests and the abuse of our public lands and the fact that we need to update our laws.

Anyway, with a common sense approach he has been a strong ally on the Appropriations Committee where we need that kind of common sense approach.

On the Agriculture Committee, he placed the needs of America's rural communities at the top of the national debate including rural housing and rural economic development. He has been the strongest fighter for protecting the environment. On the Clean Air Act, and Clean Water Act, DALE BUMPERS has been in the forefront of America's fight to keep our country clean.

As the National Journal put it, DALE BUMPERS is the Senator to whom ''other Senators pay attention.''

In numerous polls of Senate staffers, DALE BUMPERS has consistently ranked as one of the best liked Senators.

So we are going to miss him when we start the 106th Congress in January. We are going to miss DALE and his eloquence, his determination and his stick-to-itness.

So to the entire Bumpers family, DALE and Betty, their children—Brent, Bill and Brooke—and their five grandchildren, I want to extend my gratitude, and the gratitude of the citizens of my State, that I am so proud to represent, for loaning DALE to us for the past 24 years. America is a much better place because of DALE'S service in the Senate.

Mr. President, I want to close on the one note—the one area in which DALE has devoted so much of his time and effort, along with Betty on protecting our children from illnesses and diseases that have ravaged kids since time immemorial.

No one has fought harder for childhood vaccinations, and to make them universal, affordable, and accessible than DALE and Betty Bumpers.

So in recognition of their contributions, the Appropriations Committee, on which DALE served, voted unanimously, Republican and Democrats, to name a new vaccine facility at the National Institutes of Health after Senator BUMPERS and his wife, Betty. This new facility, now under construction, will be named the ''DALE and Betty Bumpers Vaccine Research Facility.''

As I said, DALE has been our resident expert on immunization since early in his Senate career. He has been a tireless advocate for funding to purchase vaccines and provide the public health system with the resources necessary to deliver those vaccines to the children who are most in need. He advocated a grant incentive program in the Senate that the Appropriations Committee has used each year to reward States that have been successful in preventing unnecessary diseases.

So there have been a lot of tributes that have been paid to DALE. But, the most lasting tribute will be his and Betty Bumpers' name on that research facility at NIH because, that is truly where his heart has been in making sure that kids in places like rural Arkansas and rural Iowa, and all over America—including our inner cities—to make sure they have a healthy start in life by getting immunized. To me that says it all about DALE BUMPERS.

We are going to miss him. I hope that he doesn't go too far away. I for one look forward to his continued advice and counsel as I serve out my career in the U.S. Senate.

Mr. President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, we must pass the Work Incentives Improvement Act of 1998 in this Congress.

It seems like so long ago that when we introduced bill, I remember Bob Dole, who has been a hero with disabilities over the years being a disabled man himself, coming forward to us with this legislation, or to help on this legislation, and told his life story, and how incredibly important it was for him as an individual to be able to get back into the workforce. As we all know, he did that so successfully.

I am now watching carefully as we struggle to come to the end of this session, and know that one of the bills that is lying there waiting to be passed is the Work Incentives Improvement Act of 1998 on which the former Senator, Leader Dole, worked so hard.

This legislation addresses the last remaining barrier to true independence for individuals with disabilities. We must act now. For years, both here and in Vermont, individuals with disabilities have said to me, ''Senator Jeffords, I want to work. But I cannot afford to.''

It took me a while to fully understand and appreciate what they were saying. Simply put, the current system of cash payments and health care coverage in the Social Security Act do not encourage individuals with disabilities to work, or to work to their full potential. Common sense is on our side with regard to Social Security reform. Our country has succeeded in providing Federal and State support for children and adults with disabilities through the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and recently the Work Investment Act of 1998.

But although our Nation has shown its commitment to prepare children and adults with disabilities for work—in fact, in the work incentive bill I referred to, we have the Rehabilitation Act reauthorization there; we put it in the Workforce Act to bring closure, to bring together all of these bills that help people to work—we have conditions that, unfortunately, do not allow or encourage those individuals with disabilities to work.

If someone told you, ''Look, you can work, but if you earn over $500 monthly, in 12 months''—that is $6,000 a year—''your health insurance will stop, unless you pay for it yourself,'' after a period of time would you work and exceed those thresholds? I doubt it.

If someone told you, ''We will cover the cost of personal assistance services and prescription drugs that you need in order to work, but you cannot have more than $2,000 in assets, or accumulate more than $2,000 in assets,'' do these conditions appear to help individuals be self-sufficient? Clearly not.

The facts are on the side of those of us who want to pass the Work Incentives Improvement Act of 1998. We want it included in the omnibus appropriations bill, and there is great effort going on to accomplish that.

There are 7.5 million individuals with disabilities who receive cash payments from the Social Security Administration and receive health insurance coverage through Medicare or Medicaid. According to GAO, in 1996 cash payments were about $1.21 billion weekly. These payments do not include payments made under Medicare or Medicaid. If these payments are factored in, the costs exceed $70 billion annually.

It has been estimated that the number of Social Security beneficiaries with disabilities increased 83 percent between 1989 and 1997, and this number will continue to grow by a rate of about 3 to 6 percent a year.

If just 1 percent of these beneficiaries were to become successfully employed, savings in cash payments would total $3.5 billion over their lifetime for that 1 percent. The Work Incentives Improvement Act is a credible, viable solution in terms of both fiscal responsibility and personal responsibility.

The Work Incentives Improvement Act gives States discretion to offer health care benefits to individuals with disabilities on the Social Security rolls when their earned income exceeds that now in the Social Security Act. As a result, more of these individuals will work and will work for more hours.

The legislation allows States to impose cost-sharing obligations on these individuals. The legislation would cost $200 million a year over a 5-year period—a small price to pay when you consider this legislation has a potential to turn 8 million individuals into taxpayers. There ought to be a substantial gain—no cost. The legislation includes offsets to pay for it.

The legislation includes Representative BUNNING's ''Ticket to Work'' bill that will give people with disabilities more choices when they need job training before going to work.

All major disabilities organizations support the Work Incentives Improvement Act but will not support the enactment of the ''Ticket to Work'' alone. They have to come together.

Many of our colleagues in the administration support this legislation. I especially want to thank my friend Senator GRASSLEY for his support in these important last weeks.

The insurance industry fully supports the legislation. The Work Incentives Improvement Act will help reduce the $70 billion annual drain on the budget caused by 8 million individuals with disabilities, many of whom want to work but do not because of their fear of the loss of access to health care.

At this point we cannot say, again, we will try to get something through next Congress. We cannot hide behind excuses. We must pass the Work Incentives Improvement Act now. This is a special time. The momentum is with us. People with disabilities expect us to deliver now. They want to be free to go to work.

If we do, the lives of millions of Americans will be transformed, both disabled and nondisabled Americans. Individuals with disabilities will work and pay taxes. They will experience the true meaning of personal dignity, freedom, independence, and choices. Their family members and friends will be freed from caretaking responsibilities and reenter the workforce or expand their work hours. Decisions about the quality of life and living circumstances of an individual with disabilities will no longer be made for that individual but will be made by and with that individual.

The only down side to the Work Incentives Improvement Act of 1998 is it has taken us so long to get to this precious moment. Let's make it count. Let us deliver, and let us deliver now.

Mr. President, I yield whatever time I have and I am now ready to proceed.

I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Labor and Human Resources.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF LITHUANIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 162

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania extending the Agreement of November 12, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The present Agreement, which was effected by an exchange of notes in Washington on April 20, September 16 and September 17, 1998, extends the 1992 Agreement to December 31, 2001.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

REPORT OF AN AGREEMENT WITH THE REPUBLIC OF ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 163

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to 16 U.S.C. 1823, to the Committee on Commerce, Science, and Transportation, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Estonia extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States, with annex, as extended (''the 1992 Agreement''). The present Agreement, which was effected by an exchange of notes in Tallinn on March 10 and June 11, 1998, extends the 1992 Agreement to June 30, 2000.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 14, 1998.*

MESSAGES FROM THE HOUSE

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3899. An act to expand homeownership in the United States.

H.R. 4756. An act to ensure that the United States is prepared to meet the Year 2000 computer problem.

H.R. 4805. An act to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes.

The message also announced that the House has passed the following bills, with an amendment, in which it requests the concurrence of the Senate:

S. 1364. An act to eliminate unnecessary and wasteful Federal reports.

S. 1693. An act to provide for improved management and increased accountability for certain National Park Service programs, and for other purposes.

S. 1754. An act to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 1722. An act to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 2364. An act to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2327) to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operations of automobiles and trucks.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1260) to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 2411. An act to provide for a land exchange involving the Cape Cod National Seashore and to extend the authority for the Cape Cod National Seashore Advisory Commission.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management for that unit of the National Forest System.

H.R. 3796. An act to authorize the Secretary of Agriculture to convey the administrative site for the Rogue River National Forest and use the proceeds for the construction or improvement of offices and support buildings for the Rogue River National Forest and the Bureau of Land Management.

H.R. 4081. An act to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Arkansas.

H.R. 4284. An act to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

H.R. 4658. An act to extend the date by which an automated entry-exit control system must be developed.

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 135. Joint resolution making further continuing appropriations for the fiscal year 1999, and for other purposes.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

At 4:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 759. An act to amend the State Department Basic Authorities Act of 1956 to require the Secretary of State to submit an annual report to Congress concerning diplomatic immunity.

S. 1397. An act to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers.

S. 2129. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. Concurrent resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–7478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of the Department's intent to obligate funds for activities of the Nonproliferation and Disarmament Fund; to the Committee on Foreign Relations.

EC–7479. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a Presidential Determination (98–39) admitting refugees of special humanitarian concern to the United States; to the Committee on Foreign Relations.

EC–7480. A communication from the Secretary of Defense, transmitting, notice of routine military retirements; to the Committee on Armed Services.

EC–7481. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a proposed allocation of funds under the Cooperative Threat Reduction Program to carry out chemical weapons destruction activities; to the Committee on Armed Services.

EC–7482. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation regarding the ''Postal Employees Safety Enhancement Act'' (Report 461) dated October 8, 1998; to the Committee on the Budget.

EC–7483. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'' received on October 9, 1998; to the Committee on Labor and Human Resources.

EC–7484. A communication from the Executive Director of the Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, a notice of additions to the Committee's Procurement Lists dated October 6, 1998; to the Committee on Governmental Affairs.

EC–7485. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the Commission's report entitled ''Telemarketing Fraud Offenses''; to the Committee on the Judiciary.

EC–7486. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 98–54) received on October 9, 1998; to the Committee on Finance.

EC–7487. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Idaho: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule'' (FRL6176–7) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7488. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions; Immediate Final Rule'' (FRL6176–1) received on October 9, 1998; to the Committee on Environment and Public Works.

EC–7489. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Table of Allotments, FM Broadcast Stations (Macon Hampton and Roswell, Georgia)'' (Docket 98–18) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7490. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operating Regulation; Buffalo Bayou, TX'' (Docket 08–98–066) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7491. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operating Regulation; Lafourche Bayou, LA'' (Docket 08–98–064) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7492. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operating Regulation; New Jersey Intracoastal Waterway; Grassy Sound Channel'' (Docket 05–98–083) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7493. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Delaware River Safety Zone and Ancorage Regulations'' (Docket 05–98–084) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7494. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Time of Designation for Restricted Area R–2908, Pensacola, FL'' (Docket 97–ASO–9) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7495. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment of Colored Federal Airway; AK'' (Docket 98–AAL–6) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7496. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–700 and –800 Series Airplanes'' (Docket 98–NM–272–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7497. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada PW530A Series Turbofan Engines'' (Docket 98–ANE–58–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7498. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aerospatiale Model ATR42–200 and –300 Series Airplanes'' (Docket 97–NM–266–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7499. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Rough Field Version (RFV) Series Airplanes'' (Docket 98–NM–92–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7500. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes'' (Docket 98–NM–168–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7501. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 Series Airplanes'' (Docket 98–NM–173–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7502. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, SD3–60 SHERPA, and SD3 SHERPA Series Airplanes'' (Docket 98–NM–203–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7503. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Series Airplanes'' (Docket 98–NM–214–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7504. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Model Avro 146–RJ85A and RJ100A Series Airplanes'' (Docket 98–NM–235–AD) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7505. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Magnetic Levitation Transportation Technology Deployment Program'' (Docket FRA–98–4545) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7506. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Qualification of Drivers; Exemption Applications; Vision'' (Docket FHWA–98–3637) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7507. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Use of Brokerage Firms as Depositories Under the Capitol Construction Fund Program'' (Docket MARAD–98–4433) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC–7508. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''State Highway Safety Data and Traffic Records Improvements'' (Docket NHTSA–98–4532) received on October 9, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–552. A resolution adopted by the House of Delegates of the American Bar Association relative to children's gun violence; to the Committee on the Judiciary.

POM–553. A resolution adopted by the House of Delegates of the American Bar Association relative to the ''Uniform Guardianship and Protective Proceedings Act''; to the Committee on the Judiciary.

POM–554. A resolution adopted by the House of Delegates of the American Bar Association relative to workplace violence; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 105–6; 105–11; 105–12; 105–22; 105–23; 105–24; 105–27; 105–34; 105–37; 105–38; 105–40; 105–41; 105–42; 105–44; 105–47; and 105–52 (Exec. Rept. 105–22).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (Treaty Doc. 105–6), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, and related exchange of notes, signed at Washington on March 13, 1997 (Treaty Doc. 105–11), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Government of the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996 (Treaty Doc. 105–12), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago on Mutual Legal Assistance in Criminal Matters, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–22), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise

and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Barbados on Mutual Legal Assistance in Criminal Matters, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–23), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on October 31, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty

is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–24), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Australia on Mutual Assistance in Criminal Matters, and a related exchange of notes, signed at Washington on April 30, 1997 (Treaty Doc. 105–27), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Republic of Latvia on Mutual Legal Assistance in Criminal Matters, and an exchange of notes, signed at Washington on June 13, 1997 (Treaty Doc. 105–34), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.— Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis on Mutual Legal Assistance in Criminal Matters, signed at Basseterre on September 18, 1997, and a related exchange of notes signed at Bridgetown on October 29, 1997, and February 4, 1998 (Treaty Doc. 105–37), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos,

which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997 (Treaty Doc. 105–38), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Tel Aviv on January 26, 1998, and a related exchange of notes signed the same date (Treaty Doc. 105–40), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998 (Treaty Doc. 105–41), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Federative Republic of Brazil on Mutual Legal Assistance in Criminal Matters, signed at Brasilia on October 14, 1997 (Treaty Doc. 105–42), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the

constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines on Mutual Legal Assistance in Criminal Matters, and a Related Protocol, signed at Kingstown on January 8, 1998 (Treaty Doc. 105–44), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE. Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Czech Republic on Mutual Legal Assistance in Criminal Matters, signed at Washington on February 4, 1998 (Treaty Doc. 105–47), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters, signed at Washington on April 2, 1998 (Treaty Doc. 105–52), and an Exchange of Notes dated September 16 and 17, 1998 (EC–7063), subject to the understanding of subsection (a), the declaration of subsection (b), and the provisos of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON ASSISTANCE TO THE INTERNATIONAL CRIMINAL COURT.—The United States shall exercise its rights to limit the use of assistance it provides under the Treaty so that any assistance provided by the Government of the United States shall not be transferred to or otherwise used to assist the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing the court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The resolution of ratification is subject to the following two provisos, which shall not be included in the instrument of ratification to be signed by the President:

(1) LIMITATION ON ASSISTANCE.—Pursuant to the rights of the United States under this Treaty to deny requests which prejudice its essential public policy or interest, the United States shall deny a request for assistance when the Central Authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this Treaty is engaged in a felony, including the facilitation of the production or distribution of illegal drugs.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Docs. 105–10; 105–13; 105–14; 105–15; 105–16; 105–18; 105–19; 105–20; 105–21; 105–30; 105–33; 105–46; and 105–50 (Exec. Rept. 105–23).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996 (Treaty Doc. 105–10), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Luxembourg by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the United States of America and France, which includes an Agreed Minute, signed at Paris on April 23, 1996 (Treaty Doc. 105–13), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Articles 19 and 20 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to France by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996 (Treaty Doc. 105–14), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Poland by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Third Supplementary Extradition Treaty Between the United States of America and the Kingdom of Spain, signed at Madrid on March 12, 1996 (Treaty Doc. 105–15), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Cyprus, signed at Washington on June 17, 1996 (Treaty Doc. 105–16), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Cyprus by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the United States of America and the Argentine Republic, signed at Buenos Aires on June 10, 1997 (Treaty Doc. 105–18), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 16 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Argentina by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Antigua and Barbuda, signed at St. John's on June 3, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Antigua and Barbuda by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Dominica, signed at Roseau on October 10, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Dominica by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Grenada, signed at St. George's on May 30, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Grenada by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Lucia, signed at Castries on April 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Lucia by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Kitts and Nevis, signed at Basseterre on September 18, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Kitts and Nevis by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Saint Vincent and the Grenadines, signed at Kingstown on August 15, 1996 (Treaty Doc. 105–19), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Saint Vincent by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Barbados, signed at Bridgetown on February 28, 1996 (Treaty Doc. 105–20), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Barbados by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of Trinidad and Tobago, signed at Port of Spain on March 4, 1996 (Treaty Doc. 105–21), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Trinidad and Tobago by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of India, signed at Washington on June 25, 1997 (Treaty Doc. 105–30), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 17 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the

United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to India by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Zimbabwe, signed at Harare on July 25, 1997 (Treaty Doc. 105–33), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 14 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Zimbabwe by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, signed at Washington on November 13, 1997 (Treaty Doc. 105–46), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of Austria, signed at Washington on January 8, 1998 (Treaty Doc. 105–50), subject to the understanding of subsection (a), the declaration of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDING.—The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

PROHIBITION ON EXTRADITION TO THE INTERNATIONAL CRIMINAL COURT.—The United States understands that the protections contained in Article 19 concerning the Rule of Specialty would preclude the resurrender of any person from the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to Austria by the United States to the International Criminal Court agreed to in Rome, Italy, on July 17, 1998, unless the treaty establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–7 (Exec. Rept. 105–24).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of Hong Kong for the Transfer of Sentenced Persons, signed at Hong Kong on April 15, 1997 (Treaty Doc. 105–7), subject to the declaration of subsection (a), and the proviso of subsection (b).

(a) DECLARATION.—The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Treaty Doc. 105–17 (Exec. Rept. 105–25).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the World Intellectual Property Organization Copyright Treaty and the World Intellectual Property Organization Performances and Phonograms Treaty, done at Geneva on December 20, 1996, and signed by the United States on April 12, 1997 (Treaty Doc. 105–17), subject to the reservation of subsection (a), the declarations of subsection (b), and the provisos of subsection (c).

(a) RESERVATION.—The advice and consent of the Senate to the WIPO Performances and Phonograms Treaty is subject to the following reservation, which shall be included in the instrument of ratification and shall be binding on the President:

REMUNERATION RIGHT LIMITATION.—Pursuant to Article 15(3) of the WIPO Performances and Phonograms Treaty, the United States will apply the provisions of Article 15(1) of the WIPO Performances and Phonograms Treaty only in respect of certain acts of broadcasting and communication to the public by digital means for which a direct or indirect fee is charged for reception, and for other retransmissions and digital phonorecord deliveries, as provided under the United States law.

(b) DECLARATION.—The advice and consent of the Senate is subject to the following declarations:

(1) LIMITED RESERVATIONS PROVISIONS.—It is the Sense of the Senate that a ''limited reservations'' provision, such as that contained in Article 21 of the Performances and

Phonograms Treaty, and a ''no reservations'' provision, such as that contained in Article 22 of the Copyright Treaty, have the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) CONDITION FOR RATIFICATION.—The United States shall not deposit the instruments of ratification for these Treaties until such time as the President signs into law a bill that implements the Treaties, and that shall include clarifications to United States law regarding infringement liability for online service providers, such as contained in H.R. 2281.

(2) REPORT.—On October 1, 1999, and annually thereafter for five years, unless extended by an Act of Congress, the President shall submit to the Committee on Foreign Relations of the Senate, and the Speaker of the House of Representatives, a report that sets out:

(A) RATIFICATION.—A list of the countries that have ratified the Treaties, the dates of ratification and entry into force for each country, and a detailed account of U.S. efforts to encourage other nations that are signatories to the Treaties to ratify and implement them.

(B) DOMESTIC LEGISLATION IMPLEMENTING THE CONVENTION.—A description of the domestic laws enacted by each Party to the Treaties that implement commitments under the Treaties, and an assessment of the compatibility of the laws of each country with the requirements of the Treaties.

(C) ENFORCEMENT.—An assessment of the measures taken by each Party to fulfill its obligations under the Treaties, and to advance its object and purpose, during the previous year. This shall include an assessment of the enforcement by each Party of its domestic laws implementing the obligations of the Treaties, including its efforts to:

(i) investigate and prosecute cases of piracy;

(ii) provide sufficient resources to enforce its obligations under the Treaties;

(iii) provide adequate and effective legal remedies against circumvention of effective technological measures that are used by copyright owners in connection with the exercise of their rights under the Treaties or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the copyright owners concerned or permitted by law.

(D) FUTURE NEGOTIATIONS.—A description of the future work of the Parties to the Treaties, including work on any new treaties related to copyright or phonogram protection.

(E) EXPANDED MEMBERSHIP.—A description of U.S. efforts to encourage other non-signatory countries to sign, ratify, implement, and enforce the Treaties, including efforts to encourage the clarification of laws regarding Internet service provider liability.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr; to the Committee on Labor and Human Resources.

By Mr. FRIST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2634. A bill to require reports on travel of Executive branch officers and employees to international conferences, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 299. A resolution to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Kahlil, et al; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 2629. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit to promote the availability of jet aircraft to underserved communities, to reduce the passenger tax rate on rural domestic flight segments, and for other purposes; to the Committee on Finance.

REGIONAL JET INVESTMENT TAX CREDIT

● Mr. DORGAN. Mr. President, today I am introducing legislation to help bring much-needed regional jet service to underserved communities. This legislation is designed to help restore air service to underserved communities and to stimulate airline competition by offering an investment tax credit to new entrant carriers to provide regional jet service to underserved markets. My bill also significantly reduces the current airline ticket tax on passengers flying in and out of rural America. Together, these tax incentives will encourage new entrants to enter thinner rural markets.

This legislation has two objectives: (A) incentivize the purchase and deployment of regional jets for underserved markets; and (B) stimulate competition in rural areas by providing financial incentives for new entrants to serve underserved markets with regional jets. Using tax credits is a fair and effective means to accomplish these goals.

Most small communities have not benefitted from airline deregulation. In fact, airline deregulation has been a steady decline for much of rural America. Since 1978, when the Congress deregulated the airline industry, more than 30 small communities have had jet service replaced with turbo prop service; out of the 320 small communities served by a major airline in 1978 declined from 213 to 33 by 1995; and the number of small communities receiving service to only one major hub airport nearly doubled, increasing from 79 in 1978 to 174 in 1995.

Countless studies from the General Accounting Office and the U.S. Department of Transportation have documented that as the airline industry grows more and more concentrated under deregulation, small rural communities are being left behind with less service and higher fares. Several GAO studies have pointed to the correlation between industry concentration and higher air fares and that small rural communities are being hit especially hard as a result of the chilling of competition in the industry. In 1990, the GAO identified several market barriers thwarting the emergence of competition. In 1996, the GAO found that not only do the same problems continue to exist, but have gotten worse.

In the present deregulated environment, small rural communities see very little to give them hope that air service will improve. The advent of regional jets holds some promise, but most RJs are presently being purchased by the major carriers who are using them to serve high density markets. Thus, if air service to rural America is going to be revitalized, we must find a way to incentivize the deployment of regional jets in underserved markets.

Last August, Northwest Airlines had a pilot strike and therefore a shutdown of their airline service. That might not have meant much to some. In some airports, Northwest was one of a number of carriers that was serving certain airports and serving passengers. But in

North Dakota, the State which I represent, Northwest Airlines was the only airline providing jet service to my State. That is a very different picture than the last time we had an airline strike, which was over 25 years ago.

Nearly a quarter of a century ago when Northwest had another strike and a shutdown prior to deregulation of the airlines, we had five different airline companies flying jets into the State of North Dakota. At roughly the same time, we had folks in Congress saying: ''What we really need to do is foster competition. We need to deregulate the airline industry.'' Thus, Congress deregulated the airline industry about 20 years ago. I wasn't here at the time, but the results for North Dakota was that we went from five jet carriers to one and we pay some of the highest fares of anywhere in the country.

All those folks who swallowed the goal to deregulation in order to stimulate competition are now choking on the word ''competition.'' Today, stimulating competition is likened to re-regulation. What a twist. But, the fact is that competition is more the exception than the rule.

If you live in Chicago and you are flying to New York or Los Angeles, God bless you, because you are going to have a lot of carriers to choose from and you are going to find very inexpensive ticket prices. You have a choice of carriers and ticket prices that are very attractive to you. You live in a city with millions and millions of people and you want to fly to another city with millions and millions of people. This is not an awfully bad deal for you; more choices and low fares. But if you get beyond those cities and ask how has this airline deregulation affected other Americans, what you will find is less selection, fewer choices, and higher prices.

North Dakota is just one example, and the recent shutdown of our state's only jet carrier highlighted the problem. When the strike was called and the airline shut down, just like that, an entire State lost all of its jet service.

A complete shutdown of all jet service chokes the economy very quickly. People can't move in and out. Now, I happen to think Northwest is a good carrier. I believe the same about all the major carriers. Most of them are well-run, good companies.

What I do not admire is what they have done by retreating into regional monopolies—dominating the access points of our Nation's air transportation system. The major carriers have retreated into fortress hubs where one airline controls 60 or 70 or 80 percent of all the traffic at a major hub airport. With that level of market dominance, does anyone believe that another carrier is going to be able to come in and take them on? Competition is not flourishing. It's dying. This is not a free market—new entrants cannot access these dominated hubs and the result is that we now have regional monopolies without any regulation.

What sense does that make, to have monopolies without regulation? The minute I say ''regulation,'' we have people here having apoplectic seizures on the floor of the Senate. Oh, Lord, we cannot talk about ''regulation!'' I am not standing here today talking about regulation and I am not suggesting to re-regulate the airlines. All I want to do is see if we can provide some sort of industrial-strength vitamin B–12 shot right in the rump of those airlines to see if we cannot get them competing again. How do we do that? We do it by creating the conditions that require competition. This legislation is one attempt to do just that.

In order to encourage new startup regional jet service, I am proposing a 10 percent investment tax credit for regional jet purchases. That is, those startup companies that want to begin regional jet service to fly these new regional jets between certain cities and hubs that are not now served with regional jet service, we would say to them that we will help with a 10 percent investment tax credit on the purchase or lease of those regional jets. We will help because we want to provide incentives for the establishment of regional jet service once again in our country.

Under this legislation, qualifying carriers would be eligible for an investment tax credit—up to ten percent of the purchase or lease price—of regional jet aircraft that are used primarily to serve under-served markets. To receive the investment tax credit, an air carrier must have less than $10 billion annual revenue passenger miles and the aircraft for which the tax credit applies must be used primarily (over 50% of its flight segments) to serve underserved markets for 5 years. An under-served market is defined as a community served by an airport with fewer than 60,000 annual emplanements.

The investment tax credit would be offset by closing a corporate tax loophole regarding the deductible liquidating distributions or regulated investment companies and real estate investment trusts. The remaining revenue available from the offset would be used to reduce the airline ticket tax for the domestic segment serving a rural airport.

Under current law, an 8 percent *ad velorem* tax is imposed on all domestic flights, plus a $2 flight segment tax. Beginning in fiscal year 1999, the *ad velorem* tax is reduced to 7.5 percent and the flight segment tax is increased to $2.25. In subsequent years, the *ad velorem* tax remains at 7.5 percent while the flight segment tax increases $0.25 per year through 2003 at which point is capped at $3.00 per flight segment. Current law provides that the flight segment tax is not imposed on domestic flights to and from rural airports, which are defined as an airport with fewer than 100,000 passenger departures and is not located within 75 miles of another airport (that has fewer than 100,000 passenger departures) or is receiving EAS subsidies. Under this legislation, the 7.5 percent *ad velorem* tax on domestic flights to rural airports would be reduced in proportion to the amount remaining from the revenue offset after the regional jet aircraft investment tax credit has been provided.

It is targeted, it makes good sense, and it will stimulate investment in an activity that this country that very much needs more competition. The so-called free market is clogged—a kind of an airline cholesterol here that clogs up the arteries, and they say, ''This is the way we work, these are our hubs, these are out spokes, and you cannot mess with them.''

My legislation simply says we would like to assist areas that no longer have jet service but could support it. We would like to encourage companies that decide they want to come in and serve there to be able to purchase the regional jets and be able to initiate that kind of service.

My legislation has a second provision which reduces the airline ticket tax for certain qualified flights in rural America. This proposal also has a revenue offset so it would not be a net loser for the Federal budget.

We are not in a situation in rural areas of this country where we can just sit back and say what is going to happen to us is going to happen to us and there is nothing we can do about it. There are some, I suppose, who sit around and wring their hands and gnash their teeth and fret and sweat and say, ''I really cannot alter things very much, this is the way it is.''

The way it is not satisfactory to the people of my State. It is not satisfactory to have only one jet carrier serving our entire State. Our State's transportation services and airline service, especially jet airline service, is an essential transportation service. It ought not be held hostage by labor problems or other problems of one jet carrier. We must have competition. If all of those in this Chamber who mean what they say when they talk about competition will weigh in here and say, ''Let's stand for competition, let's stand for the free market, let's try to help new starts, let's breed opportunities for broader based economic ownership and more competition in the airline industry,'' then I think we will have done something important and useful and good for States like mine and for many other rural States in this country.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX CREDIT FOR REGIONAL JET AIRCRAFT SERVING UNDERSERVED COMMUNITIES.

(a) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of

credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by inserting after paragraph (3) the following new paragraph:

''(4) in the case of an eligible small air carrier, the underserved community jet access credit.''

(2) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—Section 48 of such Code (relating to the energy credit and the reforestation credit) is amended by adding after subsection (b) the following new subsection:

''(c) UNDERSERVED COMMUNITY JET ACCESS CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the underserved community jet access credit of an eligible small air carrier for any taxable year is an amount equal to 10 percent of the qualified investment in any qualified regional jet aircraft.

''(2) ELIGIBLE SMALL AIR CARRIER.—For purposes of this subsection and section 46—

''(A) IN GENERAL.—The term 'eligible small air carrier' means, with respect to any qualified regional jet aircraft, an air carrier—

''(i) to which part 121 of title 14, Code of Federal Regulations, applies, and

''(ii) which has less than 10,000,000,000 (10 billion) revenue passenger miles for the calendar year preceding the calendar year in which such aircraft is originally placed in service.

''(B) AIR CARRIER.—The term 'air carrier' means any air carrier holding a certificate of public convenience and necessity issued by the Secretary of Transportation under section 41102 of title 49, United States Code.

''(C) START-UP CARRIERS.—If an air carrier has not been in operation during the entire calendar year described in subparagraph (A)(ii), the determination under such subparagraph shall be made on the basis of a reasonable estimate of revenue passenger miles for its first full calendar year of operation.

''(D) AGGREGATION.—All air carriers which are treated as 1 employer under section 52 shall be treated as 1 person for purposes of subparagraph (A)(ii).

''(3) QUALIFIED REGIONAL JET AIRCRAFT.—For purposes of this subsection, the term 'qualified regional jet aircraft' means a civil aircraft—

''(A) which is originally placed in service by the taxpayer,

''(B) which is powered by jet propulsion and is designed to have a maximum passenger seating capacity of not less than 30 passengers and not more than 100 passengers, and

''(C) at least 50 percent of the flight segments of which during any 12-month period beginning on or after the date the aircraft is originally placed in service are between a hub airport (as defined in section 41731(a)(3) of title 49, United States Code, and an underserved airport.

''(4) UNDERSERVED AIRPORT.—The term 'underserved airport' means, with respect to any qualified regional jet aircraft, an airport which for the calendar year preceding the calendar year in which such aircraft is originally placed in service had less than 600,000 enplanements.

''(5) QUALIFIED INVESTMENT.—For purposes of paragraph (1), the term 'qualified investment' means, with respect to any taxable year, the basis of any qualified regional jet aircraft placed in service by the taxpayer during such taxable year.

''(6) QUALIFIED PROGRESS EXPENDITURES.—

''(A) INCREASE IN QUALIFIED INVESTMENT.—In the case of a taxpayer who has made an election under subparagraph (E), the amount of the qualified investment of such taxpayer for the taxable year (determined under paragraph (5) without regard to this subsection) shall be increased by an amount equal to the aggregate of each qualified progress expenditure for the taxable year with respect to progress expenditure property.

''(B) PROGRESS EXPENDITURE PROPERTY DEFINED.—For purposes of this paragraph, the term 'progress expenditure property' means any property which is being constructed for the taxpayer and which it is reasonable to believe will qualify as a qualified regional jet aircraft of the taxpayer when it is placed in service.

''(C) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this paragraph, the term 'qualified progress expenditures' means the amount paid during the taxable year to another person for the construction of such property.

''(D) ONLY CONSTRUCTION OF AIRCRAFT TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the qualified regional jet aircraft.

''(E) ELECTION.—An election under this paragraph may be made at such time and in such manner as the Secretary may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary.

''(7) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property with respect to which the energy credit or the rehabilitation credit is allowed unless the taxpayer elects to waive the application of such credits to such property.

''(8) SPECIAL LEASE RULES.—For purposes of section 50(d)(5), section 48(d) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall be applied for purposes of this section without regard to paragraph (4)(B) thereof (relating to short-term leases of property with class life of under 14 years).

''(9) APPLICATION.—This subsection shall apply to periods after the date of the enactment of this subsection and before January 1, 2009, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).''

(3) RECAPTURE.—Section 50(a) of such Code (relating to recapture in the case of dispositions, etc.) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULES FOR AIRCRAFT CREDIT.—

''(A) IN GENERAL.—For purposes of determining whether a qualified regional jet aircraft ceases to be investment credit property, an airport which was an underserved airport as of the date such aircraft was originally placed in service shall continue to be treated as an underserved airport during any period this subsection applies to the aircraft.

''(B) PROPERTY CEASES TO QUALIFY FOR PROGRESS EXPENDITURES.—Rules similar to the rules of paragraph (2) shall apply in the case of qualified progress expenditures for a qualified regional jet aircraft under section 48(c).''

(4) TECHNICAL AMENDMENTS.—

(A) Subparagraph (C) of section 49(a)(1) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) the portion of the basis of any qualified regional jet aircraft attributable to any qualified investment (as defined by section 48(c)(5)).''

(B) Paragraph (4) of section 50(a) of such Code is amended by striking ''and (2)'' and inserting '', (2), and (6)''.

(C)(i) The section heading for section 48 of such Code is amended to read as follows:

''SEC. 48. OTHER CREDITS.''

(ii) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following new item:

''Sec. 48. Other credits.''

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990.

(b) REDUCED PASSENGER TAX RATE ON RURAL DOMESTIC FLIGHT SEGMENTS.—Section 4261(e)(1)(C) of such Code (relating to segments to and from rural airports) is amended to read as follows:

''(C) REDUCTION IN GENERAL TAX RATE.—

''(i) IN GENERAL.—The tax imposed by subsection (a) shall apply to any domestic segment beginning or ending at an airport which is a rural airport for the calendar year in which such segment begins or ends (as the case may be) at the rate determined by the Secretary under clause (ii) for such year in lieu of the rate otherwise applicable under subsection (a).

''(ii) DETERMINATION OF RATE.—The rate determined by the Secretary under this clause for each calendar year shall equal the rate of tax otherwise applicable under subsection (a) reduced by an amount which reflects the net amount of the increase in revenues to the Treasury for such year resulting from the amendments made by subsections (a) and (c) of section ___ of the Wendell H. Ford National Air Transportation System Improvement Act of 1998.

''(iii) TRANSPORTATION INVOLVING MULTIPLE SEGMENTS.—In the case of transportation involving more than 1 domestic segment at least 1 of which does not begin or end at a rural airport, the rate applicable by reason of clause (i) shall be applied by taking into account only an amount which bears the same ratio to the amount paid for such transportation as the number of specified miles in domestic segments which begin or end at a rural airport bears to the total number of specified miles in such transportation.''.

(c) TREATMENT OF CERTAIN DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

(1) IN GENERAL.—Section 332 of the Internal Revenue Code of 1986 (relating to complete liquidations of subsidiaries) is amended by adding at the end the following new subsection:

''(c) DEDUCTIBLE LIQUIDATING DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If a corporation receives a distribution from a regulated investment company or a real estate investment trust which is considered under subsection (b) as being in complete liquidation of such company or trust, then, notwithstanding any other provision of this chapter, such corporation shall recognize and treat as a dividend from such company or trust an amount equal to the deduction for dividends paid allowable to such company or trust by reason of such distribution.''.

(2) CONFORMING AMENDMENTS.—

(A) The material preceding paragraph (1) of section 332(b) of such Code is amended by striking ''subsection (a)'' and inserting ''this section''.

(B) Paragraph (1) of section 334(b) of such Code is amended by striking ''section 332(a)'' and inserting ''section 332''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions after May 21, 1998.●

By Mr. MACK:

S. 2630. A bill to amend the Internal Revenue Code of 1986 to provide a special rule regarding allocation of interest expense of qualified infrastructure indebtedness of taxpayers; to the Committee on Finance.

TAX LEGISLATION

● Mr. MACK. Mr. President, today I am introducing legislation to remedy a problem in the way the U.S. taxes the foreign operations of U.S. electric and gas utilities. With the 1992 passage of the National Energy Policy Act, Congress gave a green light to U.S. utilities wishing to do business abroad, lifting a long-standing prohibition. U.S. utilities were allowed to compete for the foreign business opportunities created by the privatization of national utilities and the need for the construction of facilities to meet increased energy demands abroad.

Since 1992, U.S. utility companies have made significant investments in utility operations in the United Kingdom, Australia, Eastern Europe, the Far East and South America. These investments in foreign utilities have created domestic jobs in the fields of design, architecture, engineering, construction, and heavy equipment manufacturing. They also allow U.S. utilities an opportunity to diversify and grow.

Unfortunately, the Internal Revenue Code penalizes these investments by subjecting them to double-taxation. U.S. companies with foreign operations receive tax credits for a portion of the taxes they pay to foreign countries, to reduce the double-taxation that would otherwise result from the U.S. policy of taxing worldwide income. The size of these foreign tax credits are affected by a number of factors, as U.S. tax laws recalculate the amount of foreign income that is recognized for tax credit purposes.

Section 864 of the tax code allocates deductible interest expenses between the U.S. and foreign operations based on the relative book values of assets located in the U.S. and abroad. By ignoring business realities and the peculiar circumstances of U.S. utilities, this allocation rule overtaxes them. Because U.S. utilities were until recently prevented from operating abroad, their foreign plants and equipment have been recently-acquired and consequently have not been much depreciated, in contrast to their domestic assets which are in most cases fully-depreciated. Thus a disproportionate amount of interest expenses are allocated to foreign income, reducing the foreign income base that is recognized for U.S. tax purposes thus the size of the corresponding foreign tax credits.

As the allocation rules increase the double-taxation of foreign income by reducing foreign tax credits, they also increase domestic taxation by shifting interest deductions from U.S. to foreign operations. The unfairness of this misallocation is magnified by the fact that interest expenses are usually associated with domestically-regulated debt, which is tied to domestic production and is not as fungible as the tax code assumes.

The result of this economically-irrational taxation scheme is a very high effective tax rate on certain foreign investment and a loss of U.S. foreign tax credits. Rather than face this double-tax penalty, some U.S. utilities have actually chosen not to invest overseas and others have pulled back from their initial investments.

One solution to this problem is found in the legislation that I am introducing today. This remedy is to exempt from the interest allocation rules of Section 864 the debt associated with a U.S. utility's furnishing and sale of electricity or natural gas in the United States. This proposed rule is similar to the rule governing ''non-recourse'' debt, which is not subjected to foreign allocation. In both cases, lenders look to specific cash flows for repayment and specific assets as collateral. These loans are thus distinguishable from the typical risks of general credit lending transactions.

The specific cash flow aspect of non-recourse financing is a critical element of the non-recourse debt exception, and logic requires that the same tax treatment should be given to analogous utility debt. Thus, my bill would exempt from allocation to foreign source income the interest on debt incurred in the trade or business of furnishing or selling electricity or natural gas in the United States. The current situation is a very real problem that must be remedied, and I urge my colleagues to support the solution I am proposing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF INTEREST EXPENSE OF QUALIFIED INFRASTRUCTURE INDEBTEDNESS.

(a) IN GENERAL.—Section 864(e) of the Internal Revenue Code of 1986 (relating to rules for allocating interest, etc.) is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and inserting after paragraph (5) the following new paragraph:

''(6) TREATMENT OF CERTAIN INTEREST EXPENSE RELATING TO QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

''(A) IN GENERAL.—Interest expense attributable to qualified infrastructure indebtedness of a taxpayer shall be allocated and apportioned solely to sources within the United States and the taxpayer's assets (whether or not held in the United States) shall be reduced by the amount of qualified infrastructure indebtedness.

''(B) QUALIFIED INFRASTRUCTURE INDEBTEDNESS.—

''(i) IN GENERAL.—For purposes of this paragraph, the term 'qualified infrastructure indebtedness' means debt incurred to carry on, or to acquire, build, or finance property used predominantly in, the trade or business of the furnishing or sale of electrical energy or natural gas in the United States. The determination of whether debt constitutes qualified infrastructure indebtedness under the previous sentence shall be made at the time the debt is incurred.

''(ii) REQUIRED RATE REGULATION.—The rates for the furnishing or sale of electrical energy or natural gas by a trade or business under clause (i) must be established or approved by—

''(I) the District of Columbia or a State or political subdivision thereof,

''(II) any agency or instrumentality of the United States, or

''(III) a public service or public utility commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

''(iii) LIMITATION.—If the rate regulation under clause (ii) applies only to a portion of the trade or business of the furnishing or sale of electrical energy or natural gas, the debt incurred to carry on, or to acquire, build, or finance property used in, such trade or business shall constitute qualified infrastructure indebtedness only to the extent that the ratio of the total outstanding qualified infrastructure indebtedness with respect to such trade or business (including such debt) to the total outstanding indebtedness with respect to such trade or business does not exceed the ratio of the assets used in the portion of the trade or business that is subject to such rate regulation to the total assets used in such trade or business. For purposes of the determination under the preceding sentence, assets shall be measured using book value for taxation purposes unless the taxpayer makes an election to use fair market value. Such election shall apply to the taxable year for which the election is made and all subsequent taxable years unless revoked with the consent of the Secretary.''

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to debt incurred in taxable years beginning after the date of enactment of this Act.

(2) OUTSTANDING DEBT.—In the case of debt outstanding as of the date of enactment of this Act, the determination of whether such debt constitutes ''qualified infrastructure indebtedness'' shall be made by applying the rules of section 864(e)(6)(B) of the Internal Revenue Code of 1986, as added by this section, on the date such debt was incurred.●

By Mr. JOHNSON:

S. 2631. A bill to establish a toll free number in the Department of Commerce to assist consumers in determining if products are American-made; to the Committee on Commerce, Science, and Transportation.

MADE IN AMERICA CONSUMER HOTLINE LEGISLATION

● Mr. JOHNSON. Mr. President, today I introduce common-sense legislation which will greatly benefit America's manufacturers and consumers. My colleague, Senator DEWINE of Ohio, is joining me as an original cosponsor of this bill. The ''Made In America'' Consumer Hotline bill will establish a toll free number in the Department of Commerce to assist consumers in determining whether the products they buy are American-made. The House has passed this legislation and I urge my colleagues to move this bill swiftly in our remaining days of the Congress.

As the world economy becomes more inter-related, determining to what extent a product is ''Made in America'' is increasingly difficult for American consumers. We have come to expect access to information about so many of the products and services we rely on every day, information to help us make decisions about what's best for our families, our communities and our economy. With auto parts, computers, clothing, or appliances, American consumers know that the ''Made in America'' designation on products represents quality, reliability, and value.

This legislation would establish a pilot program for the operation of a three-year, toll-free number to assist consumers in determining what products are ''Made in America.'' This legislation will have no cost to American taxpayers. Instead, fees collected from manufacturers who voluntarily choose to register their product will fully fund the toll-free line. In the past, I cosponsored this hotline legislation in the House and I applaud my House colleagues for passing this bill.

Providing consumers access to accurate and reliable information on the content of the products they buy is common-sense legislation that is long overdue. Some may object to the creation of such an information hotline as a protectionist endeavor. On the contrary, I believe there is nothing more conducive to fair trade than providing consumers the freedom to decide what product is best for them. This legislation is not about telling consumers what to buy, it's about providing consumers the resources they need to make their own decisions.

I have worked hard to advance the issue of freedom of information on country of origin labeling, but we need to do more to facilitate consumer access to information. As you and I know, we can easily determine which country manufactured the automobiles we drive. We trust the tags on our shirts or trousers and we can see where our computers, stereos, and telephones were made by simply looking at the products' label. But many areas remain void of information on product origin. For example, when we go to the grocery store to purchase meat products for our families to eat, we have no idea where that meat originated.

Throughout my service in the United States Congress, I have been a strong believer in country of origin labeling for all types of consumer products. I have been an especially strong supporter of country of origin labeling for meat products because of its commonsense nature, its benefits to ranchers, farmers, and consumers, its strong bipartisan and agricultural group support, its cost-free benefit to taxpayers as scored by the Congressional Budget Office (CBO), and its trade friendly provisions. I don't intend to stop at agricultural products. The legislation I am introducing today targets general consumer products greater than $250 in value.

Freedom of information about country of origin labeling is fair trade because it provides global consumers with freedom of choice. In today's global economy, consumers deserve access to information on where the products their families use are from. By passing this ''Made in America'' toll-free hotline legislation, Congress will help consumers assert their right to know.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 2632. A bill for the relief of Thomas J. Sansone, Jr.; to the Committee on Labor and Human Relations.

PRIVATE RELIEF BILL FOR TOMMY SANSONE, JR.

Mr. D'AMATO. Mr. President, I rise today to introduce a bill for myself and for Senator MOYNIHAN that will provide compensation under the National Vaccine Injury Compensation Program (VICP) to Tommy Sansone, Jr. Tommy was injured by a DPT vaccine in June 1994 and continues to suffer seizures and brain damage to this day. Tommy is the unintended and helpless victim of a drug designed to help him. He needs our help because while the Vaccine Injury Program is meant to make reparations for these injuries, it is hampered by regulations that challenges the worthiest of claims.

Let me be clear, I am not advocating against our national immunization program. Vaccines are an integral part of our preventive health program, and in no way should we stop vaccinating our kids. However, in rare instances, a child will receive a shot designed to keep him safe from whooping cough or measles or other illness but react violently to the serum and end up crippled or sometimes killed. The answer is not to stop inoculating our children. We must review the program to ensure we provide our children with the greatest protection possible against the tragic diseases that older generations of Americans knew all too well, and we must review the Vaccine Injury Act.

Back in 1986, Congress passed the Vaccine Injury Act to take care of vaccine injuries because the shots that we required our children to get were not as safe as they could have been. Since the program was established, more than 1100 children have been compensated. Over the first ten years, a great percentage of those with seizures or brain damage or other symptoms were recognized to be DPT-injured, and, they were summarily compensated. But, by 1995, the Institutes of Medicine (IOM) and others concluded that because the symptoms had no unique clinical profile, they were not necessarily DPT injuries. So, HHS changed the definitions of *encephalopathy* (inflammation of the brain), and of *vaccine injury*. Those new definitions had unintended consequences. Now, the program that we set up to be expeditious and fair, uses criteria that are so strict that the fund from which these claims are paid pays fewer claims than before and the fund has ballooned to over $1.2 billion. As a result, families of children like Tommy find it nearly impossible to win a claim against the Vaccine Injury Compensation Program. Most importantly, the program is failing its mission.

Today, the Vaccine Injury Compensation Program is seen as a Fort Knox of government funds that not even the worthiest claim can access without a high-priced lawyer to guide it through a labyrinth of bureaucratic regulations. It is no longer the ''no-fault compensation program under which awards can be made to vaccine-injured persons quickly, easily, and with certainty and generosity,'' as we originally intended in 1986.

To be clear, VICP is not a medical insurance policy. The program is not designed to take care of those who cannot get or receive care. VICP is a compensation program, where the government makes amends for a failure in the system that it established. Claims are paid from a trust fund established from surcharged that are paid on each shot a child receives. The fund serves as an insurance policy against vaccine injuries. But, following the regulatory changes made in 1995, the government is not recognizing even the most legitimate of claims. We are failing the very children we are trying to protect.

Senator JEFFORDS, the chairman of the Senate Labor Committee and I have commissioned the GAO to study the vaccine injury program. We asked them to examine the overall operation and effectiveness of the Vaccine Injury Compensation Program and the National Vaccine Program. They will look at how revenues in the compensation fund are being managed and dispersed and whether vaccine injury claims are reviewed and processed in a fair and timely manner. They will look for those barriers, if any, that petitioners face in proving vaccine-related injuries. We've asked them to look into how well information about vaccine safety and injuries is collected, maintained and distributed, and to recommend changes (legislative or regulatory) to improve the Vaccine Injury Compensation Program and the National Vaccine Program. We want to fix VICP for children nationwide who needlessly suffer twice at the hands of the federal government; once with an adverse reaction to a vaccine they are required to receive and a second time when they cannot hold the federal government liable for their pain and suffering. But, there is something we can do now. We need to take care of this little guy, Tommy Sansone, Jr.

Over the years after his DPT shot (the combined shot for diphtheria, pertussis and tetanus), Tommy suffers severe seizures and from brain damage that has hampered his mental development. When he wakes in the morning or from a nap, either his mother or father is at his side waiting for the inevitable. Tommy's eyes tear and his face cringes in agony as his entire body is wracked with a muscle-clenching seizure. His parents hold him helplessly

until the seizure subsides, sometimes for as long as five minutes. Tommy will then look into his mother's loving eyes, and say, ''No more, mommy. Make them stop.''

At the very least, Tommy's parents know that the strain of vaccine used on Tommy is now being phased out because of the rash of adverse reactions it caused. But, this does nothing for Tommy or his parents who have been in and out of countless hospitals, and consulted with doctors and experts at the Centers for Disease Control and the Health Resources and Services Administration. Their claim for compensation was dismissed in the Federal Court of Claims, but they and Tommy's doctor feel (and I agree with them) that they should have known more about the potential dangers of the DPT vaccine that Tommy received on June 1, 1994. No one told them that there was a chance that the DPT vaccine could cause such trauma. No one told them about ''hot lots,'' an unofficial team for a batch of shots that has had an abundance of adverse reactions. The lot that Tommy received is known to have had 44 such reactions from March–November 1994, including 2 deaths. These are reactions beyond the short-lived fever and rashes that accompany many vaccines. Their doctor didn't know about the availability of the ''new'' acellular strain of pertussis vaccine that is replacing the whole cell version that has been used since the 1930s. Sure, it costs a couple of dollars more, but who wouldn't choose that for their child—given the choice?

Tommy's claim would have been covered before the 1995 changes, but that is not the case any longer. He's the victim of a bad DPT vaccine, yet his case continues to be denied because the first seizure didn't occur within 72 hours of the shot. It occurred 18 days later, and he suffers to this day. Tommy also has brain damage (encephalopathy) because of the DPT shot, but it doesn't fit that new definition either. He cried and moaned at a shrill pitch from the moment of the shot until his first seizure, but that doesn't matter either. For the first six months of his life, tommy was in all ways normal, but for 4 and a half years since the DPT vaccine he and his family have suffered. As a parent and grandparent, I would do anything to protect my family from such pain and suffering. Tom Senior has done everything he knows how to help his son. Now he has turned to me because he knows I am in a position to help and I will not relent in my pursuit of relief for the Sansone family. The Vaccine Injury Compensation Program should take care of Tommy, but it doesn't. This bill will enable us to ensure that it does.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION FOR VACCINE-RELATED INJURY.

(a) CAUSE OF INJURY.—In consideration of the petition filed under subtitle 2 of title XXI of the Public Health Service Act (42 U.S.C. 300aa–10 et seq.) (relating to the National Vaccine Injury Compensation Program) by the legal representatives of Thomas J. Sansone, Jr., including the claims contained in that petition that the injury described in that petition was cause by a vaccine covered in the Vaccine Injury Table specified in section 2114 of such Act (42 U.S.C. 300aa–14) and given on June 1, 1994, such injury is deemed to have been caused by such vaccine for the purposes of subtitle 2 of title XXI of such Act.

(b) PAYMENT.—The Secretary of Health and Human Services shall pay compensation to Thomas J. Sansone, Jr. for the injury referred to in subsection (a) in accordance with section 2115 of the Public Health Service Act (42 U.S.C. 300aa–15).

By Mr. FIRST:

S. 2633. A bill to amend the Internal Revenue Code of 1986 to allow registered venders to administer claims for refund of kerosene sold for home heating use; to the Committee on Finance.

TAX CLAIMS FOR REFUND OF KEROSENE SOLD FOR HOME HEATING USE

● Mr. FRIST. Mr. President, today I introduce a bill that will correct a grave injustice to users of kerosene for home heating. My bill would amend last year's change to the tax code concerning kerosene to allow registered vendors to administer claims for the refund of kerosene sold for home heating use.

As many of you know, on July 1, 1998, new regulations regarding the taxation of kerosene went into effect, and I have heard from many Tennesseans who are concerned about the new tax policies. These provisions were included in the House version of the ''Taxpayer Relief Act of 1997.'' While these provisions were not included in the Senate version of the bill, the House language prevailed when the Senate and House worked out the conference agreement on this bill. Prior to the 1997 change in law, kerosene was not taxable unless it was blended with taxable diesel fuel or used as an aviation fuel, nor was it subject to dyeing requirements.

There have been continued problems with the use of untaxed kerosene being blended with taxable highway fuel, like diesel. As a result, some members of the House of Representatives determined and diesel fuel compliance measures, like dyeing, should be extended to kerosene. According to the new law, kerosene is taxed at 24.4 cents per gallon unless it is indelibly dyed and used only for a nontaxable use like home heating.

I am concerned about these changes, especially since kerosene is often used as a heating oil or in space heaters. This is a nontaxable use; however, it is unclear whether dyed kerosene may be used in space heaters due to health concerns. In addition, many small oil companies and kerosene venders do not have sufficient facilities to sell both dyed and undyed kerosene, and many states have regulations mandating that only undyed kerosene may be used in home heaters. As a result, many consumers of kerosene for non-taxable home heating purposes will either be forced, or will choose for safety reasons, to purchase the taxable undyed kerosene. Under current law and IRS regulation, only the taxpayer is allowed to file a claim for a fuel credit if he or she purchases taxable kerosene for a non-taxable purpose other than from a blocked pump.

The Internal Revenue Service (IRS) has provided refund and credit procedures for vendors and/or purchasers of the clear, taxed kerosene when the kerosene is intended for nontaxable purposes like home heating. This process, however, is complex and potentially unwieldy. Individual purchasers may claim a credit on line 59 of the 1040 tax form for whatever amount of tax they paid on clear kerosene bought for a nontaxable use. It is true that an individual must file a return, even if he or she otherwise would not, in order to receive the credit from the IRS. Vendors may claim a credit on their tax returns or may claim a quarterly refund if at least $750 is owed.

Because many of these kerosene consumers do not file tax return form 1040, this provision is an undue burden on hundreds, perhaps thousands, of Tennesseans, and many thousands of Americans. The complex nature of the kerosene tax refund policies on individual consumers who use kerosene for home heating is unduly burdensome. Additionally, for the consumers to pay a 24.4 cent tax per gallon at all strikes me as unjust taxation. Many of those who use kerosene for home heating are poor and can ill-afford to pay approximately 25% more per gallon of kerosene—even if it is to be refunded at a later time.

I sent a letter to the Internal Revenue Service (IRS) on August 13, 1998 asking Commissioner Rossotti to issue a regulation that would allow kerosene vendors to file refund claims on behalf of their consumers. The Commissioner responded that such a regulation would require Congressional action to actually change the statute.

This bill would do just that. I urge my colleagues to support this measure and I strongly urge passage of this bill.●

By Mr. GREGG (for himself and Mr. BREAUX):

S. 2635. A bill to amend the Internal Revenue Code of 1986 to provide for retirement savings for the 21st century; to the Committee on Finance.

21ST CENTURY RETIREMENT SAVINGS ACT

Mr. GREGG. Mr. President, I rise, along with my colleague Senator JOHN BREAUX, to introduce the 21st Century Retirement Savings Act.

Earlier this year, I joined Senator BREAUX as two of six co-sponsors of S.

2313, a bill to strengthen and preserve Social Security. This legislation was developed through the expertise of the National Commission on Retirement Policy, convened by the Center of Strategic and International Studies.

The Commission was unique among such efforts in that it looked at the entire picture surrounding retirement saving, and did not seek to increase income through one venue at the expense of another. It was our finding that income through all of the components of the national retirement structures—Social Security, employer-provided pensions, and individual savings—needed to be increased if we are to meet the needs of the 21st century.

This legislation to shore up private retirement savings is a companion piece to S. 2313, which dealt with Social Security. I am pleased that it will also be introduced by Congressmen KOLBE and STENHOLM in the House.

ADDITIONAL COSPONSORS

S. 244

At the request of Mr. MCCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 244, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 859

At the request of Mr. KYL, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1529, a bill to enhanceFederal enforcement of hate crimes, and for other purposes.

S. 1855

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1855, a bill to require the Occupational safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies.

S. 2054

At the request of Mr. JEFFORDS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2054, a bill to amend title XVIII of the Social Security Act to require the Secretary of Veterans Affairs and the Secretary of Health and Human Services to carry out a model project to provide the Department of Veterans Affairs with medicare reimbursement for medicare health-care services provided to certain medicare-eligible veterans.

S. 2145

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2263

At the request of Mr. GORTON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2281

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2288

At the request of Mr. WARNER, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2288, a bill to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2295, a bill to amend the Older Americans Act of 1965 to extend the authorizations of appropriations for that Act, and for other purposes.

S. 2324

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2324, a bill to amend section 922(t) of title 18, United States Code, to require the reporting of information to the chief law enforcement officer of the buyer's residence and to require a minimum 72-hour waiting period before the purchase of a handgun, and for other purposes.

S. 2353

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2353, a bill to redesignate the legal public holiday of ''Washington's Birthday'' as ''Presidents' Day'' in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

S. 2378

At the request of Mr. AKAKA, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2378, a bill to amend title XVIII of the Social Security Act to increase the amount of payment under the Medicare program for pap smear laboratory tests.

S. 2597

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2597, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program.

S. 2598

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2598, a bill to require proof of screening for lead poisoning and to ensure that children at highest risk are identified and treated.

SENATE JOINT RESOLUTION 56

At the request of Mr. GRASSLEY, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Wyoming (Mr. ENZI), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of Senate Joint Resolution 56, a joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.

SENATE RESOLUTION 199

At the request of Mr. TORRICELLI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 199, a resolution designating the last week of April of each calendar year as ''National Youth Fitness Week.''

SENATE RESOLUTION 299—AUTHORIZING TESTIMONY AND REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95–1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently

with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AMENDMENTS SUBMITTED

DENIAL FOR FOOD STAMPS FOR DECEASED INDIVIDUALS

LUGAR (AND HARKIN) AMENDMENT NO. 3822

Mr. CRAIG (for Mr. LUGAR for himself and Mr. HARKIN) proposed an amendment to the bill (S. 1733) to require the Commissioner of Social Security and food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

''(r) DENIAL OF FOOD STAMPS FOR DECEASED INDIVIDUALS.—Each State agency shall—

''(1) enter into a cooperative arrangement with the Commissioner of Social Security, pursuant to the authority of the Commissioner under section 205(r)(3) of the Social Security Act (42 U.S.C. 405(r)(3)), to obtain information on individuals who are deceased; and

''(2) use the information to verify and otherwise ensure that benefits are not issued to individuals who are deceased.''.

(b) REPORT.—Not later than September 1, 2000, the Secretary of Agriculture shall submit a report regarding the progress and effectiveness of the cooperative arrangements entered into by State agencies under section 11(r) of the Food Stamp Act of 1977 (7 U.S.C. 2020(r)) (as added by subsection (a)) to—

(1) the Committee on Agriculture of the House of Representatives;

(2) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(3) the Committee on Ways and Means of the House of Representatives;

(4) the Committee on Finance of the Senate; and

(5) the Secretary of the Treasury.

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on June 1, 2000.

SEC. 2. STUDY OF NATIONAL DATABASE FOR FEDERAL MEANS-TESTED PUBLIC ASSISTANCE PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs.

(b) ADMINISTRATION.—In conducting the study, the Secretary shall—

(1) analyze available data to determine—

(A) whether the data have addressed the needs of the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(B) whether additional or unique data need to be developed to address the needs of the food stamp program; and

(C) the feasibility and cost-benefit ratio of each available option for a national database;

(2) survey the States to determine how the States are enforcing the prohibition on recipients receiving assistance in more than 1 State under Federal means-tested public assistance programs;

(3) determine the functional requirements of each available option for a national database; and

(4) ensure that all options provide safeguards to protect against the unauthorized use or disclosure of information in the national database.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this section.

(d) FUNDING.—Out of any moneys in the Treasury not otherwise appropriated, the Secretary of the Treasury shall provide to the Secretary of Agriculture $500,000 to carry out this section. The Secretary shall be entitled to receive the funds and shall accept the funds, without further appropriation.

Amend the title so as to read: ''A bill to amend the Food Stamp Act of 1977 to require food stamp State agencies to take certain actions to ensure that food stamp coupons are not issued for deceased individuals, to require the Secretary of Agriculture to conduct a study of options for the design, development, implementation, and operation of a national database to track participation in Federal means-tested public assistance programs, and for other purposes.''.

CONCURRENT RESOLUTION ON THE AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY

LAUTENBERG AMENDMENT NO. 3823

Mr. CRAIG (for Mr. LAUTENBERG) proposed an amendment to the concurrent resolution (S. Con. Res. 124) expressing the sense of Congress regarding the denial of benefits under the Generalized System of Preferences to developing countries that violate the intellectual property rights of United States persons, particularly those that have not implemented their obligations under the Agreement on Trade-Related Aspects of Intellectual Property; as follows:

On page 3, line 5, strike all in the line after ''that'' and insert: ''is not making substantial progress towards adequately and effectively protecting''.

ESTUARY HABITAT RESTORATION PARTNERSHIP ACT OF 1998

BAUCUS (AND BURNS) AMENDMENT NO. 3824

Mr. CRAIG (for Mr. BAUCUS for himself and Mr. BURNS) proposed an amendment to the bill (S. 1222) to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL ENVIRONMENTAL WASTE TECHNOLOGY TESTING AND EVALUATION CENTER.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency is authorized to provide financial assistance to the National Environmental Waste Technology Testing and Evaluation Center in Butte, Montana.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1998 through 2002.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

JEFFORDS (AND LEAHY) AMENDMENT NO. 3825.

Mr. JEFFORDS (for himself and Mr. LEAHY) proposed an amendment to the bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments; as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:

vise sentenced criminal offenders.

''Subpart C—Grant Program For Video Cameras

''SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for

grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

''SEC. 2523. DEFINITIONS.

''For purposes of this subpart—

''(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

''(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.''.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

D'AMATO (AND SARBANES) AMENDMENT NO. 3826

Mr. JEFFORDS (for Mr. D'AMATO for himself and Mr. SARBANES) proposed an amendment to the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes; as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7),(8), and (9).

Redesignate section 6 of the bill as section 5.

DEPARTMENT OF STATE REWARDS RELATIVE TO THE FORMER YUGOSLAVIA

HELMS (AND BIDEN) AMENDMENT NO. 3827

Mr. JEFFORDS (for Mr. HELMS for himself and Mr. BIDEN) proposed an amendment to the bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—DEPARTMENT OF STATE REWARDS PROGRAM

SEC. 101. REVISION OF PROGRAM.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

''SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

''(3) IMPLEMENTATION.—The rewards program shall be administered by the Secretary of State, in consultation, as appropriate, with the Attorney General.

''(b) REWARDS AUTHORIZED.—In the sole discretion of the Secretary (except as provided in subsection (c)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

''(1) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

''(2) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

''(3) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

''(A) a violation of United States narcotics laws such that the individual would be a major violator of such laws;

''(B) the killing or kidnapping of—

''(i) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(ii) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

''(C) an attempt or conspiracy to commit any act described in subparagraph (A) or (B);

''(4) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in paragraph (1), (2), or (3); or

''(5) the prevention, frustration, or favorable resolution of an act described in paragraph (1), (2), or (3).

''(c) COORDINATION.—

''(1) PROCEDURES.—To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

''(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

''(B) the publication of rewards;

''(C) the offering of joint rewards with foreign governments;

''(D) the receipt and analysis of data; and

''(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

''(2) PRIOR APPROVAL OF ATTORNEY GENERAL REQUIRED.—Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years

1986 and 1987 (Public Law 99–93; 99 Stat. 408), but subject to paragraph (2), there are authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out this section.

''(2) LIMITATION.—No amount of funds may be appropriated under paragraph (1) which, when added to the unobligated balance of amounts previously appropriated to carry out this section, would cause such amounts to exceed $15,000,000.

''(3) ALLOCATION OF FUNDS.—To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

''(4) PERIOD OF AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

''(e) LIMITATIONS AND CERTIFICATION.—

''(1) MAXIMUM AMOUNT.—No reward paid under this section may exceed $5,000,000.

''(2) APPROVAL.—A reward under this section of more than $100,000 may not be made without the approval of the Secretary.

''(3) CERTIFICATION FOR PAYMENT.—Any reward granted under this section shall be approved and certified for payment by the Secretary.

''(4) NONDELEGATION OF AUTHORITY.—The authority to approve rewards of more than $100,000 set forth in paragraph (2) may not be delegated.

''(5) PROTECTION MEASURES.—If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

''(f) INELIGIBILITY.—An officer or employee of any entity of Federal, State, or local government or of a foreign government who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

''(g) REPORTS.—

''(1) REPORTS ON PAYMENT OF REWARDS.—Not later than 30 days after the payment of any reward under this section, the Secretary shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted in classified form if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

''(2) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year, the Secretary shall submit a report to the appropriate congressional committees with respect to the operation of the rewards program. The report shall provide information on the total amounts expended during the fiscal year ending in that year to carry out this section, including amounts expended to publicize the availability of rewards.

''(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, in the sole discretion of the Secretary, the resources of the rewards program shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

''(i) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary under this section shall be final and conclusive and shall not be subject to judicial review.

''(j) DEFINITIONS.—As used in this section:

''(1) ACT OF INTERNATIONAL TERRORISM.—The term 'act of international terrorism' includes—

''(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in paragraph (8) of section 830 of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)) or any nuclear explosive device (as defined in paragraph (4) of that section) by an individual, group, or non-nuclear-weapon state (as defined in paragraph (5) of that section); and

''(B) any act, as determined by the Secretary, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(3) MEMBER OF THE IMMEDIATE FAMILY.—The term 'member of the immediate family', with respect to an individual, includes—

''(A) a spouse, parent, brother, sister, or child of the individual;

''(B) a person with respect to whom the individual stands in loco parentis; and

''(C) any person not covered by subparagraph (A) or (B) who is living in the individual's household and is related to the individual by blood or marriage.

''(4) REWARDS PROGRAM.—The term 'rewards program' means the program established in subsection (a)(1).

''(5) UNITED STATES NARCOTICS LAWS.—The term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit trafficking in controlled substances (as such term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))).

''(6) UNITED STATES PERSON.—The term 'United States person' means—

''(A) a citizen or national of the United States; and

''(B) an alien lawfully present in the United States.''.

SEC. 102. REWARDS FOR INFORMATION CONCERNING INDIVIDUALS SOUGHT FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW RELATING TO THE FORMER YUGOSLAVIA.

(a) AUTHORITY.—In the sole discretion of the Secretary of State (except as provided in subsection (b)(2)) and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

(1) the arrest or conviction in any country, or

(2) the transfer to, or conviction by, the International Criminal Tribunal for the Former Yugoslavia,

of any individual who is the subject of an indictment confirmed by a judge of such tribunal for serious violations of international humanitarian law as defined under the statute of such tribunal.

(b) PROCEDURES.—

(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, subject to paragraph (3), the offering, administration, and payment of rewards under this section, including procedures for—

(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

(B) the publication of rewards;

(C) the offering of joint rewards with foreign governments;

(D) the receipt and analysis of data; and

(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall obtain the concurrence of the Attorney General.

(3) Rewards under this section shall be subject to any requirements or limitations that apply to rewards under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) with respect to the ineligibility of government employees for rewards, maximum reward amount, and procedures for the approval and certification of rewards for payment.

(c) REFERENCE.—For the purposes of subsection (a), the statute of the International Criminal Tribunal for the Former Yugoslavia means the Annex to the Report of the Secretary General of the United Nations pursuant to paragraph 2 of Security Council Resolution 827 (1993) (S/25704).

(d) DETERMINATION OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.

(e) PRIORITY.—Rewards under this Section may be paid from funds authorized to carry out Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.). In the administration and payment of rewards under the rewards program of Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C.), the Secretary of State shall ensure that priority is given for payments to individuals described in section 36 of that Act and that funds paid under this section are paid only after any and all due and payable demands are met under section 36 of that Act.

(f) REPORTS.—The Secretary shall inform the appropriate Committees of rewards paid under this section in the same manner as required by Section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C.).

TITLE II—EXTRADITION TREATIES INTERPRETATION ACT OF 1998

SEC. 201. SHORT TITLE.

This title may be cited as the ''Extradition Treaties Interpretation Act of 1998''.

SEC. 202. FINDINGS.

Congress finds that—

(1) each year, several hundred children are kidnapped by a parent in violation of law, court order, or legally binding agreement and brought to, or taken from, the United States;

(2) until the mid-1970's, parental abduction generally was not considered a criminal offense in the United States;

(3) since the mid-1970's, United States criminal law has evolved such that parental abduction is now a criminal offense in each of the 50 States and the District of Columbia;

(4) in enacting the International Parental Kidnapping Crime Act of 1993 (Public Law 103–173; 107 Stat. 1998; 18 U.S.C. 1204), Congress recognized the need to combat parental abduction by making the act of international parental kidnapping a Federal criminal offense;

(5) many of the extradition treaties to which the United States is a party specifically list the offenses that are extraditable

and use the word ''kidnapping'', but it has been the practice of the United States not to consider the term to include parental abduction because these treaties were negotiated by the United States prior to the development in United States criminal law described in paragraphs (3) and (4);

(6) the more modern extradition treaties to which the United States is a party contain dual criminality provisions, which provide for extradition where both parties make the offense a felony, and therefore it is the practice of the United States to consider such treaties to include parental abduction if the other foreign state party also considers the act of parental abduction to be a criminal offense; and

(7) this circumstance has resulted in a disparity in United States extradition law which should be rectified to better protect the interests of children and their parents.

SEC. 203. INTERPRETATION OF EXTRADITION TREATIES.

For purposes of any extradition treaty to which the United States is a party, Congress authorizes the interpretation of the terms ''kidnaping'' and ''kidnapping'' to include parental kidnapping.

ADDITIONAL STATEMENTS

THE RUMSFELD COMMISSION REPORT

● Mr. KYL. Mr. President, as you know, over the past year there has been a great deal of discussion in Washington about the growing ballistic missile threat to the United States and our forces and friends abroad. Although Members of Congress and the Administration have not always agreed on how to best respond to this growing threat, I think we can all agree that the Commission to Assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld, has made an indispensable contribution to the debate. The bipartisan, nine-member commission included many of our nation's most prominent experts on national security affairs. Due to Don Rumsfeld's leadership, this diverse group with divergent views on many policy issues, came together and produced an outstanding report that unanimously concluded that the ballistic missile threat to the U.S. is greater than previously assessed, that rogue nations like Iran could develop long-range missiles capable of reaching the U.S. in as little as five years, and that we might have little or no warning that such a threat had developed.

At an event last week, the Center for Security Policy honored Don Rumsfeld by presenting him with the ''Keeper of the Flame'' award for his outstanding leadership as chairman of the Commission to Assess the Ballistic Missile Threat to the United States. It was a well deserved honor. For the benefit of those who were not able to attend the award ceremony, I ask that Mr. Rumsfeld's remarks at the event be printed in the RECORD.

The remarks follow:

REMARKS OF THE HONORABLE DONALD RUMSFELD, CENTER FOR SECURITY POLICY, OCTOBER 7, 1998

Chairman Ed Meese, distinguished Members of the House and Senate, public officials—past and present—ladies and gentlemen. Good evening.

I see so many here who have served our country with distinction in so many important ways—Senators Cochran, Kyl and Wallop, Secretaries Jim Schlesinger and Al Haig, and many others. And there is Dr. Fritz Kraemer. There is a true ''keeper of the flame.'' It is a privilege as well as a pleasure to be with you all.

Frank—my congratulations to you for your ten years of contributions to our country's security. You and your associates at the Center deserve, and have, our appreciation. We all know and respect the energy, persistence and patriotism that you have brought to the national security debate and are grateful for it.

Senator Thad Cochran, I thank you for your generous words. As you know, your Committee's very useful ''Proliferation Primer'' was given to each of our Commission members at our first session. You have made important contributions on these key subjects, and I congratulate you for them.

* * * * *

I find since I first arrived in Washington, D.C., to work on Capitol Hill back in 1957, fresh out of the Navy, that while we went back home at regular intervals, I seem to keep finding myself back here on some project or another for over several decades now. I must say that this most recent assignment, the Ballistic Missile Threat Commission, has been particularly interesting, because the subject is so important.

This evening I want to talk a bit about our report, first because it is a message that needs to be heard, and, second, because there's no group who has done more and can do still more to carry that message.

As you will recall, the U.S. Intelligence Community's 1995 National Intelligence Estimate caused quite a stir in the national security community for a number of reasons. As a result, the Congress established our Commission to provide an independent assessment of the ballistic missile threat to the United States—including Alaska and Hawaii. Our charter was not to look at other threats or possible responses.

As one of our Commissioners put it, our task was to find out, Who has them? Who is trying to get them? When are they likely to succeed? Why do we care? and, When will we know?

Thanks to Speaker Gingrich and Minority Leader Gephardt for the House, and Senate Leaders Lott and Daschle, the members of our bipartisan Commission were truly outstanding. They included: Dr. Barry Blechman, the former Assistant Director of the Arms Control and Disarmament Agency in the Carter Administration; Retired four-star general Lee Butler, former Commander of the Strategic Air Command/ Dr. Richard Garwin of IBM, a distinguished scientist; General Larry Welch, former Chief of Staff of the Air Force, and CEO of the IDA; Paul Wolfowitz, former Undersecretary of Defense for Policy, former Ambassador to Indonesia, and Dean of the Nitze School at Johns Hopkins University; and James Woolsey, former Director of the CIA in the Clinton Administration. Also with us this evening is Dr. Steve Cambone, currently the Director of Research at the National Defense University. Steve did a superb job as Staff Director for the Commission.

Two of our Commissioners are here this evening, and I'd like them to stand and be recognized for their important work.

Dr. William Graham, former Science Advisor to President Reagan. Bill Graham has done a superb job. Thank goodness we had the benefit of his technical experienced and knowledge.

Dr. William Schneider, former Undersecretary of State for Security Assistance in the Reagan Administration. Bill kept us sane with his unfailing good humor, penetrating as it is, and challenged by his keen insights.

The members of the Commission spent an enormous number of hours, over six months and received over 200 briefings. Not surprisingly, given our different backgrounds and experiences—military, technical, policy oriented, but all with decades of experience dealing with the Intelligence Community and its products—we started out with a variety of viewpoints. As we proceeded, each time we seemed to be diverging in our views, we called for more briefings and focused back on the facts.

After extensive discussion and analysis, we arrived at our unanimous conclusions and a unanimous recommendation. As General Welch said, the facts overcame our biases and opinions and drove us to our unanimous conclusions. And in this city, unanimity is remarkable, especially on a subject as heated as this.

Given that so few people will be able to read our classified final report of some 307 pages, with several hundred additional classified pages of working papers and technical analysis, and that the unclassified executive summary was only 36 pages, that our conclusions were unanimous makes them considerably more persuasive.

During the course of our deliberations, almost every week there was an event somewhere in the world related to ballistic missiles or weapons of mass destruction—whether the Ghauri missile launch by Pakistan, the Indian and Pakistani nuclear explosions, continued stiff-arming of the U.S. and the U.N. inspectors by Iraq, the Shahab 3 missile firing in Iran, and more recently North Korea's Taepo Dong 1 three-stage launch. The pace of these significant events, while disturbing to be sure, provided a vivid backdrop for our work.

* * * * *

It is clear the Gulf War taught regional powers that they are ill-advised to try to combat U.S. or Western armies and air forces. They can neither deter nor prevail against those vastly greater conventional capabilities. That being the case, it's not surprising that they week asymmetrical advantages and leverage to enable them to change the calculations of Western nations and ways to threaten and deter them as well as their neighbors.

They have several cost effective options. Terrorism is one. Cruise missiles are also an increasingly attractive option in that they are both versatile and relatively inexpensive. At some point they may well become a weapon of choice.

And, third, there are ballistic missiles. It is not happenstance that some 25–30 countries either have or are seeking to acquire ballistic missiles. They are very attractive, and relatively inexpensive when compared to armies, navies, and air forces; second, like cruise missiles, they can be launched from land, sea or air and have the flexibility of carrying chemical, biological or nuclear warheads; and third, they have the compelling advantage of being certain to arrive at their destinations—since there are no defenses against them.

Those of us from Chicago recall Al Capone's remark that ''You get more with a kind word and a gun than you do with a kind word alone.'' We can substitute ''ballistic missile'' for ''gun'' and the names of some modern day Al Capones.

The term ''rogue countries'' is an unfortunate phrase, since it suggests that their behavior might be erratic. While unusual to us, their actions are rational for them and not unpredictable. To say that such countries would be deterred or dissuaded from using terrorist attacks, cruise missiles or ballistic missiles with weapons of mass destruction, because of the vastly greater power of the U.S. and the West, is to misunderstand. As Lenin said, ''the purpose of terrorism is to terrorize.'' these are terror weapons, and they work.

Having these capabilities in the hands of such countries forces a different calculation on the part of the U.S. and any nation that has interests in their regions.

* * * * *

The Commission's unanimous conclusions were these:

China and Russia continue to pose threats to the U.S., although different in nature. Each is on an uncertain, albeit different, path. With respect to North Korea and Iran, we concluded each could pose a threat to the U.S. within five years of a decision to do so, and that the U.S. might not know for several years whether or not such a decision had been made. Given that UNSCOM sanctions and inspections are unlikely to be in place it is increasingly clear that Iraq has to be included with North Korea and Iran.

We concluded unanimously that these emerging capabilities are broader, more mature, and evolving more rapidly than had been reported, and that the intelligence community's ability to provide timely warning has been and is being eroded and that the warning time of deployment of a ballistic missile threat to the United States is reduced. Finally, we concluded that under some plausible scenarios, including re-basing or transfer of operational missiles, sea- and air-launch options, shortened development programs that might include testing in a third country, or some combination of these, the U.S. might well have little or no warning before operational deployment.

* * * * *

One important reason is that the emerging powers are secretive about their programs and increasingly sophisticated in deception and denial. They know considerably more than we would like them to know about the sources and methods of our collection, in no small part through espionage. And they use that knowledge to good effect in hiding their programs.

We concluded that there will be surprises. It is a big world, it is a complicated world, and deception and denial are extensive. The surprise to me is not that there have been and will continue to be surprises, but that we are surprised that there are surprises. We don't, won't, and can't know everything. We must recognize that some surprises will occur and take the necessary steps to see that we invest so that our country is arranged to deal with the risks that the inevitable surprises will pose. As von Clausewitz wrote, ''The unexpected is the prince of the battlefield.''

* * * * *

The second key factor relative to reduced warning is the extensive and growing foreign assistance, technology transfer and foreign trade in ballistic missile and weapons of mass destruction capabilities. Foreign trade and foreign assistance are, in our view, not a ''wild card.'' They are a fact. The contention that we will have ample warning of developments in nations with ''indigenous'' ballistic missile development programs misses the point. I don't know of a single nation on earth with an ''indigenous'' ballistic missile program. There may not have been a truly indigenous ballistic missile development program since Robert Goddard. The countries of interest are helping each other. They are doing it for a variety of reasons—some strategic, some financial. But, be clear—technology transfer is not rare or unusual, it is pervasive.

The intelligence task is difficult. There are more actors, more programs and more facilities to monitor than was the case during the Cold War. Their assets are spread somewhat thinly across many priorities. Methodological adjustments relative to collecting and analyzing evidence is, in our view, not keeping up with the pace of events. We need to remember Baldy's Law: ''Some of it (what we see), plus the rest of it (what we don't see) equals all of it.'' Or, as Dr. Bill Graham frequently reminded us, ''The absence of evidence is not evidence of absence.''

Specifically, Russia and China have emerged as major suppliers of technology to a number of countries. There is the advent and acceleration of trade among second-tier powers to the point that the development of these capabilities may well have become self-sustaining. Today they each have various capabilities the others do not. As they trade—whether it's knowledge, systems, materials, components, or technicians—they benefit from each other and are able to move forward on separate development paths, all of which are notably different from ours or that of the Soviet Union. And, they are able to move at a more rapid pace.

To characterize the programs of target nations as ''high-risk'' is a misunderstanding of the situation. These countries do not need the accuracies the U.S. required. They do not have the same concerns about safety that the U.S. has. Nor do they need the high volumes the U.S. acquired. As a result, they are capable of using technologies, techniques and even equipment that the U.S. would have rejected as too primitive as much as three decades ago. But let there be no doubt—they are successfully and rapidly developing the capabilities necessary to threaten the United States.

As I mentioned, we considered a series of ways nations can shorten the missile development process and, therefore, warning time. They include launching shorter-range missiles by air or sea, by placing them in another country, by missile testing in another country, by the turn-key sale of entire ballistic missile systems to other countries, or some combination.

These approaches have been characterized as ''unlikely.'' But each has been done. They are not new, novel, high-risk or unlikely.

As Jim Woolsey pointed out, making ICBMs was like the old 4-minute mile barrier. It seemed impossible until Roger Bannister broke it. Today it's relatively easy.

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On the subject of sanctions, you will recall that President Clinton recently said that sanctions legislation causes them to ''fudge.'' It was an honest statement. However, ''fudging'' can have a dangerous effect.

There are several ways to ''fudge'': First, simply don't study or analyze a matter if the answer might put your superiors in an uncomfortable position; delay studying or reporting up information that would be ''bad news''; narrowly construe an issue, so that the answer will not be adverse to your boss's views or positions; and last, select assumptions that assume that the answer will lead to your desired conclusions. For example, you could study carefully whether or not the U.S. will have adequate warning of ''indigenous'' ballistic missile development programs, even though ''indigenous'' ballistic missile development programs don't exist.

In short, the effect of ''fudging'' is to warp and corrupt the intelligence process. It is corrosive. Leaders have to create an environment that is hospitable to the truth—whether it is bad news or good news—not an environment that forces subordinates to trim, hedge, duck and, as the President said, ''fudge.''

* * * * *

The recent TD–1 space launch vehicle test is an object lesson and also a warning. Many were skeptical for technical reasons that the TD–1 could fly at all. It had been the conventional wisdom that ''staging'' and systems integration were too complex and difficult for countries such as North Korea to accomplish in any near time frame. Yet North Korea demonstrated staging twice.

The likelihood that a TD–2 will be successfully tested has gone up considerably since the August 31st flight. The likelihood that a TD–2 flight could exceed 5,000 to 6,000 kilometers in range with a nuclear payload has gone up as well. And, the likelihood that we will not know very much in advance of a launch what a TD–2 will be capable of continues to be high.

Now, the TD–1 launch was interesting with respect to North Korea, but given the reality of technology transfer, what happens in North Korea also is important with respect to other countries, for example, Iran. We can be certain that North Korea will offer that capability to other countries, including Iran. That has been their public posture. It has been their private behavior. They are very, very active marketing ballistic missile technologies. In addition, Iran not only has assistance from North Korea, but it also has assistance from Russia and China, which creates additional options and development paths for them.

* * * * *

What does this all mean by way of warning? Well, it powerfully reinforces our Commission's conclusions that technology transfer is pervasive and that deception and denial work. I've mentioned ''surprises,'' which of course go to the issue of warning. When do we know something? Put another way—when is what we do know sufficiently clear that it becomes actionable?

Roberta Wohlstetter's brilliant book Pearl Harbor, and the foreword to it, compellingly argue that: ''. . . we were not caught napping at the time of Pearl Harbor. We just expected wrong. And it was not our warning that was most at fault, but our strategic analysis. We were so busy thinking through some ''obvious'' Japanese moves that we neglected to hedge against the choice they actually made.''

It may have been a somewhat ''improbable'' choice, but it was not all that improbable. We provided the undefended target, and if we know anything from history, it is that weakness is provocative. Weakness entices others into adventures they otherwise would avoid. ''The risk is that what is strange is thought to be ''improbable,'' and what seems improbable is not taken seriously.''

The book goes on to point out that: ''Surprise, when it happens to a government, is likely to be a complicated, diffuse bureaucratic thing. It includes neglect of responsibility, but also responsibility so poorly defined or so ambiguously delegated that action gets lost. It includes gaps in intelligence, but also intelligence that, like a string of pearls too precious to wear, is too sensitive to give to those who need it (and this is happening today). It includes the alarm that fails to work, but also the alarm that has gone off so often it has been disconnected. It includes the unalert watchman, but also the one who knows he'll be chewed out by his superior if he gets higher authority out of bed. It includes the contingencies that occur to no one, but also those that everyone assumes somebody else is taking care

of. It includes straightforward procrastination, but also decisions protracted by internal disagreement. It includes, in addition, the inability of individual human beings to rise to the occasion until they are sure it is the occasion, which is usually too late.

''The results, at Pearl Harbor, were sudden, concentrated, and dramatic. The failure, however, was cumulative, widespread, and rather drearily familiar. This is why surprise, when it happens, is everything involved in a government's failure to anticipate effectively.''

Does that sound familiar?

* * * * *

Our Commission's unanimous recommendation was that U.S. analyses, practices and policies that depend on expectations of extended warning of deployment of ballistic missile threats be reviewed and, as appropriate, revised to reflect the reality of an environment in which there may be little or no warning. Specifically, we believe the Department of State should review its policies and priorities, including sanctions and non-proliferation activities, as well as our alliance activities; the intelligence community should review U.S. collection capabilities, given their changing and increasingly complex task; and, last, that the defense establishment should review both U.S. offensive and defensive capabilities as well as strategies, plans, and procedures that are based on an assumption of extended warning.

In short, we are in a new circumstance and the policies and approaches that were appropriate when we could rely on extended warning no longer apply.

* * * * *

Recently I have been asked about the reception our report has received. I would say it has been surprisingly good.

First, the press. The reaction was superb from Bill Safire, but across the country it has been modest. But then there has been a lot of unusual news competition here in Washington, D.C., to say nothing of the news of:

Russia's economic problems and protests and the last Soviet intelligence chief, Mr. Primakov, being named Prime Minister.

The Asian financial crisis.

The Chicago Cubs' Sammy Sosa's brilliant chase for the home run title, to say nothing of Mr. McGwire's accomplishment.

And, if you can believe it, Quaddafi, of all people, holding a 5-nation summit.

As to the Department of State and the National Security Council, I am not aware of any public reaction.

The only reaction from the Department of Defense I am aware of was to reiterate their belief that the U.S. will have ample warning of ''indigenous'' ballistic missile development programs, with which we, of course, would readily agree, if, in fact, any ''indigenous'' ballistic missile programs actually existed—which they don't. As General Lee Butler said at one of our Commission's Congressional hearings, ''If you are determined to do it, there is no body of evidence that cannot be ignored.''

In the Intelligence Community we see positive changes already. I think it is reasonably certain that the next National Intelligence Estimate will look quite different from the last one. The initial press report on the release of the Commission's findings quoted an ''anonymous CIA source'' as contending that our report was a ''worst case.'' But that was before the North Korean three-stage TD–1 launch in August. We have not seen that phrase used again since. Indeed, our report could prove to have been a ''best case,'' if and when North Korea and/or Iran announce and demonstrate still greater ballistic missile and weapons of mass destruction capabilities, as they most surely will in the months ahead.

* * * * *

We are in a relaxed post-Cold War environment, with increased exchanges of scientists and students, relaxed export controls, leaks of classified information appearing in the press almost daily, espionage continuing apace, an explosion of ''demarches,'' which provide vital information that eventually is used to our disadvantage, and increased international trade of sophisticated dual-use technology.

It is increasingly clear that anti-proliferation efforts, coupled with the inevitable imposition of still more sanctions—which already cover a large majority of the people on earth—are not stopping other nations from acquiring increasingly sophisticated weapons of mass destruction and missile technologies.

There are two schools of thought as to how to deal with this obvious failure:

One is to try still harder and impose still more sanctions.

The second approach is to seriously work to prevent the availability of the most important technologies, try to delay the availability of the next tier of information, but to recognize that we live in a world where those who don't wish us well will inevitably gain sophisticated weapons, and that, therefore, the answer is to invest as necessary in the offensive and defense capabilities and the intelligence assets that will enable us to live with these increasingly dangerous threats.

* * * * *

We hear a lot about the defense budget and the top line pressure—that we can't afford more. Look, our country may not be wealthy enough to do everything in the world that everyone in the world may wish, but the first responsibility of government is to provide for the national security. And, let there be no doubt, our country is more than wealthy enough to do everything important that we need to do. Defense expenditures at 3% of GNP are the lowest in my adult lifetime. We need to stop the mindless defense cuts, rearrange our national defense to fit the post-Cold War world, and invest as necessary to assure our nation's ability to contribute to peace and stability in our still dangerous and increasingly untidy world.

* * * * *

I am optimistic that we will find our way. We are not a nation with but one leader. Our strength is that we have multiple centers of leadership.

Our central purpose remains as compelling as ever. Quite simply, it is to guard the ramparts of freedom and to expand freedom at home and light its way in the world. This means encouraging freedom abroad and enriching it here at home. It requires purposeful diplomacy underpinned by strong, flexible military power and persuasive moral leadership.

As Theodore Roosevelt once said, ''Aggressive fighting for the right is the noblest sport that the world affords.'' To those gathered here this evening, who do that each day, you have my thanks and appreciation. Thank you very much.●

THE SECRET SERVICE'S BERNARDINO STABILE—OUTSTANDING AMERICAN

● Mr. KENNEDY. Mr. President, I rise today to pay tribute to Bernardino R. Stabile on his retirement from the Secret Service. A military veteran and dedicated civil servant, Mr. Stabile has completed 53 outstanding years in service to the government.

Mr. Stabile has served with great distinction for the past 25 years as an Operations Support Technician in the Boston Field Office of the Secret Service, working in support of the agency's protective and investigative missions.

Earlier, Mr. Stabile had served for 27 years in the United States Marine Corps. He served in the South Pacific in World War II, including the Marshall Islands, Saipan, and Iwo Jima. He also served in the Korean War in the 1950's, was part of the Dominican Republic operation in 1965, and had two tours of duty in Vietnam in the 1960's.

In the course of this extraordinary career, he became a highly decorated Sergeant Major and received numerous commendations, including the Bronze Star, the Navy Commendation Medal, the Presidential Unit Citation, and the Navy Unit Citation. Some say, once a ''boot,'' always a ''boot.'' But Sergeant Major Stabile took many ''boots'' over the years and developed them into effective leaders.

Throughout his brilliant career, Bernardino Stabile has served his country with commitment, dedication, bravery, integrity, honor, and patriotism of the highest order. He deserves the gratitude of the Senate and the nation, and I am proud to take this opportunity to praise his outstanding service.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 13, 1998, the federal debt stood at $5,537,720,928,486.41 (Five trillion, five hundred thirty-seven billion, seven hundred twenty million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents).

Five years ago, October 13, 1993, the federal debt stood at $4,403,485,000,000 (Four trillion, four hundred three billion, four hundred eighty-five million).

Ten years ago, October 13, 1988, the federal debt stood at $2,616,702,000,000 (Two trillion, six hundred sixteen billion, seven hundred two million).

Fifteen years ago, October 13, 1983, the federal debt stood at $1,383,620,000,000 (One trillion, three hundred eighty-three billion, six hundred twenty million) which reflects a debt increase of more than $4 trillion—$4,154,100,928,486.41 (Four trillion, one hundred fifty-four billion, one hundred million, nine hundred twenty-eight thousand, four hundred eighty-six dollars and forty-one cents) during the past 25 years.●

IN MEMORY AND HONOR OF LOUIS L. REDDING

● Mr. BIDEN. Mr. President, I rise today to honor one of Delaware's, indeed this nation's, legal legends.

Louis L. Redding was the first African-American admitted to the Delaware Bar in 1929. As one of the preeminent civil rights advocates in the country, Redding was sought after to

participate in the argument before the U.S. Supreme Court in the landmark *Brown* v. *Board of Education*, 347 U.S. 483 (1954), which led to the end of legal segregation in our nation's public schools. *Brown* included a Delaware case Redding had won in the State Chancery Court holding that nine black children had the right to attend white public schools.

Louis L. Redding died Monday, September 28, 1998, at the age of 96. His death is obviously a time of sadness, but also a time to celebrate his truly pioneering life and spirit.

Time and time again, Redding not only overcame adversity—he excelled in the face of it. He pursued justice persistently and passionately—standing up for equal rights in education, public accommodations and criminal law.

Redding, a 1928 Harvard University Law School graduate, broke the color barrier in the Delaware Bar after 253 years of this all-Caucasian group. When he took the Delaware Bar Examination with eight other white law school graduates, he was given a different, harder test. He passed with the top grades. After he was admitted to the Delaware Bar in 1929, he remained the only minority attorney in Delaware for another twenty-seven years.

It even took twenty years for the Delaware State Bar Association to allow him to become a member—and again he excelled in the face of adversity—becoming Vice President of this once all-white Association.

Redding earned national respect with a series of sweeping civil rights victories in the Delaware courts. In 1950, he successfully argued *Parker* v. *University of Delaware*, Del. Ch., 75 A.2d 225 (1950), which held that the University of Delaware's refusal to admit blacks was unconstitutional because the State's black institution, Delaware State College, was woefully inferior.

He next filed the public school racial segregation case, *Belton* v. *Gebhardt*, Del. Ch., 87 A.2d 862 (1952), aff'd, Del. Supr., 91 A.2d 137 (1952). This was the only case ultimately affirmed by the U.S. Supreme Court in *Brown*. Most Americans associate the name of Redding's distinguished fellow NAACP attorney, Thurgood Marshall, with this school desegregation case, since he achieved greatness as a U.S. Supreme Court Justice. And that's just how Redding preferred it. He preferred a lower profile, using his great skills to get the job done.

After the U.S. Supreme Court's *Brown* v. *Board of Education* decision, Redding dedicated his practice to implementing the desegregation order. In 1956, he filed a class action suit in the federal District Court in Delaware seeking to compel a school district to establish a desegregation plan. It took another twenty years for a court order forcing the implementation of this plan. Again, Redding persistently plodded along in the pursuit of justice.

Redding also set precedent in ending discrimination in public accommodations. In 1961, he won another U.S. Supreme Court case, representing former Wilmington City Councilman William ''Dutch'' Burton, allowing blacks to eat at the same counter with whites at the Eagle Coffee Shoppe owned by the Wilmington Parking Authority.

It is worth noting that Redding did not consider the U.S. Supreme Court victories to be his greatest legal achievements. Instead, he said his most significant accomplishment was desegregating Delaware's courtrooms. In an interview in 1990, Redding said:

> I suppose that really what I am most proud of . . . is my undertaking years back to break up segregation in seating in the courtrooms (of Delaware) . . . It was pretty horrible to go into a courtroom and see blacks seated in one place and whites in another. That's the way I found it when I came in.

Ironically, Redding was not particularly proud of his distinction as the first African-American attorney in Delaware. In a characteristically, blunt, honest statement, Redding once said. ''How can you boast about being the first when you realize it was the result of racism and antipathy?''

And Redding downplayed his role as a civil rights and civil liberties pioneer. In a 1974 speech at Notre Dame University, he said: ''I am just a pedestrian, journeyman lawyer who happens to have been practicing in a state where the necessities of the situation made me participate in civil rights activities.''

The trails Redding blazed, however, set the course for those of us who are humbled to follow in his footsteps.

On a very personal note, Louis Redding was one of my heroes. His leadership in the civil rights movement got me interested in politics. I first met him in 1969 when I was working as a young, public defender representing many in the black community in civil and criminal cases.

And make no mistake about it—he commanded respect in the community and in the courtroom. In the black community, he respectfully was known as ''Lawyer Redding.'' Of course to me, it was never ''Lou,'' I always said ''Mr. Redding, Sir.'' Indeed, he was quite a presence in the courtroom, with his tailored, conservative suits and button-down shirts. His standard was excellence, as he fought for the poorest and most discriminated among us.

Fortunately for us, Louis Redding's legacy and spirit live on in our community, and in his three daughters and five grandchildren. His name also appropriately graces a middle school and the New Castle County/City of Wilmington public building. His bronze statute stands erect surrounded by young children in the pubic square as well.

Louis L. Redding, noted civil rights attorney, teacher, loyal son, father, and grandfather—we will miss you greatly, and vow to keep your legacy alive.●

MEREDITH BIXBY DONATION

● Mr. ABRAHAM. Mr. President, I rise today to recognize Meredith Bixby of Saline, Michigan. Mr. Bixby is the father of the Meredith Marionettes Touring Company and is donating his collection of marionette puppets to the Saline Culture and Commerce Center for permanent exhibit.

For more than forty years, Mr. Bixby toured with his Meredith Marionettes Touring Company across the Midwest and South staging shows in schools, theaters, and community centers. Each year nearly a quarter of a million children enjoyed the marionette magic Mr. Bixby brought to them.

Mr. Bixby has been a leader in puppeteering for nearly five decades. He is affectionately known as the ''Master of the Marionettes'' and built his own marionettes and produced many original shows. He is also one of the original founding members of The Puppeteers of America, which is celebrating its 60th anniversary this year.

This permanent exhibit is a cooperative effort of the Michigan Council for Arts and Cultural Affairs, the City of Saline, the Bixby Project Group, and Saline Area Chamber of Commerce. This exhibit will preserve the memory of Meredith Bixby's work and educate new generations of children of the art and entertainment of marionettes.

I once again congratulate Meredith Bixby for his years of providing quality entertainment and the gracious donation of his collection to the community of Saline.●

ROBERT F. DEASY

● Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people—people who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part of something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Robert Deasy.

Bob Deasy worked for more than forty years as an accountant with Travelers and Phoenix Fire Insurance before retiring more than twenty years ago. Throughout his life, Bob has been remarkably active in the Rocky Hill community.

From 1973 to 1985, he served as Rocky Hill's registrar of voters, where he worked closely with the Secretary of State's office. He has also been a member of American Legion Post 123 in Rocky Hill for more than 30 years, and he served for eight years as the Post's commander. Through the American Legion, he reached out to young people in the area by coordinating their Boys State and Girls State activities, which provide young people with an opportunity to see how their government

works. He also organized Rocky Hill's Memorial Day parade on many occasions, which earned him a citation from the city for exemplary service.

In 1990, he was recognized for his outstanding service to the community by the Wethersfield/Rocky Hill Elk's Club when they named him their ''Citizen of the Year.''

Bob also sat on the finance council at St. James Church for ten years, where he helped to strengthen this important house of worship.

But even greater than his commitment to his church and his community is his devotion to his family. Bob has been a devoted husband to his wife Mildred and together they have raised three children, and they enjoy the company of five grandchildren.

Bob also possesses a passion for politics. He has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with him and to become his friend. I am particularly thankful to Bob for encouraging his granddaughter Adria to become involved in public service. For the past four years she has worked in my Washington office. It has been a pleasure working with her, and she has only enhanced my already high opinion of the Deasy family.

This Friday, the Rocky Hill Democratic Town Committee will bestow upon Bob their Chairman's Award in gratitude for their work for the party. This award is well deserved, and I congratulate Bob on this honor.

But, as I stated earlier, Bob Deasy's devotion was not to a political party, it was to a community. And thanks to Bob and people like him, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Bob for all that he has done for the people of Connecticut, and I wish him all the best in his future endeavors.●

A TRIBUTE TO DR. KENNETH JERNIGAN, PRESIDENT EMERITUS OF THE NATIONAL FEDERATION OF THE BLIND

● Mr. SARBANES. Mr. President, today I rise to pay tribute to a man who has dedicated his life to improving opportunities for others. He is Dr. Kenneth Jernigan, who served as President of the National Federation of the Blind from 1968 to 1986 and as the Federation's President Emeritus until his death on October 12, 1998. In these capacities, Dr. Jernigan has become widely recognized and highly respected as the principal leader of the organized blind movement in the United States.

On September 14, 1998, Mr. President, I was privileged to attend an especially moving ceremony to recognize Dr. Jernigan for worldwide leadership in the development of technology to assist blind people. The award, consisting of $15,000 Canadian and a 2-ounce gold medallion, was given by the Canadian National Institute for the Blind, and the event was held at the Canadian Embassy here in Washington.

This recognition by our neighbors to the north was a tangible expression, Mr. President, of the respect which Dr. Jernigan has earned throughout his lifetime of service on behalf of blind people in the United States and around the world. Through his grit, determination, and skill, Dr. Jernigan achieved personal success. But more important than that, as a lifetime teacher and mentor, he gave others the chance for success as well.

Born blind in 1926, Kenneth Jernigan grew up on a small Tennessee farm with little hope and little opportunity. But, Mr. President, in the story of Kenneth Jernigan, from his humble beginning in the hills of Tennessee to his stature as a national—and even an international—leader, the story of what is right with American is told.

Dr. Jernigan may have been blind in the physical sense, Mr. President, but he was a man of vision nonetheless. In his leadership of the National Federation of the Blind, he taught all of us to understand that eyesight and insight are not related to each other in any way. Although he did not have eyesight, his insight on life, learning, and leading has no equal.

Mr. President, for those who knew him and loved him, for the blind of this country and beyond, and for the National Federation of the Blind—the organization that he loved and built—the world without Kenneth Jernigan will be difficult. But the world he has left in death is a far better world because of his life.

The legacy which Dr. Jernigan has left is shown in the hundreds of thousands of lives that he touched and the lives that will still be touched by his example and the continuing power of his teaching. This will be the case for many generations to come. Mr. President, Kenneth Jernigan will be missed most by his family and friends, but his loss will be shared by all of us because he cared for all of us. He cared enough to give of himself. With the strength of his voice and the power of his intellect, he brought equality and freedom to the blind. As he did so, Mr. President, Kenneth Jernigan taught us all to love one another and live with dignity. That is the real and lasting legacy of Kenneth Jernigan.

Mr. President, on September 24, 1998, an article entitled ''Friends Pay Homage to Crusader for the Blind, Jernigan Still Working Despite Lung Cancer'' appeared in the Baltimore Sun. Because it presents a fitting tribute to Dr. Jernigan's life and work, I ask to insert the text of this article in the RECORD at this point.

The article follows.

FRIENDS PAY HOMAGE TO CRUSADER FOR THE BLIND, JERNIGAN STILL WORKING DESPITE LUNG CANCER

(by Ernest F. Imhoff)

A steady stream of old friends—maybe 200 in the past months—have been visiting Kenneth Jernigan at his home in Irvington. Pals who followed the old fighter for the blind as he tenaciously led fights for jobs, for access, for independent living, for Braille, and for civil rights have come to say thank you and goodbye to a dying blind man they say expanded horizons for thousands of people. James Omvig, a 63-year-old blind lawyer, and his sighted wife Sharon flew from Tucson, Ariz., to visit with the president emeritus of the National Federation of the Blind (NFB), who is in the latter stages of lung cancer. ''The wonderful life I've had is all due to Dr. Jernigan,'' Omvig said. In the 1950s, he ''was sitting around at home'' in Iowa, after learning chair-making, until he met Jernigan and began studying Braille and other subjects. Omvig then graduated from college, got a law degree, became the first blind person hired by the National Labor Relations Board and later developed programs for the blind at Social Security in Baltimore, Alaska, and elsewhere.

One topic of conversation among the friends has been Jernigan's latest project, a proposed $12 million National Research and Training Institute for the Blind for NFB headquarters in South Baltimore.

Last week, Larry McKeever, of Des Moines, who is sighted and has recorded material for the 50,000-member federation, came to chat and cook breakfast for the Jernigans. Donald Capps, the blind leader of 58 South Carolina NFB chapters, called to congratulate Jernigan on being honored recently at the Canadian Embassy for his Newsline invention that enables the blind to hear daily newspapers.

Floyd Matson, who is sighted and has worked with Jernigan for 50 years, came from Honolulu to be with ''my old poetry and drinking buddy.''

A dramatic example of the high regard in which blind people hold Jernigan came during the annual convention of 2,500 NFB members in Dallas in July. A donor contributed $5,000 to start a Kenneth Jernigan Fund to help blind people.

Quickly, state delegations caucused and announced their own donations. The result: pledges of $137,000 in his honor.

Jernigan, 71, who was born blind and grew up on a Tennessee farm with no electricity, learned he had incurable lung cancer in November. In the past 10 months, Jernigan has been almost as busy as ever. He has continued projects such as editing the latest in his large-type ''Kernel Book'' series of inspirational books for the visually impaired. But his focus has been the proposed four-story institute, for which $1 million has been raised. It will house the nerve center of an employment program; research and demonstration projects leading to jobs and independent living; technology training seminars; access technology, such as applications for voting machines, airport kiosks and information systems; and Braille literacy initiatives to reverse a 50 percent illiteracy rate among visually impaired children.

In fighting for the blind, Jernigan has frequently been a controversial figure. Before he moved to Baltimore in 1978, the Iowa Commission for the Blind, which he headed, was the subject of a conflict-of-interest investigation by a gubernatorial committee. In the end, Gov. Robert Ray felt the committee's report vindicated the commission. The governor and the committee described the commission's program for the blind as ''one of the best in the country.''

There are good things in everything, even this illness,'' said his wife, Mary Ellen Jernigan. ''You expect to hear from old friends. But in letters and calls, we hear from hundreds of people we don't know.''●

PITNEY BOWES

● Mr. LIEBERMAN. Mr. President, I rise today to acknowledge an important milestone by an important institution in my home state of Connecticut—Pitney Bowes. For the past 78 years, Pitney Bowes has been at the forefront of technological innovation. The postage metering mechanisms that the company patented more than seven decades ago have faithfully performed their everyday task of metering postage.

Twenty years ago Pitney Bowes introduced a postage by phone system, which allowed businesses to refill their postage meters over the phone. This technology has just passed a major milestone. Recently, Pitney Bowes announced the signing of its one-millionth active postage by phone customer. Connecticut's Governor, John Rowland, was on hand to commemorate this event and presented the company with a proclamation noting that nearly three quarters of a billion dollars in time and labor have been saved since the postage by phone system was implemented.

Together with numerous mass mailing machines developed over the years, Pitney Bowes has changed the face of commerce. They enabled mass mail marketing and created millions of jobs. Indeed, every member of this body has had a campaign that depended on the mass mail systems developed by Pitney Bowes.

However, Pitney Bowes is not just postage meters. It's not just faxes, copiers, software, business services, financial services, or cryptographic security for cyberspace transactions and communications. It is not just PC postage metering which makes it possible for businesses to print postage using only a PC and a standard printer. It is not just the $100 million in R&D it spends each year or the dozens of new patents that Pitney Bowes receives annually. It is not just cutting-edge technology.

The spirit of Pitney Bowes is found in its people. More than one million customers, mostly small businesses, use Pitney Bowes products to efficiently conduct their business. Tens of millions of our citizens benefit from the company's mailing and messaging systems. More than thirty thousand employees—seven thousand of these in Connecticut—are dedicated to making all of our jobs easier. It is this spirit that has resulted in Pitney Bowes being repeatedly listed as one of the 100 best companies to work for in America, recognized as providing meaningful opportunities for women and minorities, and respected as a leader in the Connecticut business community.

Congratulations to the Pitney Bowes workforce on this new milestone.●

DR. ROBERT F. FURCHGOTT

● Mr. MOYNIHAN. Mr. President, today I rise to congratulate Dr. Robert F. Furchgott of the State University of New York Health Science Center at Brooklyn on winning the 1998 Nobel Prize in Physiology or Medicine.

Dr. Furchgott, along with Dr. Louis J. Ignarro of the University of California at Los Angeles, and Dr. Ferid Murad of the University of Texas, were awarded the Nobel Prize for their discoveries of how natural production of nitric oxide can mediate a wide variety of bodily actions. Those include the regulation of blood pressure, widening blood vessels, preventing the formation of blood clots, fighting infections, reducing sexual dysfunction, and functioning as a signal molecule in the nervous system.

The bestowment of this prestigious honor to Dr. Furchgott brings long overdue recognition to the medical research conducted at ''SUNY Downstate''. I commend Dr. Furchgott and the entire staff of the State University of New York Health Science Center at Brooklyn for their many contributions to the field of medicine.

Mr. President, I ask that the article on Dr. Robert F. Furchgott from the New York Times be printed in the RECORD.

The article follows.

RESEARCH HONOR GOES TO THE BROOKLYN SIDE

(By Jennifer Steinhauer)

The State University of New York Health Science Center at Brooklyn has always been a bit of an underdog among the city's medically elite institutions. In spite of its groundbreaking work in the study of AIDS, alcoholism and other illnesses, kudos most often went to hospitals and research centers on the other side of the Brooklyn Bridge, like Mount Sinai and New York University.

But yesterday, SUNY Downstate, as the science center is known, earned its boasting rights over Manhattan when Dr. Robert F. Furchgott, a distinguished professor of pharmacology there, received a Nobel Prize in Physiology or Medicine, the highest recognition possible for a body of work that most Americans would recognize only in the form of Viagra.

Dr. Furchgott, 82, is in many ways a quintessential representative of Downstate, which had never received that Nobel Prize and is better known to most New Yorkers as the college that provides doctors to Kings County Hospital Center, one of the city's busiest and perhaps most embattled hospitals.

Colleagues described Dr. Furchgott as modest, spending nearly every day nibbling sandwiches and eating yogurt in his office while poring over scientific journals, or toiling in his laboratory, pondering the mysteries of nitric, pondering the mysteries of nitric oxide.

''His personal modesty stands in marked contrast to his magnificent achievement,'' said Dr. Eugene B. Feigelson, the college's dean of medicine. ''It is a source of pride for the entire institution and to Brooklyn and is a further distinction for us and for the State University of New York.''

When asked to reflect on his honor, Dr. Furchgott seemed almost dismissive. ''I was kind of surprised,'' he said in a telephone interview from his home in Hewlett, N.Y. ''My work is sort of old-fashioned pharmacology.

''Is it the highlight of my career? I guess in a way, though you don't do research to win prizes. You do it because you're curious about what makes things tick.''

Sure, international attention, television cameras planted on the front lawn, phone ringing off the hook with calls from reporters struggling mightily to understand the subtleties of his work—these things have tickled him.

But his favorite moment in his entire career, he said, ''was when we discovered that endothelial cells were necessary for relaxation of arteries.''

''Then,'' he said, ''it was finding that the endothelium-derived relaxing factor was nitric oxide. There have been lots of fun things.''

He is, by admission of his admirers, a serious man of research.

''His lectures were dull, onerous and droning on,'' said Eli A. Friedman, a distinguished teaching professor of medicine at SUNY Downstate and a former student of Dr. Furchgott. ''But the content of his work was profound and inspiring. So if one could get past the fact that he was less than electric competition for Jackie Gleason on television, he was very exciting and moving.''

Dr. Furchgott, who holds a doctorate in biochemistry and is a professor emeritus at Downstate, won his prize for discoveries of new properties of nitric oxide. With colleagues, he was able to demonstrate that the gas nitric oxide can act as a messenger molecule that tells blood vessels to relax and dilate, which lowers blood pressure. The discovery was vital to developing the anti-impotence drug Viagra.

In 1996, he won an Albert Lasker Award in basic medical research, which is often a precursor award to the Nobel Prize. ''Everyone here will walk a little straighter and hold their head a little higher because he is here.'' Dr. Friedman said.

Dr. Furchgott was born in Charleston, S.C., and received a B.S. in chemistry from the University of North Carolina in 1937 and a doctorate in biochemistry from Northwestern University in 1940.

When asked what else he would like known about his career, Dr. Furchgott said: ''Nothing really. I would like to get myself some lunch now.''●

GRACE M. AMODEO

● Mr. DODD. Mr. President, communities are not defined by physical borders. They are defined by people. People who are concerned for the well-being of their neighbors, even if they do not know them. People who want to make their town a good place to raise children. People who recognize the importance of being a part something larger than themselves. Today, I want to speak about one such person who has worked tirelessly to make Rocky Hill, Connecticut a true community: Grace M. Amodeo.

Born in Italy, Grace Amodeo has lived in Rocky Hill for 44 years. Grace is a political pioneer in this town. In 1971, she ran for Mayor of Rocky Hill and earned the nomination of the Democratic party, the first woman to ever do so. Although she didn't win, she did not let that set-back deter her from actively serving her community throughout her life.

Grace Amodeo was a member of the Board of Education for eight years, and she served as the secretary for four years. A woman of strong faith, she was a Eucharistic Minister at St.

James Church. And Rocky Hill has known no stronger advocate on behalf of seniors. Grace was a long-time member of Rocky Hill Seniors and served as their President from 1978 to 1980. She also served on the fundraising committee for the Senior Center. In fact, she was named Rocky Hill's ''Senior of the Year'' in 1983.

Grace's contributions to the community are all the more remarkable when you consider that she and her late husband Tony also raised eight children.

In addition to possessing a commitment to her community, she had a passion for politics, as evidenced by her run for mayor. Grace has been active in local Democratic politics for years, and I consider myself fortunate to have had the opportunity to work with her. This Friday, the Rocky Hill Democratic Town Committee will bestow upon Grace their Chairman's Award in gratitude for her work for the party. This award is well deserved, and I congratulate Grace on this honor.

But, as I stated earlier, Grace Amodeo's devotion was not to a political party, it was to a community. And thanks to Grace and people like her, Rocky Hill, Connecticut remains a tightly knit community with its own identity. It is a place with a strong sense of history that people are proud to call home. I thank Grace for all that she has done for the people of Connecticut, and I wish her all the best in her future endeavors.●

TRIBUTE TO MATTHEW SHEPARD AND HIS FAMILY

● Mrs. MURRAY. Mr. President, I rise today to remember a young man who was wrongly, viciously struck down in the prime of his life. Matthew Shepard was an innocent, kind, young man pursuing his education and enjoying the life of a college student. Tragically, he is now a reminder of what happens when we do not stand up to hate and bigotry.

On Monday night in Seattle and Spokane, Washington, hundreds of people from all walks of life came together to remember Matthew and to call for action to end hate crimes. Many people in Washington were outraged and shared in our nation's sorrow. I was touched by this response and join with so many others in expressing my own deep sense of hopelessness. I know that this was not just an isolated incident. Hate crimes are a real threat. We cannot be silent any longer.

A week ago today, I joined many of my Colleagues down at the White House in celebration of the signing of the Higher Education Reauthorization Act. I was proud to be there to call attention to the importance of this Act. I was proud that the legislation increased opportunities for young students and improved access to quality education for all students. I thought about how important it was for us to be focused on the needs of young Americans and their families striving to achieve a higher education.

I thought of the many college students and high school students I have met who would benefit from these opportunities. I thought about my own college age children and the opportunities they would have. I knew this was a big accomplishment.

Today, my thoughts are with another young college student who will never experience the opportunities and improvements we worked so hard to achieve. My thoughts have gone from improving opportunities to how to prevent the terrible heartache that Matthew Shepard's family and friends are now experiencing.

When I first heard of this horrible crime I immediately felt deep sympathy for Matthew's parents. How frightening it must have been for them to fly half way around the world to be with their child who was almost unrecognizable because of the violent attack he suffered. I can't imagine the pain they must be experiencing. There are simply no words that I could offer in comfort.

I then felt deep sorrow for the community and the University. To know that those who committed this violent and hateful crime are part of their community must be unbearable. This community will never be the same.

I now feel sorry for our nation. What we have lost? A young man with so much potential. What might Matthew Shepard have become? We know that he was interested in political science and very interested in this field of study. Could Matthew have become a U.S. Senator?

I think now that maybe Matthew can teach us all. We need to use this tragic and despicable crime to attack hate as we attack any other disease that kills. We must treat hate crimes as the deadly threat that they are and do more to prevent them. Hate is nothing more than a cancer that needs to be stopped.

S. 1529, Hate Crimes Prevent Act, offers us that opportunity. I am pleased to have joined with many of my Colleagues in cosponsoring this important legislation. The bill would expand the definition of a hate crime and improve prosecution of those who act out their hate with violence. No one beats a person to death and leaves them to die without being motivated by a deep sense of hate. This was no robbery. The motive was hate.

The immediate response of local law enforcement officials illustrates why we need to strengthen federal Hate Crimes laws and why the Federal Government must take a greater role in ending this violence.

I urge all of my Colleagues to think about the many Matthew Shepard, we have all met. Kind and hard working young adults. Let us act now to prevent any more senseless violence and deaths.

It is often said that from tragedy we can learn. Let us learn from this tragic event and make a commitment that we will act on Hate Crimes Prevention legislation. Let our actions serve as a comfort to Matthew's parents and the hundreds of other parents who fear for their children.

There are so many tragedies that we cannot prevent. Another senseless, brutal attack like the one experienced by Matthew is a tragedy that we cannot prevent. We spend millions of dollars a year seeking cures for deadly diseases that strike the young and old. We simply cannot accept a disease that strikes without warning and takes the life of a percious vulnerable child. We need to treat hate the same. It cannot and will not be tolerated.●

DESECRATION OF THE AMERICAN FLAG

Mr. THURMOND. Mr. President, I rise today to express my disappointment that we will not have the opportunity to vote before the end of this session on passage of S.J. Res. 40, the Constitutional amendment to protect the flag of the United States.

Recently, the Majority Leader made a reasonable request for time for debate and then a vote on this amendment. However, the minority unfortunately would not agree. There is not time for extended debate on this issue in the last days of this session, but extended debate should not be necessary.

We have considered this issue in the Judiciary Committee and on the Senate Floor many times in the past. In fact, we have been debating this matter for almost a decade. I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of Texas v. Johnson in 1989. We have held numerous hearings on this in the Judiciary Committee, most recently this past July.

In our history, the Congress has been very reluctant to amend the Constitution, and I agree with this approach. However, the Constitution provides for a method of amendment, and there are a few situations where an amendment is warranted. This is one of them.

The only real argument against this amendment is that it interferes with an absolute interpretation of the free speech clause of the First Amendment. However, restrictions on speech already exist through Constitutional interpretation. In fact, before the Supreme Court ruled on this issue in 1989, the Federal government and the states believed that flag burning was not Constitutionally-protected speech. The Federal government and almost every state had laws prohibiting flag desecration in 1989.

Mr. President, flag burning is intolerable. We have no obligation to permit this nonsense. Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

During moments of despair and crisis in our history, our people have turned to the flag as a symbol of national unity. It represents our nation, our national ideals, and our proud heritage. It is much more than a piece of cloth.

One of the most vivid reminders of the importance of the flag is the Battle of Iwo Jima during World War II some 53 years ago. On the fourth day of the battle, after our troops fought their way onto the beaches and over dangerous terrain, six men raised a United States flag on the highest ridge on Mount Suribachi. That was February 23, 1945, but the battle raged on until March 15, 1945. During those weeks of fighting, the flag served as an inspiration for our troops to keep pressing forward to victory.

Many times, American soldiers have put their lives on the line to defend what the flag represents. We have a duty to honor their sacrifices by giving the flag the Constitutional protection it deserves.

Since we will not be able to turn to this amendment in the closing days of this session, this issue will have to wait for the next Congress. We must not be deterred. I am firmly committed to fighting for this amendment until we are successful.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. DASCHLE. Mr. President, I am pleased to report that, after years of waiting, families facing the tragedy of alcohol-related birth defects can finally expect a coordinated federal response to their needs. The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act, which has been included as part of S. 1754, the Health Professions Education Partnerships Act, will establish a national task force to address FAS and FAE, and a competitive grant program to fund prevention and intervention for affected children and their families.

The Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act was introduced as S. 1875 earlier this year and, with today's Senate passage, will be cleared for the President's signature. It is a modest measure, but its implications—in terms of children saved, families saved, and dollars saved—are dramatic.

Alcohol-related birth defects, commonly known as Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE), wreak havoc on the lives of affected children and their families. The neurological damage done by fetal exposure to alcohol is irreversible and extensive, undercutting normal intellectual capacity and emotional development. A child with FAS or FAE may be unable to think clearly, to discern right from wrong, to form relationships, to act responsibly, to live independently.

The complicated and debilitating array of mental, physical, and behavioral problems associated with FAS and FAE can lead to continual use of medical, mental health, and social services—as well as difficulty learning basic skills and remaining in school, alarming rates of anti-social behavior and incarceration, and a heightened risk of alcohol and drug abuse. FAS is the leading cause of mental retardation in the United States.

And it is 100 percent preventable.

FAS is completely preventable, yet, each year in the United States, some 12,000 children are born with FAS. The rate of FAE may be 3 times that. Researchers believe these conditions are often missed—or misdiagnosed—so the actual number of victims is almost certainly higher.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spina bifida. In some Native American communities, one of every 100 children is diagnosed with FAS.

It has been more than 30 years since researchers identified a direct link between maternal consumption of alcohol and serious birth defects. Yet, the rate of alcohol use among pregnant women has not declined, nor has the rate of alcohol-related birth defects. In fact, both are increasing over time.

The Centers for Disease Control (CDC) reported a sixfold increase in the percentage of babies with FAS born between 1980 and 1995. This increase is consistent with the CDC's finding that rates of alcohol use during pregnancy, especially the rates of ''frequent drinking,'' increased significantly between 1991 and 1995. These findings defy the Surgeon General's warning against drinking while pregnant as well as a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from jeopardizing their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have a staggering fiscal impact. The Centers for Disease Control and Prevention estimates the lifetime private and public cost of treating an individual with FAS at almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

We know FAS and FAE are not ''minor'' problems. They are prevalent; they are irreversible; they are devastating to the victim and his or her family; and they are a drain on societal resources. We know the word is not getting out—or maybe it's not getting through—that drinking alcohol during pregnancy is a tremendous and senseless risk. We know children with FAS and FAE and their families are not receiving appropriate services, and we are all paying the consequences.

Given what we know about FAS and FAE, our governmental and societal response to date are clearly inadequate. With this legislation, we are finally strengthening that response.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the repeated use of medical, mental health and social services that otherwise may be inevitable. It makes fiscal sense, but, far more importantly, it is what we need to do for the children and families who suffer its impact.

The legislation we are sending to the President will establish a national task force of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will tell us how to raise awareness about FAS and FAE—how to prevent it and how to deliver the kinds of services that will enable children and adults with FAS and FAE, and their families, to cope with its devastating effects.

A national task force with membership from outside of, as well as within, the federal government is our best bet if we want to take a realistic look at this problem and address it. The true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to ''reinvent the wheel.''

In conjunction with the task force efforts, the Secretary will establish a competitive grants program. This $25 million program will provide the resources necessary to operationalize the task force recommendations by supporting education and public awareness, coordination between agencies that interact with affected individuals and their families, and applied research to identify effective prevention strategies and FAS/FAE services.

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I'd like to thank the many concerned parents, researchers, educators, advocacy organizations and federal agencies for their invaluable input on this legislation. I am confident this initiative will deliver profound benefits to the Nation, and I am thrilled to see us moving toward its enactment.

TUG AND BARGE SAFETY

Mr. CHAFEE. Mr. President, I rise today to thank the managers of the 1998 Coast Guard Authorization Act for their help in addressing an issue of great importance in Rhode Island: the safety of the tug and barge industry. The managers' amendment to the Coast Guard Authorization Act that passed the Senate on Monday included a provision that will strengthen the regulation of transportation of petroleum by barges in the waters of the Northeast.

I appreciate the cooperation of Commerce Committee Chairman MCCAIN,

Ranking Member HOLLINGS, Subcommittee Chairwoman SNOWE, and Ranking Member KERRY for incorporating my provision into the bill.

I especially want to thank the cosponsor of the provision, Senator JOSEPH LIEBERMAN of Connecticut, for his support. We have worked closely on this issue for several years. Senator DODD of Connecticut also lent his support to the effort.

In order to understand why the Chaffee-Lieberman provisions are necessary, you must go back to the 1996 disaster when the tug *Scandia* and barge *North Cape* grounded on the coast of Rhode Island. After the accident, the Environment and Public Works Committee, which I chair, reported a bill to improve towing vessel safety, and important elements of the bill were included in the 1996 Coast Guard Authorization Act. My intent in enacting 1996 provisions was to improve safety in the towing industry so as to prevent a repetition of a disaster like the 1996 *Scandia/North Cape* spill in Block Island Sound.

In October, 1997 the Coast Guard issued rules to implement the 1996 towing vessel legislation. I and others concluded that the proposed rules might not prevent a repetition of the *Scandia/North Cape* disaster and asked the Coast Guard to reconsider. The Coast Guard is now reworking the rules and expect to issue an interim final national rule on anchoring and barge retrieval systems in November 1998. They will repropose fire suppression regulations in January 1999.

Senator LIEBERMAN and I also were concerned that the proposed rules did not implement the recommendations of the Regional Risk Assessment Team or ''RRAT,'' which forged a remarkable consensus among Coast Guard District One, the States, the environmental community, and the regulated industry on rules, to improve safety and reduce risks in the waters of the Northeast States.

The team was assembled by the Marine Safety Office in the First Coast Guard District shortly after the *North Cape* spill. The RRAT met for six months and, in February 1997, delivered a report with extensive regulatory recommendations. Regulations were proposed in the following areas: vessel manning, anchors and barge retrieval systems, voyage planning, navigation safety equipment aboard towing vessels, enhanced communications, vessel traffic schemes and exclusion zones, lightering activities, tug escorts, and crew fatigue.

The report was signed by the RRAT Steering Committee members: the Chief of the Marine Safety Division of the First Coast Guard District, the American Waterway Operators (on behalf of the regulated industry), Save the Bay (on behalf of environmental organizations), and the Rhode Island Department of Environmental Management (on behalf of states participating in the RRAT).

The Coast Guard was deeply involved in the RRAT process. The First Coast Guard District facilitated RRAT meetings, prepared the agendas and minutes, and lent other administrative support to the effort. In June 1997, the First Coast Guard District also forwarded its plan to implement the RRAT recommendations to Coast Guard Headquarters.

It was the expectation of the state, environmental, and industry RRAT participants that the RRAT recommendations for regional regulations would be included as a part of the rulemaking to implement the towing vessel safety provisions in the Coast Guard Authorization Act of 1996. This was a reasonable expectation based upon the level of Coast Guard involvement in the development of the consensus RRAT recommendations, which were then endorsed by the Coast Guard Officer charged with marine safety in the RRAT study area.

Unfortunately, the regulations proposed by the Coast Guard in October 1997, did not incorporate the RRAT's recommendations for regional regulations. It also rejected specific RRAT recommendations on anchor and emergency retrieval provisions. Subsequent inquiry by Senator LIEBERMAN and myself revealed that the Coast Guard did not have any future plan to issue the RRAT's recommended regulations.

This decision by the Coast Guard was simply not acceptable. In April 1998, Senator LIEBERMAN and I asked that the Coast Guard immediately issue the regional regulations. This same request was made by many others in New England, including States environmental departments, regional and local environmental organizations, and private citizens in written comments, and at an April 9, 1998, hearing in Newport, Rhode Island.

To its great credit, the Coast Guard has reevaluated its initial rejection of regional regulations. The Coast Guard has embraced the RRAT recommendations, and has been making admirable progress of implementing the RRAT report. I am pleased to report that the Coast Guard will publish a proposed regional regulation in the Federal Register today. Because of its proactive reponse to the concerns that Senator LIEBERMAN and I raised, the Coast Guard is in position to meet the aggressive deadlines in the Chafee-Lieberman provision in this year's Coast Guard bill.

The Chafee-Lieberman provision, section 311 of the managers' amendment to H.R. 2204, directs the Coast Guard to issue regulations for towing and barge safety for the waters of the Northeast, including Long Island Sound. Section 311 directs the Coast Guard to give full consideration to each of the regulatory recommendations made by the RRAT and explain in detail if any recommendation is not adopted.

Section 311 directly addresses anchoring and barge retrieval systems on a regional basis only. It is my understanding the Coast Guard is planning to issue a nationwide national interim final regulation on the anchor requirement by the end of November 1998. The amendment gives the Coast Guard the discretion to forego a regional requirement if the national requirement for anchoring and barge retrieval are no less stringent than those required for the waters of the Northeast.

Though not a part of the Chafee-Lieberman provision adopted in H.R. 2204, I wish to address the issue of fire suppression systems on tugboats. The fire on board the *Scandia* was the critical link in the chain of events that led to the grounding of the barge *North Cape* and the resultant oil spill. It is my view that the October 1997 proposed rules badly missed the mark on this issue. The Coast Guard proposal did not require a fire suppression system that would flood the engine room with a gas to extinguish a serious fire. This is a fatal defect in the proposed rule, and is inconsistent with the 1996 Coast Guard Authorization Act.

The Coast Guard's October 1997 proposal inferred a mandate ''to prevent casualties involving barges which are the result of a loss of propulsion of the towing vessel.'' The 1996 Coast Guard Authorization Act's actual mandate is quite explicit: ''The Secretary shall require * * * the use of a fire suppression system or other measures to provide adequate assurance that fires on board towing vessels can be suppressed under reasonably foreseeable circumstances.'' This is a clear mandate that onboard equipment be able to suppress reasonably foreseeable fires such as occurred on the *Scandia*.

The 1996 statute reflects Congress' judgment that the preferred alternative is to suppress a fire quickly enough so that damage is limited and propulsive power can be restored if interrupted due to fire fighting efforts. A fixed fire suppression system is an option that any vessel master would desire if faced with an engine room fire that could not be controlled by other means.

The proposed regulations used vessel size as a principal criterion, while failing to consider adequately any differential requirements based on the ''characteristics, methods of operation, and nature of service'' as required by the law, which intentionally omitted size from the list of factors to consider.

Not all towing vessels are the same when considering the imposition of a requirement for a fixed flooding fire suppression system. Specifically, tugboats like the *Scandia* which tow barges on the East Coast of the United States, are essentially seagoing vessels with sealable watertight doors and port holes. Tow boats operating on rivers and inland waterways are not designed for the same type of service. On these inland vessels, engine rooms may be located on the main deck, and they may have conventional doors and windows.

The proposed Coast Guard rule correctly noted that, looking at towing vessels as a whole, certain types of vessels are ''constructed with engine rooms that would not be sufficiently

air tight'' to be able to use a system that floods the space with a gas to extinguish an out-of-control blaze. This is certainly true in the case of inland tow boats.

Tug boats designed for ocean service such as the *Scandia*, if they are operated in a prudent and seamanlike manner, do have the requisite water and air tightness to use a fixed flooding fire suppression system to good advantage. Congress specifically required that the proposed regulations account for the variations within the commercial towing fleet.

My preference was to simply mandate a fire suppression system for ocean-going tugboats in this year's Coast Guard bill. After hearing the concerns raised by the Coast Guard and colleagues on the Commerce Committee, I will not pursue fire suppression changes this year. I look forward to the Coast Guard's new proposal on fire suppression, which is due for publication in January 1999. I expect it will be a marked improvement over the flawed October 1997 proposal.

In closing, I again thank my colleagues on the Commerce Committee for accommodating my concerns on this issue. I also want to thank the Coast Guard. They could have waited until section 311 became law before starting on the regional regulations. Instead, the Coast Guard, by proposing the regional regulations this very day, has accelerated the date when the Northeast will have the protection it deserves. Finally, I thank my longtime collaborator on oil spill issues, Senator JOSEPH LIEBERMAN of Connecticut, for his steadfast support in this effort.

DARE NOT SPURN RUSSIA

Mr. MOYNIHAN. Mr. President, the news from Russia remains grim. The Times reported on Saturday:

> Rocked by its worst harvest in 45 years and a plummeting ruble, Russia appealed today for relief aid from the European Union. It has also approached the United States and Canada for help.

Clearly Russia is in a perilous—one could say dangerous—state. The grain harvest is down almost 40 percent primarily because of a summer drought in the Volga River and Ural regions. And the financial crisis in Russia has only added to the problems. For example the Times also reports that because payment has not been made ''15 ships full of American frozen poultry have delayed unloading their cargo.''

What to do? For starters let's not repeat the mistakes of the past. Following the defeat of Germany in World War I, we failed to provide aid to the Weimar Republic as it attempted to sustain a democratic government. The resulting Nazi reign of terror was both devastating and unspeakable.

By contrast, following the defeat of the Nazis in World War II, we adopted the Marshall Plan to rebuild a democratic Germany. From 1948 to 1952, the United States gave almost $3 billion a year to fund the Marshall Plan. A comparable contribution in round numbers, given the current size of the United States economy, would be about $100 billion a year for five years.

Recognize that Russia, no less than Nazi Germany, is a defeated nation—the latter on the military battlefield, the former on the economic battlefield. To keep Russia on the road to democracy and economic reform will require economic aid perhaps on the scale of the Marshall Plan. When you consider what we have been through, a post cold war Marshall Plan does not seem excessive. Particularly since we were able to fund the Marshall Plan at the same time we were threatened by an empire that subscribed to the view that eventually the entire world would succumb to communism.

The singular truth is that we were utterly unprepared for the collapse of the Soviet Union. During the 1980s we began a defense build up which resulted in the largest debt the United States has ever known. When the Soviet Union did collapse, we felt broke and unable to launch the kind of economic assistance that we were able to do after World War II.

While we have provided some assistance, it falls far short of Russia's needs and lacks a coherent plan. Such a plan would include technical assistance on tax collections, operations of banks and stock exchanges, protection of property and individual rights to name just a few areas that a country with little or no experience with democracy and free markets might find helpful. Let me emphasize: without real short- and long-term financial assistance none of this technical assistance will be effective or, indeed, welcome.

But the United States cannot do it alone. What would make the countries of Central and Eastern Europe more secure than any military alliance would be membership in the European Union. Unfortunately, our Western European allies have not embraced their eastern neighbors in this way.

Ambassador Richard Holbrooke has explained that to a certain extent, expanding NATO served as a surrogate for EU enlargement. Roger Cohen reports Ambassador Holbrooke's remark in the International Herald Tribune:

> Almost a decade has gone by since the Berlin Wall fell and, instead of reaching out to Central Europe, the European Union turned toward a bizarre search for a common currency. So NATO enlargement had to fill the void.

We seem to have stumbled into a reflexive anti-Russian mode. The United States continues to act as though the Cold War is still the central reality of foreign policy, withal there has been a turnover and we now have the ball and it is time to move downfield. For instance, in a Times story on Sunday about the selection of a trans-Caucus oil pipeline, it was reported:

> The Administration favored the Baku-Ceyhan route because it would pass through only relatively friendly countries—Azerbaijan, Georgia and Turkey—and would bind them closer to the West; because it would pull Azerbaijan and Georgia out of the Russian shadow; and because it would not pass through either Russia or Iran, both of which have offered routes of their own.

Is ''binding'' Azerbaijan and Georgia closer to the West part of a flawed strategy of isolating Russia? We seem clearly headed in that direction with the expansion of NATO. And ignoring George F. Kennan, who lamented the Senate vote on NATO expansion in an interview with Thomas L. Friedman. Commenting on the Senate debate, Ambassador Kennan stated:

> I was particularly bothered by the references to Russia as a country dying to attack Western Europe. Don't people understand? Our differences in the cold war were with the Soviet Communist regime. And now we are turning our backs on the very people who mounted the greatest bloodless revolution in history to remove the Soviet Regime.

We would do well to remember these words.

LOW INCOME HOUSING TAX CREDIT

Mr. D'AMATO. Mr. President, about a year ago, the distinguished Senator from Florida, Senator GRAHAM, and I introduced legislation (S. 1252) to increase the amount of low-income housing tax credits allocated to each state to reflect inflation since 1986, and to index this amount to reflect future inflation. Today, we have 64 additional cosponsors. In this time when the conventional wisdom is that everything is supposed to be so partisan in Washington, it is a very good testament about the importance of the low-income housing tax credit that S. 1252 has garnered the bipartisan support of two-thirds of the Senate.

I guess we should not be surprised about this support. The housing credit has become an extraordinarily effective mechanism to encourage construction of affordable housing. Since its creation in 1986, the low-income housing tax credit has successfully expanded the supply of affordable housing and helped revitalize economically distressed areas throughout the United States. The credit has been responsible for almost 900,000 units of housing in the past decade. Nearly all new affordable housing today (98%) is constructed with the help of the credit. Without the credit, these units simply would not be available.

Credits are allocated to each of the states on a formula based on population: $1.25 multiplied by the number of people in the state. Each state must adopt an allocation plan based on housing needs in that particular state. Then private developers compete for allocation of the limited amount of tax credit. This creates an environment where each state can encourage the type and location of affordable housing it needs. And the competition for limited amounts of credit means that the Federal Government gets more and better

housing for each credit dollar. Effectively, the low income housing tax credit is a block grant to each state, and each state uses market competition to maximize the amount and quality of the housing.

In March, 1997, after an 18 month study of the program, the General Accounting Office reported on the many achievements of the program without finding any problems in need of legislative correction. In fact, the GAO study concluded that families living in housing built with the help of the credit had incomes that were lower than that required by statute.

Unfortunately, the amount of credit that can be allocated each year has not been adjusted since the program was created in 1986. If the credit had been indexed for inflation since it was first enacted, the per capita credit amount would be $1.85 this year.

Although building costs rise each year, as does the affordable housing needs of the nation, the federal government's most important and successful housing program is in effect being cut annually as a result of inflation. When the cap was first established, the credit would fund 115,000 units. Now it will fund between 75,000 and 80,000 units. Despite economic prosperity in recent years, the shortage in affordable housing has become more, not less, severe. According to HUD, the number of households with crisis-level rental housing needs exceeds 5 million.

I had hoped that we would have been able to see the enactment of S. 1252 this year. Twelve years of erosion in value of the credit should be enough. Unfortunately, it appears that this meritorious legislation will have to wait until next year. It is not often that we can find a proposal that is supported by a bipartisan two-thirds of the Senate, a majority of Republican governors, and a Democratic President. Given the need for additional affordable housing, the effectiveness of the credit, and its broad bipartisan support among elected officials at all levels of government, I am very hopeful that we will be able to make this legislation a priority tax item early next year when the new Congress convenes.

JUDICIAL NOMINATIONS BEING HELD HOSTAGE

Mr. LEAHY. Mr. President, there are currently 21 qualified nominees on the Senate calendar who have been reported favorably by the Judiciary Committee. Ten of those nominations would fill judicial emergency vacancies, which have been without a judge for over 18 months. We have been trying for days, weeks, months and in some cases years to get votes on these nominees.

The Majority Leader has yet to call up the nomination of Judge Richard Paez to the Ninth Circuit. That nomination was first received by the Senate back in January 1996, almost three years ago. His nomination was delayed at every stage and this is now the judicial nomination that has been pending the longest on the Senate Executive Calendar this year, seven months. Over the last few days the Majority Leader has repeatedly indicated that he would be calling up this nomination, but he has not done so.

I have heard rumors that some on the Republican side planned to filibuster this nomination. I cannot recall a judicial nomination being successfully filibustered. I do recall earlier this year when the Republican Chairman of the Judiciary Committee and I noted how improper it would be to filibuster a judicial nomination. During this year's long-delayed debate on the confirmation of Margaret Morrow, Senator HATCH said: ''I think it is a travesty if we ever start getting into a game of filibustering judges.'' Well, it appears that travesty was successfully threatened by some on the Republican side of the aisle and kept the Majority Leader from fulfilling his commitment to call up the nomination for a confirmation vote.

Like the nomination of Bill Lann Lee to head the Civil Rights Division, it appears that some on the Republican side have decided to take the Paez nomination as a partisan trophy and to kill it—and to do so through obstruction and delay rather than allowing the Senate to vote up or down on the nomination.

Judge Paez and all 21 judicial nominations recommended to the Senate by the Judiciary Committee deserve better. They should be cleared for confirmation without further delay. I note that of the 21 judicial nominations on the Senate Executive Calendar, 19 were reported unanimously by the Senate Judiciary Committee over the last five months. Those judicial nominations which cannot be cleared by unanimous consent ought to be scheduled for debate and a confirmation vote without further delay.

Let me put this in perspective: Most Congresses end without any judicial nominations left on the Senate Executive Calendar. The Senate calendar is usually cleared of such nominations by a confirmations vote. Indeed the 99th, 101st, 102nd, and 103rd Congresses all ended without a single judicial nomination left on the Senate calendar. The Democratic Senate majority in the two Congresses of the Bush Administration ended both those Congresses, the 101st and 102nd, without a single judicial nomination on the calendar.

By contrast, the Republican Senate majority in the last Congress, the 104th, left an unprecedented seven judicial nominations on the Senate Executive Calendar at adjournment without Senate action. And today, this Senate still has 21 judicial nominations on its calendar. The goal should be to vote on all judicial nominations on the calendar. To leave as many as seven judicial nominations without action at the end of this Congress is shameful; to be toying with the prospect of 21 is irresponsible.

In his 1997 Year-End Report, Chief Justice Rehnquist focused again on the problem of ''too few judges and too much work.'' He noted the vacancy crisis and the persistence of scores of judicial emergency vacancies and observed: ''Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed in 1994.'' He went on to note: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.''

That is good advice. That is what this Senate should do, take up these nominations and vote them up or vote them down. I believe that if the Senate were given an opportunity to have a fair vote on the merits of the nomination of Judge Richard Paez or Timothy Dyk or any of the 21 judicial nominations pending on the Senate Executive Calendar, they would be confirmed. Perhaps that is why we are not being allowed to vote.

The Chief Justice of the United States Supreme Court has called the number of judicial vacancies ''the most immediate problem we face in the federal judiciary.'' I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and work to fulfil our constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are harming the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

We began this year with the criticism of the Chief Justice of the United States Supreme Court ringing in our ears: ''Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.'' Nonetheless, instead of sustained effort by the Senate to close the judicial vacancies gap, we have seen extensive delays continued and unjustified and anonymous ''holds'' become regular order.

To date, the Senate has actually been losing ground to normal attrition over the last two years. When Congress adjourned in 1996 there were 64 vacancies on the federal bench. In the last 24 months, another 87 vacancies have opened. And so, after the confirmation of 36 judges in 1997 and 48 so far this year, there has still been a net increase in judicial vacancies. The Senate has not even kept up with attrition. There are more vacancies in the federal judiciary today than when the Senate adjourned in 1996.

This is without regard to the Senate's refusal to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984 and in 1990, Congress did respond to requests for needed judicial resources by

the Judicial Conference. Indeed, in 1990, a Democratic majority in the Congress created judgeships during a Republican presidential administration. Last year the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. If Congress had passed the Federal Judgeship Act of 1997, S. 678, as it should have, the federal judiciary would have 120 vacancies today. That is the more accurate measure of the needs of the federal judiciary that have been ignored by the Congress over the past two years. In that light, the judicial vacancies crisis continues unabated.

In order to understand why a judicial vacancies crisis is plaguing so many federal courts, we need only recall how unproductive the Republican Senate has been over the last three years. More and more of the vacancies are judicial emergencies that have been left vacant for longer periods of time. The President has sent the Senate qualified nominees for 23 of those judicial emergency vacancies, nominations that are still pending as the Senate prepares to adjourn.

When the American people consider how the Senate is meeting its responsibilities with respect to judicial vacancies, it must recall that as recently as 1994, the last year in which the Senate majority was Democratic, the Senate confirmed 101 judges. It has taken the Republican Senate three years to reach the century mark for judicial confirmations—to accomplish what we did in one session.

Unlike other periods in which judicial vacancies could be attributed to newly-created judgeships, during the past four years the vacancies crisis has been created by the Senate's failure to move quickly to consider nominees to longstanding vacancies.

No one should take comfort from the number of confirmations achieved so far this year. It is only in comparison to the dismal achievements of the last two years that 48 judicial confirmations could be seen as an improvement. I recall that in 1992, during a presidential election year and President Bush's last year in office, a Democratic Senate confirmed 66 of his nominations.

I began this year challenging the Senate to maintain that pace. Instead, the Senate has confirmed only 48 judicial nominees instead of the 84 judges the Senate would have confirmed had it maintained the pace it achieved at the end of last year. The Senate has acted to confirm only 48 of the 91 nominations received for the 115 vacancies the federal judiciary experienced this year.

I know that some are still playing a political game of payback for the defeat of the nomination of Judge Bork to the Supreme Court and other Republican judicial nomination over the last decade. I remind the Senate that the Senate voted on the Bork nomination and voted on the nomination of Clarence Thomas and did so in each case in less than 15 weeks. To delay judicial nominations for months and years and to deny them a vote is wrong.

THE IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM ACT OF 1998

Mr. KENNEDY. Mr. President, the passage of the Irish Peace Process Cultural and Training Program Act is an important step to facilitate the ongoing peace process in Northern Ireland and advance the goals of the Good Friday Agreement of April 10, 1998. The legislation contributes to this effort by providing the people of that strife-torn region with new opportunities to achieve permanent peace and reconciliation.

This bill which authorizes a total of 12,000 residents of Northern Ireland and the six border counties of the Republic of Ireland to come to the United States for up to three years for job training and education.

Northern Ireland has an overall unemployment rate of 9.6 percent, and it is 13 percent in Belfast. The economy grew only three percent in the last year. Economic stagnation and high unemployment disproportionately affect unskilled workers. The legislation reaches out to these disadvantaged workers by giving many of them an opportunity to learn skills in the United States, which they will in turn take home to their communities in Northern Ireland and the border counties and use them productively for their future.

One of America's greatest strengths is its diversity, and the diversity of Northern Ireland can be a strength as well. A major goal of this legislation is to promote cross-community and cross-border understanding and build grassroots support for long-term reconciliation and peaceful coexistence of the two communities. Building on the success of similar programs, this legislation will enable persons who have lived amidst the conflict and bigotry of Northern Ireland to spend time in communities in the United States where reconciliation works to achieve a strong and more just society. It is our hope that the experience generated by this legislation produce long-lasting social and economic benefits for all the people of the borders and Northern Ireland.

ADVANCEMENT IN PEDIATRIC AUTISM RESEARCH ACT

Mr. ABRAHAM. Mr. President, I rise today in support of S. 2263, the Advancement in Pediatric Autism Research Act, introduced by Senator SLADE GORTON. Infantile autism and autism spectrum disorders are biologically-based, neuro-developmental diseases that cause severe impairments in language and communication. This disease is generally manifested in young children, sometimes during the first years of life.

Estimates show that 1 in 500 children born today will be diagnosed with an autism spectrum disorder and that 400,000 Americans have autism or an autism spectrum disorder. The cost of caring for individuals with this disease is estimated at $13.3 billion per year. Rapid advancements and effective treatments are attainable through biomedical research.

S. 2263 improves research on pediatric autism in the following areas: networks five Centers of Excellence combining basic research and clinical services; appropriates funds for an awareness campaign aimed largely at physicians and professionals and designed to aid in earlier and more accurate diagnosis; appropriates monies for gene and tissue banking, and funds current proposals at NIH in autism. Michigan families who have been affected by autism or an autism spectrum disorder have contacted my office in support of this legislation. They have impressed upon me the need for better research into this disorder.

With three young children of my own, I too am concerned for millions of children afflicted with childhood diseases and birth defects. I have long been committed to supporting policies that encourage research into this and other afflictions, particularly those conditions that directly impact children. For these reasons, I urge my colleagues to join me in support of this important piece of legislation.

Mr. President, I yield the floor.

RETENTION OF RECKLESSNESS STANDARD OF LIABILITY

Mr. CLELAND. Mr. President, in the wake of final passage of S. 1260, the Securities Litigation Uniform Standards Act, I wish to emphasize my interest in the retention and reinforcement of the recklessness standard of liability and the Second Circuit Court of Appeals pleading standard in federal securities fraud cases. Securities law experts, including officials of the Securities and Exchange Commission, have recognized that the continued vitality of the federal securities laws and the health of the financial markets depend on the reaffirmation of this standard.

It is essential that we be clear that reckless wrongdoing satisfies the scienter standard under the federal securities laws. The current standard that provides liability for reckless behavior should be explicitly reaffirmed; any suggestion that a victimized investor must establish actual knowledge by a defendant is not only legally incorrect but would undermine the integrity of our financial markets. The SEC has repeatedly stated in legal filings and Congressional testimony that the recklessness standard is critical to investor protection. Every federal appellate court that has considered this issue has held that recklessness suffices. The text of the 1995 Private Securities Litigation Reform Act did not change the scienter standard; Members of Congress

understood that raising the standard would have not only a chilling effect on private actions by defrauded individuals, but on regulatory actions by the SEC.

Since the 1995 Reform Act, there has been some disagreement in the courts about whether Congress intended to elevate the pleading standard in securities fraud class actions above the previously existing Second Circuit pleading standard. It is clear to me that the answer to the question must be ''no''. I am pleased that the Senate Banking Committee Report on S. 1260, as well as the recorded colloquy on the Senate floor about the Second Circuit pleading standard, reaffirm this point.

As I mentioned in my floor statement during debate on this legislation, I am not convinced that the federal preemption of state anti-fraud protections is a necessary step. I support the right of investors to seek legal remedies against those persons selling fraudulent securities. While I worked to streamline the regulatory process in Georgia, I opposed amendments to federal regulations that would have impaired the ability of a state to protect its investors. Here in the Senate, my focus remains the same. For this reason, I opposed S. 1260 during its initial Senate consideration. Nevertheless, if passage of this legislation is inevitable, let us at least make it absolutely clear that an investor's right to seek redress through civil litigation is not eliminated due to a failure to reaffirm the existing standard of recklessness in federal securities fraud cases.

COMMITMENT TO EDUCATION

Mr. FRIST. Mr. President, I rise today to discuss the very important issue of education.

I am very disappointed that some Democrats in Congress and those in the White House have chosen to demagogue and politicize education as we attempt to wind down our legislative year. These Democrats would like for the American people to believe that Republicans just don't care about education and that we are refusing to spend more money to improve our educational system.

Nothing could be further from the truth.

Since I took office in 1995, I have seen a 27 percent increase in the amount of money this Congress has appropriated for education. In 1994, we spent $24.6 billion for education. For fiscal year 1999, we have proposed to spend $31.4 billion—exactly, I might add, that the President requested for discretionary spending. Historically, the federal commitment to education has risen from $23.9 billion in 1959 to over $564 billion in 1996. As a percentage of GDP. educational expenditures have risen from 4.7 to 7.4 percent over the same timeframe.

For many Democrats, more money and more federal education programs are the answer to our Nation's education woes. Over the last few days, we have heard Democrats lament how Republicans have held up all of the Democratic efforts to provide funding for school construction and to reduce class size.

For these Democrats, more money is a surrogate for the structural reform that American education needs. Structural reform, change—this is what these Democrats fear. Instead, their response to crisis is more money and another federal program.

The last thing that we need is another federal program. Through my work as the Chairman of the Senate Budget Committee Education Task Force, I discovered that there are approximately 552 federal education programs. The Department of Education administers 244 of these programs, and EVEN IF you count only those ''providing direct and indirect instructional assistance to students in kindergarten through grade 12,'' the GAO found that there are still 69 programs.

Among these programs, overlap is pervasive. In my office, we call this chart the ''spider web chart.'' This chart, prepared by the GAO, shows that 23 federal departments and agencies administer multiple federal programs to three targeted groups: teachers, at-risk and delinquent youth, and young children. For early childhood, for example, there are 90 programs in 11 agencies and offices. In fact, one disadvantaged child could be eligible for as many as 13 programs.

In addition, the effectiveness of many of these programs is doubtful or unknown. The GAO has expressed concern that the Department of Education does not know how well new or newly modified programs are being implemented, or to what extent established programs are working. The efficacy of Title I also remains uncertain.

Lastly, it should come as no surprise that so many programs and so much confusion comes at great cost. Critics of the education establishment note that although federal funds make up only 7% of their budgets, they impose 50% of their administrative costs. As one concrete example, Frank Brogan, Florida's Commissioner of Education, has reported that it takes 297 state employees to oversee and administer $1 billion in federal funds. In contrast, only 374 employees oversee approximately $7 billion in state funds. Thus, it takes six times as many people to administer a federal dollar as a sate dollar.

Brogan went on to say:

> We at the State and local level feel the crushing burden cased by too many Federal regulations, procedures, and mandates. Florida spends millions of dollars every year to administer inflexible, categorical Federal programs that divert precious dollars away from raisin student achievement. Many of these Federal program typify the misguided, one-size-fits-all command and control approach. Most have the requisite focus on inputs like more regulations, increasing budgets, and fixed options and processes. The operative question in evaluating the effectiveness of these programs is usually: How much money have we put into the system?

Cozette Buckney, Chief Education Officer, of the Chicago school system echoed the sentiments of many state and local officials:

> Excessive paperwork is a concern. Too many reports, the time lines for some of the reports, the cost factor involved, the administrative staff just do not warrant that kind of time on task. That is taking from what we need to do to make certain our students are achieving and our teachers are prepared.

Senator WYDEN and I introduced legislation to help with this regulatory tangle and untie the hands of states and localities. Our Ed-Flex expansion bill would expand to 50 states the enormously popular ''Ed-Flex'' demonstration program that has already been ''field-tested'' and proven successful in 12 states.

Ed-Flex frees responsible states from the burden of unnecessary, time-consuming Washington regulations, so long as states are complying with certain core federal principles, such as civil rights, and so long as the states are making progress toward improving their students' results. Under the Ed-Flex program, the Department of Education delegates to the states its power to grant individual school districts temporary waivers from certain federal requirements that interfere with state and local efforts to improve education. To be eligible, a state must waive its own regulations on schools. It must also hold schools accountable for results. The 12 states that currently participate in Ed-Flex have used this flexibility to allow school districts to innovate and better use federal resources to improve student outcomes.

I would also like to add that educational flexibility should extend beyond teaching techniques, curricula, and the rest of what happens in public school classrooms. It should reach to the management of those schools. One of the most important lessons about the prospective changes in education operations is the realization that decentralized, on-the-spot leadership by principals and other administrators is crucial to the success of a school.

Unfortunately, many of America's school systems are frozen into managerial patterns that reward conformity and discourage independent leadership. American business has had to make structural adaptations to meet the challenge of the world market and international competition. Top-heavy managerial structures have given way to more flexible—and therefore more responsive—ways of engaging the work force in team efforts. The result has been greater productivity and enhanced quality.

That is a good example of the kind of adaptation our schools can make, to free up the enormous resources of talent and commitment both among teachers and in the ranks of administrators at all levels.

Republicans would like to stick with this strategy of untying the hands of

states and localities and giving states and local school districts more flexibility. Rather than create another 2 or 3 entitlement programs that are prescriptive and inflexible, we believe that we should allow states to use additional federal monies in whatever manner the state determines the additional money can best be used.

For some states, this may very well be for school construction. For others, it may be for hiring more teachers. But for others, it may be for wiring every school, or for putting more computers in the classroom. Some states may decide that they need the money for teacher training, to improve the teachers that they already have in the classrooms.

The point is—how do we in the federal government know better than those in the states and local communities—and parents—what their students need the most? The answer is that we don't.

Some in Washington argue that by allowing states the flexibility to use federal money in the best way state officials see fit removes accountability from the equation. But to whom are state and local officials more responsive—the sprawling federal bureaucracy or local teachers, parents and residents?

This Congress has actively addressed federal education. We had lengthy and thoughtful debate on a variety of education initiatives during consideration of the Coverdell Education Savings Accounts bill. We passed the Coverdell bill to allow parents to save more of their own money for use in paying educational expenses including, but not limited to, computers, school uniforms, tutors, textbooks or tuition.

The President vetoed the Coverdell bill.

This Congress has passed the Higher Education Amendments and made great strides in improving teacher quality.

Just a few days ago, we passed the Charter School bill to support charter schools which are given more flexibility and freedom from burdensome state and federal regulations. I am encouraged by the success of charter schools in the states that have them, and remain hopeful that when all 50 states have increased flexibility with Ed-Flex, that similar gains may be seen in the regular public schools. If charter schools are successful, we must give our regular public schools the same freedoms and opportunities to improve student achievement that we have given charters.

In closing, my colleagues have heard me many times discuss the poor state of our American education system. In recent international comparisons, we have performed abysmally—scoring in the middle of the pack or at the very bottom depending on the age category and subject tested.

Washington should not, however, rush to address this crisis by creating new programs with new mandates on parents and teachers, schools and localities. The last thing that our schools need is more bureaucracy and federal intrusion. Instead, what Washington should and can do is to free the hands of states and localities and to support local and state education reform efforts. When localities find ideas that work, the federal government should either get out of the way or lend a helping hand.

I applaud the efforts of those on both sides of the aisle who are fighting for education. This is not a partisan issue. Witness my efforts with Senator WYDEN on Ed-Flex—a bill that is also supported by Senators KERREY, FORD, GLENN, and LEVIN on the Democratic side and more than a dozen senators on the Republican side. Most of us here in the Senate are parents and we all want what is best for our children—and all children.

But let's not let extremist Democrats, who are hostage to the old order, paint the Republicans as the Grinches who stole Christmas for America's school children. It is extremist Democrats, with their well-intentioned but completely misguided approach of throwing more money into the federal education abyss and adding more and more programs to the already complex maze of federal education programs, who are short-changing the future of America's students.

The temptation for too many of us is to measure our commitment to education by the size of the federal wallet. But let's not just throw money at our problems. Let's not just create more of the same old tired education programs.

Let's focus on results. Let's give parents and local school boards control of schools, and empower them to chart a course that improves student outcomes. Let's allow States to decide how they can best utilize increased federal resources.

HUMAN RIGHTS IN CHIAPAS

Mr. FEINGOLD. Mr. President, I am pleased to be an original cosponsor of S. Con. Res. 128, introduced last week by the Senator from Vermont [Mr. LEAHY]. I believe that this resolution is both timely and important.

This resolution calls on the Secretary of State to take a number of steps to foster improvement in the human rights situation in Mexico and to end the violence in the state of Chiapas. These steps include ensuring that any assistance and exports of equipment to Mexican security forces are used primarily for counter-narcotics and do not contribute to human rights violations, encouraging the Mexican government to disarm paramilitary groups and decrease the military presence in Chiapas, and encouraging the Mexican government and the Zapatista National Liberation Army to establish concrete conditions for negotiations for a peaceful resolution to the conflict in Chiapas.

Mr. President, allow me to just review briefly what is going on in Chiapas today. Just over four years ago, in January 1994, the Zapatista National Liberation Army, an organization of peasant and indigenous peoples seeking political and social changes, launched an uprising by seizing four towns in the Chiapas region of southern Mexico; fighting in the region resulted in nearly 100 deaths. Although the Mexican government initially countered the rebellion by sending troops to the region, issuing arrest warrants for all Zapatista leaders, and creating a new military zone near the site of the Chiapas rebellion, Mexican President Ernesto Zedillo subsequently canceled the arrest warrants, ordered the cessation of all offensive actions against the Zapatista Army, and called for dialogue between Zapatista leaders and the Mexican government. Since August of 1995, the Zapatistas have participated intermittently in peace negotiations with the Mexican government.

Last December, 45 indigenous peasants in the village of Acteal, Chiapas, were killed by armed men reportedly affiliated with President Zedillo's Institutional Revolutionary Party (PRI). Following this incident, President Zedillo appointed a new Minister of Government and a new peace negotiator for Chiapas, the Governor of Chiapas resigned, and Mexican authorities arrested more than 40 people in connection with this incident, including the mayor of a nearby town.

These incidents renewed calls for peace in Chiapas. The Zapatistas rejected legislation submitted to the Mexican Congress by President Zedillo in March 1998 to promote indigenous rights in Chiapas. President Zedillo visited the region several times in mid-1998 to promote dialogue, but the talks fell apart after the June 1998 resignation of Bishop Ruiz from the mediation commission, and the commission subsequently dissolved. In July 1998, the Zapatistas advanced a proposal for mediation and for a Mexican plebiscite on President Zedillo's indigenous rights legislation.

But, Mr. President, efforts for dialogue between the Mexican government and the Zapatistas have been largely fruitless, and the violence continues. I am deeply troubled by this situation.

I am also deeply troubled by the cool reception that the Mexican government has given to some international human rights observers, including people from my home state of Wisconsin. Many of these individuals have worked tirelessly from the beginning of the Chiapas conflict to help organize humanitarian assistance for the indigenous peoples of the troubled region. Some of these individuals feel that there has been a concerted effort by the Government of Mexico to keep foreigners out of the region in order to limit this kind of humanitarian assistance and to limit the ability of outsiders to monitor and report on the human rights situation there. Many

humanitarian workers have been detained for long periods of time and summarily deported from Mexico.

The deficient reception of humanitarian workers in Chiapas casts doubt on the sincerity of the Mexican Government when it says it wants to work with the United States and others to control drug trafficking or to enter into end-use monitoring agreements on the transfer of military equipment.

Mr. President, I believe the United States has an obligation to be an advocate for human rights protections around the world. I am not convinced that the Mexican National Commission on Human Rights (CNDH), which was established in 1990, has done enough to prevent continuing violations by Mexican law enforcement officials and the Mexican military. I believe the United States must make human rights a top priority in our relations with Mexico, and I do not believe Mexico can reach stability without permitting its citizens to exercise their basic rights. In light of the proximity of Mexico to the United States and the myriad ties between our two countries, we have a clear interest in working to ensure that human rights are respected in Mexico.

Again, Mr. President, I am pleased to be a cosponsor of S.Con.Res. 128, which, in my view, will further call attention to the on-going human rights abuses in Chiapas. I hope that the Administration will actively work to put human rights at the very top of our priority list with respect to Mexico, and that the Mexican government will take concrete steps to end the violence in Chiapas and to respect the rights of all Mexican citizens and international visitors.

BRIBERY IN INTERNATIONAL BUSINESS TRANSACTIONS

Mr. FEINGOLD. Mr. President, I want to bring to the Senate's attention an excellent editorial published by the Washington Post on Wednesday, October 7, 1998 concerning the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

This convention seeks to establish worldwide standards for the criminalization of the bribery of foreign officials to influence or retain business. Just over 20 years ago the Congress passed the Foreign Corrupt Practices Act, or FCPA. This landmark legislation, which I am proud to say was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire, was enacted after it was discovered that some American companies were keeping slush funds for making questionable and/or illegal payments to foreign officials to help land business deals.

For these 20 years, the FCPA has succeeded at curbing U.S. corporate bribery of foreign officials by establishing extensive bookkeeping requirements to ensure transparency and by criminalizing the bribery of foreign officials.

The OECD treaty, which passed the Senate unanimously earlier this year, would bring most of our major trading partners up to the same standards that U.S. companies have been exercising since the FCPA became law.

Mr. President, I consider this treaty, and the implementing legislation, S. 2375, that accompanies it, to be important work of the Congress. However, as the Washington Post noted in its editorial, the House of Representatives has yet to pass this legislation.

As a member of the Senate Committee on Foreign Relations, which had the responsibility to recommend the Senate provide its advice and consent on this treaty, I hope the House will move quickly to pass the implementing legislation prior to adjournment.

Mr. President, I ask unanimous consent that the text of the October 7, 1998, Washington Post editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 7, 1998]

A VOTE AGAINST BRIBES

Its not every day that Congress has an opportunity to pass legislation that has no down side whatsoever, that can only help the United States and U.S. businesses; that fulfills a demand Congress itself made 10 years ago; and that—perhaps rarest of all—has the ardent support of both President Clinton and Sen. Jesse Helms. The House has such an opportunity now, with a bill to implement an international treaty combating bribery overseas. Yet, perhaps not surprisingly, even this universally acclaimed legislation is no longer a sure thing.

More than 20 years ago, Congress passed the Foreign Corrupt Practices Act, which outlawed the paying of bribes by U.S. business executives to win foreign contracts. It was and remains a good law, and by most accounts it has had a beneficial effect on how Americans do business. But it's also put them at a competitive disadvantage to European and other companies that not only aren't prohibited from paying bribes but in many cases can deduct the payoffs from their taxes. The administration estimates that U.S. industry may lost $30 billion worth of contracts each year for its honesty.

The Clinton administration last year negotiated a treaty with other major industrial countries that would essentially extend the Foreign Corrupt Practices Act to all of them. Instead of the United States lowering its standards, long years of diplomacy finally persuaded Europeans to raise theirs. The Senate unanimously ratified the treaty, citing what Sen. Helms called an ''urgent need to push—and I use that word advisedly—to push our European allies'' to criminalize bribery overseas. Now the House must make U.S. law consistent with the treaty. No one is against this. But the press of business may put the bill in danger.

This may seem less urgent than other matters awaiting congressional action. But corruption is at the root of the financial crisis sweeping the world. Rich countries are good at telling their poor counterparts to behave; here is a change to show that the rich are willing to police themselves, too. For the United States, which has been doing such policing for two decades, this is a no-lose proposition. But if Congress doesn't approve the treaty, Europe and Japan won't either. The House should pocket this win before it's too late.

MEDICAL DEVICE MANUFACTURER YEAR 200 RESPONSE

Mr. GRAMS. Mr. President, about two weeks ago, a list of medical device companies was printed in the CONGRESSIONAL RECORD which indicated they were non-responsive to The Food and Drug Administration's request for Year 200 compliance status.

As Chairman of the Senate Medical Technology Caucus, I believe it is important my colleagues have the latest on manufacturers which have been responsive to the FDA's request for information on the Year 2000 compliance status of their products Companies were asked by the FDA to indicate in their response the following:

The medical devices marketed and have sold are not Year 2000 vulnerable; medical devices marketed and sold are all year 2000 compliant; the manufacturer is providing specific information regarding those products which are not compliant or their assessment is currently incomplete; or the manufacturer is working on an assessment and will post the results.

Mr. President, there are many sectors of our economy which still need to address the potential for problems in the year 2000, but I am pleased that a vast majority of medical device companies in the United States have responded to the FDA on year 2000 compliance status and deserve to be recognized for having done so.

I would like to mention specifically thirteen companies mistakenly listed in the CONGRESSIONAL RECORD as being unresponsive to the FDA's request. These manufacturers have responded to the FDA's request for Year 2000 compliance status: Apothecary Incorporated, Augustine Medical Incorporated, Braemar Corporation, Dantec Medical Incorporated, Diametrics Medical Incorporated, Keomed Incorporated, Medtronic PS Medical Medtronic Biomedicus, Medtronic Neurological, Prime Ideas Incorporated, Puritan Bennett Corporation, Timm Research Company, and Williams Sound Corporation.

Mr. President, while this list only represents companies based in Minnesota, the FDA has compiled a much larger listing of companies which are or have addressed year 2000 issues on their website located at www.fda.gov.

CAMPAIGN FINANCE REFORM

Mr. LEVIN. Mr. President, the 105th Congress is nearing its conclusion. As we look over the past two years of this Congress, one issue that consumed hours of effort and debate, exposed problems that strike at the heart of our government, and whose ramifications are nothing less than a cancer eating at the body politic, remains unresolved. I'm talking about campaign finance reform.

In January 1997, this Congress launched multiple investigations into events associated with the 1996 federal elections. Dozens of hearings were held,

and the Senate Governmental Affairs Committee issued a 9,575 page report. Bipartisan legislation addressing the major issues was introduced and debated on the floor of the Senate and the House. Majorities on both sides of the Capitol voted in support of reform, to strengthen federal election laws. In the Senate, a majority supported the McCain-Feingold bill. In the House, a majority voted for the Shays-Meehan bill. Both bills sought to ban soft money, treat phony issue ads as campaign ads they are, strengthen disclosure, and streamline enforcement. Despite majority support in both Houses, we are ending this Congress without major campaign finance reform.

It is a tragedy. Given the controversy and criticisms following the 1996 elections, the failure to enact meaningful campaign finance reform is unjustifiable, it is inexplicable, and it is wrong.

As many of us have said repeatedly, the problem with the 1996 elections is that the vast majority of the conduct most loudly condemned was not illegal—it was legal. Most involved soft money—the solicitation and spending of undisclosed and unlimited election-related contributions, despite laws now on the books requiring federal campaign contributions to comply with strict limits and be disclosed. Virtually all the foreign contributions so loudly condemned involved soft money. Virtually every offer of access to the White House or the Capitol Building or to the President or the leadership of the Senate or the House involved contributions of soft money.

Opponents of campaign finance reform contend that soft money is not a problem and that the laws on the books do not need reform, but the truth is that legal limits which once had meaning have been virtually swallowed up by the loopholes. The limits on individual, corporate and individual contributions have become a sham. Campaign contribution limits, for all intents and purposes, do not exist.

The law now states, for example, that no one may contribute more than $1,000 per election to a candidate; no one may contribute more than $20,000 per year to a political party; and corporations and unions may not make federal campaign contributions at all except through a PAC. But the soft money loophole makes these limits meaningless. For example, under the current system, a corporation, union or individual can give $1 million to a candidate's party and have that party televise so-called issue ads in that candidate's district during the election, using an ad that is indistinguishable from candidate ads which have to be paid for with regulated funds. That's exactly what is happening. In the 1998 elections, for example, the Republican National Congressional Committee is conducting a $37 million advertising effort dubbed ''Operation Breakout'' in which the party runs television ads in areas where there are close Congressional races, claiming that the ads discuss issues and are not efforts to elect or defeat the candidates they mention by name. The Democratic Congressional Campaign Committee is spending $7 million on similar issue ads. These multi-million dollar advertising efforts by both parties demonstrate how the loopholes have effectively erased the campaign limits.

Other, more fundamental problems with current law are illustrated by a recent court decision, issued October 9th in the Charlie Trie prosecution, holding that the law as currently worded does not prohibit soft money contributions by foreign nationals.

The plain truth is that the federal election laws now on the books are too often unenforceable. While the Republican leadership rails at the Attorney General for not doing more and threatens her with impeachment for not appointing an independent counsel to investigate the 1996 federal elections, they simultaneously block efforts to clarify and strengthen the very laws that they say they want her to enforce.

The soft money loophole exists, because we in Congress allow it to exist. Foreign involvement in American election campaigns exists, because we in Congress allow it to exist. Phony issue ads exist, because we in Congress allow them to exist. Weak enforcement of campaign laws continues, because we in Congress allow the current loophole-ridden statutes to continue on the books unchanged.

It is long past time to stop pointing fingers at others and take responsibility for our share of the blame for this system. We alone write the laws. Congress alone can close the loopholes and reinvigorate the Federal election laws.

We could have made significant progress during this Congress. The House passed meaningful campaign finance reform. The majority of the Senate voted to do the same, but the Republican leadership brought sufficient pressure to bear so that the chief sponsor of the legislation in the Senate, Senator MCCAIN, withdrew his reform amendment to the Interior appropriations bill. We had 52 votes in favor of his amendment to include the McCain-Feingold legislation in that bill. But rather than allow the majority to prevail, the Republican leadership sank the campaign finance reform effort. And when Senator FEINGOLD announced his intention to offer the same amendment again to force another vote, the leadership chose to pull the Interior bill from the Senate floor. And since the Interior appropriations bill was pulled from the Senate floor in September, there has been no must-pass bill on the Senate floor that supporters could seek to amend to forward the campaign finance reform effort.

Instead the Interior bill, along with a number of other appropriations bills, have been folded into a so-called omnibus appropriations bill. That means that anyone who wants to enact campaign finance reform by amending the omnibus spending bill would be forced to hold up almost all government appropriations—essentially to shut down the government—in order to debate the issue.

The question is whether these strong-arm tactics will prevail. Whether, given the obstacles thrown in the path of campaign finance reform, we give up this fight or whether we continue to press on. Senators MCCAIN and FEINGOLD have said publicly that they will be back in the next Congress to fight for reform. I plan to stand with them. I believe the stakes are nothing less than the integrity of our electoral system.

The time is over for empty rhetoric about the 1996 campaign and the need for stronger enforcement of the campaign laws already on the books. The laws now on the books are too often unenforceable, and everyone knows it. It is time to wipe away the crocodile tears and see clearly what the American people see. Campaign finance reform is long overdue.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, we are now in the closing days of this congressional session. A lot is happening in these final hours. With the clock ticking we almost always knuckle down and get things done. But it has become clear that one thing that this Congress will not do before it adjourns is pass meaningful campaign finance reform.

Today I want to serve notice that this fight is not over. If the people of Wisconsin in their wisdom send me back to this chamber next year, the Senate will hear about campaign finance reform again and vote on campaign finance reform again because our democracy has been made sick by the corrupting influence of big money, and the future of our country is at stake.

And Mr. President, this fight will continue regardless of what I say. Because the fight for campaign finance reform is bigger than any one Senator or any one political party. It is as big as the idea of representative democracy itself, and just as resilient. This is a fight for the soul and the survival of our American democracy. This democracy cannot survive without the confidence of the people in the legislative and the electoral process. The prevalence—no—the dominance—of money in our system of elections and our legislature will in the end cause them to crumble. If we don't take steps to clean up this system it ultimately will consume us along with our finest American ideals.

Mr. President, there has been alot of discussion on this floor in recent weeks about morality. Indeed, we are now engaged in a process, both constitutional and political, that may ultimately lead to an impeachment trial in this historic chamber. Questions of morality are at the center of that process, which has consumed much of the public's and the press's attention over the past several months.

I submit that questions of morality should be central in this body's treatment of the campaign finance issue. Along with millions of other Americans, religious leaders from across a wide spectrum of denominations have urged us to enact reform. They see how this corrupt system is undermining the moral authority of our government. How can we pretend to be following the dictates of conscience, and not politics, as we prepare to judge the President, while simultaneously ignoring this moral crisis in the process by which the people elect their representatives?

There has also been a lot of discussion about high crimes and misdemeanors.

I haven't decided yet whether the President's misbehavior meets that high standard. Many of the American people seem skeptical.

But they do think it's a crime that the tobacco companies can use money to block a bill to curtail teen smoking. They do think it's a crime that insurance companies can use money to block desperately needed health care reform. They do think it's a crime that telecommunication companies use money and can force a bill through Congress that's supposed to increase competition and decrease prices, but leads to cable rates that keep on rising and rising. And they do think it's a crime that corporations and unions are able to give unlimited soft money contributions to the political parties to advance their narrow special interests.

They think it's a crime. And you know what, it should be a crime. But here in Washington it is business as usual—until we manage to pass meaningful campaign finance reform.

Mr. President, it was very disappointing to me that 48 of our colleagues voted against the McCain-Feingold bill a few weeks ago, killing reform for this year. It was especially disappointing that we were unable to break through the filibuster here, after the enormous accomplishment of our colleagues in the other body who passed reform by a lopsided 252–179 margin.

It was especially disappointing that all the votes to kill our bill in the Senate came from one party. Facing the determined opposition of the leadership, reformers in the House succeeded not only in bringing campaign finance reform to the floor but in passing it with a strong bipartisan majority. When we failed to invoke cloture on the McCain-Feingold bill last month, we missed a golden opportunity to together do something positive for the American people on a bipartisan basis.

I emphasized the strong bipartisan vote in the House, Mr. President, because this effort has been a bipartisan effort all along. The senior Senator from Arizona, Senator MCCAIN, and the Senior Senator from Tennessee and Chairman of the Governmental Affairs Committee, Senator THOMPSON, have been in the forefront of this effort from the beginning. Five other distinguished Republican Senators voted for the McCain-Feingold bill. In the House, fully ¼ of the Republican Members voted for the bill. Senator MCCAIN and I recognized a long time ago that a partisan campaign finance bill will never become law. A serious effort to actually do something about this problem, Mr. President, has to be bipartisan.

It is significant, Mr. President, that many of the leaders in this body on campaign finance reform were part of the Governmental Affairs Committee's year long investigation of campaign finance abuses in the 1996 campaign. Not only the Chairman, Senator THOMPSON, but two other highly respected Republican members of the committee, Senator COLLINS and Senator SPECTER, supported the McCain-Feingold bill. And Democratic members such as the Senator GLENN, Senator LEVIN, and Senator DURBIN, have also been very active and outspoken in pushing for reform. These Senators saw—up close and personal—how the excesses of the 1996 campaign stem from problems with the law, particularly the enormous loophole known as soft money.

I want to thank all of them for their hard work on the investigation and on this legislation, and promise them that their work shall not have been in vain. It is unfortunate that the investigation did not lead to legislative correction in this Congress, but the factual record they amassed remains the most powerful and detailed argument for reform, and it will undoubtedly shape our efforts in the future.

There are plenty of scandals in this scandal-obsessed town—but when it comes to campaign finance, the greatest scandal of all is not about laws that were broken. The greatest campaign finance scandal is about the outrageous practices and compromising contributions that are perfectly legal. Yes, those who broke the current campaign finance laws should be punished, but that will hardly begin to solve the problems in this corrupt campaign finance system.

We've heard the horror stories again and again. The parties have special clubs for big givers and offer exclusive meetings and weekend retreats with officeholders to the donors. And it's totally legal.

The tobacco companies have funneled nearly $17 million in soft money to the national political parties in the last decade, $4.4 million in 1997 alone when the whole issue of congressional action on the tobacco settlement was very much alive—and it's totally legal.

In 1996, the gambling industry gave nearly $4 million in soft money to the two major political parties at the same time that Congress was creating a new national commission on gambling, but with limited subpoena powers—and it's totally legal.

The National Republican Congressional Committee is engaged in a $37 million dollar effort called Operation Breakout, funded largely by soft money, to attack Democratic candidates with advertisements that aren't considered election ads and don't even have to be reported to the FEC because they don't use certain ''magic words'' like Vote For or Vote Against—and it's totally legal.

And we're even starting to extort money from our own colleagues. It was recently reported that Republican leaders actually threatened to deprive their own Members of appropriations subcommittee chairmanships if they didn't cough up up to $100,000 for the Operation Breakout plan. And it's totally legal.

There are some in this body, of course, despite what the Thompson investigation uncovered and what news stories show on almost a daily basis, who don't see or won't acknowledge the corrupting influence of these unlimited soft money contributions, which are now totally legal. In our most recent debate, the junior Senator from Utah gave us a history lesson intended to convince us that we should not fear enormous campaign contributions. He recounted the frequently told story of how Sen. Eugene McCarthy's Presidential campaign in 1968 was jump-started by some very large contributions by some very wealthy individuals.

He also noted that Steve Forbes was apparently prepared to make similarly enormous contributions to support Jack Kemp in a run for the Presidency in 1996, but was prohibited from doing so by the federal election laws and so decided to run his own campaign, a decision from which we might infer that the money is more important than the candidate. And he recounted as well the story of Mr. Arthur Hyatt, a wealthy businessman who gave large soft money contributions to the Democratic Party in 1996, but decided after that election not to give soft money to the parties anymore, and instead to fund an advocacy group that is promoting public financing of elections.

The point of these examples was supposed to be that wealthy donors are motivated by ideology and the desire to benefit the public as they see it rather than by the desire to gain access and influence with policy makers through their contributions. And I suppose that is sometimes the case. Of course, there is also the well known story of Roger Tamraz, who testified under oath to our Governmental Affairs Committee that he never even votes, and the only reason that he gave soft money to the DNC was to gain access to officials he thought could help him with his business. I mean no disrespect to the Senator from Utah and the civic-minded millionaires he cites, but Mr. Tamraz, I suspect, is more typical in his motives, if not his methods, of big contributors.

I'm not cynical, Mr. President. There is a reason that I hold that suspicion. And the reason is that the vast majority of soft money contributions to our political parties are coming from corporate interests. And it simply cannot

be argued that these interests are acting out of public spiritedness or ideological conviction. Corporations do not have an ideology, they have business interests. They have a bottom line to defend, and they have learned over the years that making contributions to the major political parties in this country is a very good investment in their bottom line. Campaign money buys access, and access pays off at the bottom line.

Corporate interests are special interests. Special interests have self-interested motives. They are concerned with profits, not what is best for other citizens or consumers or the country as a whole. They like to cast their arguments in terms of the public interest, and they certainly will argue that if the Congress follows their advice on legislation the public will be better off, but in the end it is their own businesses that they care about, not the public good. Indeed, the boards of directors and management of corporations have a legal duty to act in the best interests of their shareholders, not the public at large.

And I have no problem with that, and no illusions about it either. It's OK with me that the corporate special interests are looking out for number one in the public debate, but I object when their deep pockets give them deep influence that ordinary Americans don't have.

Take the tobacco companies. They oppose increasing the taxes paid by consumers of their products, they promote putting caps on the damages that smokers and their families can be awarded in personal injury or wrongful death actions, but they oppose ending government subsidies for tobacco farmers. In each case, they say they are supporting the public interest, but in the end they are protecting their own bottom line. And they have invested heavily in this Congress, and in our political parties, millions upon millions of dollars to protect their bottom line.

These are the folks who raised their right hands and swore that tobacco was not addictive. These are the companies that concealed crucial studies on the dangers of their product for years. These are the people who spent millions on a misleading advertising campaign to kill the most important public health initiative that the Congress considered this year because it threatened their economic health. I'm not willing to rely on them to look out for the public interest, particularly when the voices of opposing views can hardly be heard because they don't have a lot of money.

Most soft money donors are using their contributions like Roger Tamraz and the tobacco companies do. That is borne out by a recent study by Common Cause of the major soft money donors so far in this election cycle. The political parties have already raised over $116 million in soft money in this cycle, the most ever in a non-presidential cycle and more than twice the amount given in a similar 18 month period in the 1993–94 cycle.

As is always the case, corporations with business before the Congress, not disinterested, public-spirited millionaires, and certainly not ordinary citizens, are leading the way in soft money giving in this cycle. Securities and investment companies and their executives have given $8.5 million, the insurance industry has given $7.3 million, the telecommunications industry $6.1 million, the real estate industry $5.9 million, the pharmaceutical industry $4 million, and the tobacco industry $3.9 million. All of these amounts are at least double and in some cases triple the amount given in 1993–94.

And one very interesting set of contributors shows that access, not ideology, is the main reason for soft money donations. Fifty-seven donors in the first 18 months of this cycle gave more than $75,000 to both parties. 15 companies, including Philip Morris, AT&T, Walt Disney Co., MCI, Bell South Corporation, Atlantic Richfield and Archer Daniels Midland gave more than $150,000 to both parties.

Now I suppose there might be some in those companies, or even in this body, who will argue that all of these ''double-givers'' just really want to help the political process. That they are motivated not by their bottom line but by a deep desire to assist the parties in serving the public. But if that is the case, why is that in every Congress since I have been here the industries most seriously affected by our work pony up to give huge contributions to us and to the political parties?

In 1993–94 it was the health care debate. Hospitals, insurance companies, drug companies, and doctors all opened their wallets in an unprecedented way. Then in 1995 and 1996, the Telecommunications Act was under consideration and lo and behold the local and long distance companies and the cable companies stepped up their giving. Now in this Congress, we've been working on bankruptcy reform and financial services modernization, and the biggest givers of all in this cycle according to Common Cause's research report are securities and investment companies, insurance companies, and banks and lenders, eager to have their business interests protected or expanded. What's going on here? I submit that it's not a spontaneous burst of civic virtue. And if we don't finish work on these bills this year, you can bet that the money will be there for us in the Congress as well—it has been suggested that sometimes the very members of Congress who most want a big bill to pass will slow its progress to keep the checks coming in and the money flowing that much longer.

Mr. President, not surprisingly, there's also a powerful new player in the soft money game in this Congress—the computer and electronics industry. According to Common Cause, these companies have given the parties nearly $2.7 million so far, more than twice as much as they gave four years ago. And why is that, Mr. President? Could it have anything to do with the ongoing antitrust investigations and the possibility of congressional action in connection with those investigations? Or is it that the industry suddenly became more public spirited than it was in the past?

Mr. President, the American people are not gullible or naive. They know that these companies contribute these enormous sums to the parties because their bottom line is affected by what the Congress does and they want to make sure the Congress will listen to them when they want to make their case. And they know that the big contributors get results.

And frankly, Mr. President, it's a two way street. The parties are hitting up these donors because they know that most companies, unlike Monsanto and General Motors who announced early in 1997 that they would no longer make soft money donations—most companies don't have the courage to say no. Most companies are worried that if they don't ante up, their lobbyists won't get in the door. Our current campaign finance laws encourage old fashioned shakedowns, as long as they are done discreetly.

Faced with this kind of evidence, it is beyond me how any Senator could support this soft money system. We simply must pass comprehensive reform, including a ban on soft money at the beginning of the next Congress, and we must make that ban effective immediately to prevent the presidential election in the Year 2000 from being contaminated with this corrosive and corruptive force. The consequences of failing to make these reforms will be devastating to the confidence of average citizens in the fairness and impartiality of the legislative process and the actions of a future Chief Executive.

Let me be clear Mr. President, I'm not suggesting that any individual Member of Congress is corrupt. I don't know that any Member of this body has ever traded a vote for a contribution. But while Members are not corrupt, the system is riddled with corruption. It is only human to help those who have helped you get elected or re-elected, to agree to the meeting, to take the phone call, to allow the opportunity to be persuaded by those who have given money. It is true of the parties, and it is true of the Members, even those who seek always to cast their votes on the merits. The result is that people who don't have money don't get heard.

So we don't need to point fingers at one another, we just have to rise above politics and do the right thing by the American people. We must clean up our own house, Mr. President. We cannot continue to ignore the corruption in our midst, the cancer that is eating the heart out of the great American compact of trust and faith between the people and their elected representatives.

We know that unlimited soft money contributions make a mockery of our election laws and threatens the fairness of the legislative process. We

know that phony issue ads paid for with unlimited corporate and union funds undermine the ability of citizens to understand who is bankrolling the candidates and why. We can find bipartisan solutions to these problems that protect legitimate First Amendment rights if we are willing to put partisan political advantage aside and sit down and work it out.

Senator MCCAIN and I are ready—we have been ready ever since we introduced our bill—to make changes to our bill that will bring new supporters on board and get us past the 60 vote threshold that the Senate rules have placed in our way, so long as we stay true to the goal of a cleaner, fairer, system in which money will no longer dominate.

I look forward to continuing this work next year Mr. President. And I am confident that we will succeed. Again, I want to thank Senator MCCAIN and all the Republicans who joined our bill this year. And of course, Senator DASCHLE and all the Democratic Senators who have so steadfastly supported bipartisan reform in this Congress.

Mr. President, most important legislative accomplishments take more than one Congress to enact. Rome was not built in a day, and campaign finance reform obviously could not be enacted in a year. But I believe that early in the next Congress there will be a real chance to deal with the campaign finance issue in a bipartisan fashion to make the election in the Year 2000 cleaner and fairer than the one we just had or the one we are about to have. The American people deserve that as we enter a new century, and here is a promise: I will never, ever, give up this fight until we give it to them.

THE NOMINATION OF JAMES C. HORMEL

Mrs. FEINSTEIN. Mr. President, as the 105th Congress draws to a close, I rise to express my disappointment over something we did not do. The Senate, despite strong support from both sides of the aisle, has not brought the nomination of James C. Hormel to serve as U.S. Ambassador to Luxembourg to the floor, has not had a debate on the nomination, and has not had a vote on it.

This failure is really quite incomprehensible.

The President nominated James Hormel for this post on October 6, 1997. After a thorough review by the Senate Foreign Relations Committee, the committee approved the nomination by a vote of 16–2 and reported it to the full Senate with the recommendation that it be confirmed. And yet here it is, October 14, 1998, in the final hours of this Congress, and the nomination has not budged from the Executive Calendar.

Mr. Hormel is eminently qualified for the job of U.S. Ambassador to Luxembourg. He has had a diverse and distinguished career as a lawyer, businessman, educator, and philanthropist, and he gained diplomatic experience as a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva in 1995 and as a member of the U.S. delegation to the 51st U.N. General Assembly in 1997. He was even confirmed unanimously by this very Senate for the latter post on May 23, 1997.

He has been an upstanding civic leader in San Francisco, and he has been honored for his work by organizations too numerous to mention. He is a man who is kind to all he meets, generous beyond measure, and deeply committed to making the world and his community a better place to live for all people. He is a devoted father of five grown children, and grandfather of 13. Anyone who knows him, as I have been privileged to do for over two decades, knows that he is a man of decency and honor, and the type of person who should be encouraged to be in public service.

So this is the situation we face: we have a nominee with outstanding talents and credentials; he was previously confirmed by this Senate for another post; he was approved by the Foreign Relations Committee by a 16–2 vote nearly a year ago; and over 60 Senators support bringing his nomination to a vote. And yet, we have never had the opportunity to vote on it.

Why? Because several Senators on the other side of the aisle have placed holds on the nomination, preventing a debate and a vote they knew they would lose. And the Majority Leader has refused to call up the nomination, effectively allowing the passage of time to kill it.

Why has Mr. Hormel been denied the Constitutionally delineated due process of a Senate debate and vote? The answer is simple: Mr. Hormel is gay. With no other reasonable grounds to block this nomination, one can come to no other conclusion than that some Senators are simply opposed to a gay man serving our country as a U.S. Ambassador. I believe the Senate does not want to allow this type of discrimination to prevail, and I think the vast majority of my colleagues agree. But so far, it appears that discrimination has prevailed.

I believe the majority of Americans agree with this position as well. To cite just one measure, newspaper editorials have appeared in support of Mr. Hormel's nomination across the country, including in the: Albany Times Union, Albuquerque Journal, Arkansas Democrat-Gazette, Atlanta Journal & Constitution, Boston Globe, Charleston (W.Va.) Gazette, Chicago Tribune, Cincinnati Post, Cleveland Plain Dealer, Detroit Free Press, Evansville Courier, Fort Worth Star-Telegram, Hartford Courant, Houston Chronicle, Los Angeles Times, Louisville (Ky.) Courier-Journal, Minneapolis-St. Paul Star-Tribune, Newark (N.J.) Star-Ledger, New Orleans Times Picayune, New York Daily News, New York Times, Peoria Journal-Star, Philadelphia Inquirer, Pittsburgh Post-Gazette, Portland Press Herald, Providence Journal, Riverside (Ca.) Press-Enterprise, Rocky Mountain News, San Diego Union-Tribune, San Francisco Chronicle, San Francisco Examiner, Santa Rosa (Ca.) Press Democrat, Seattle Post-Intelligencer, Springfield (Ill.) Journal-Register, St. Louis Post-Dispatch, St. Petersburg Times, Syracuse Post-Standard, Tulsa World, Washington Post, and York (Pa.) Daily Record.

Many of these newspapers have also run op-ed columns which call for a vote on the nomination, as have the: Arizona Republic, Buffalo News, Columbus Dispatch, Dallas Morning News, Denver Post, Des Moines Register, Detroit News, Fort Lauderdale Sun-Sentinel, Greensboro News & Record, Madison Capital Times, Memphis Commercial Appeal, Northern New Jersey Record, Raleigh News & Observer, Salt Lake City Tribune, and USA Today.

I deeply regret that the Senate has not been permitted to have its say on this eminently qualified nominee solely because he is gay. But the Senate's failure to act need not prevent Mr. Hormel from assuming his post. In a case such as this, where the Senate has so clearly failed to fulfill its Constitutional obligation with respect to a nomination, even though a clear majority of the Senate supports that nomination, I believe it is entirely appropriate for the President to use his Constitutional authority to make a recess appointment.

Luxembourg is a NATO ally, and we need an ambassador there. Mr. Hormel has every qualification necessary to be an outstanding ambassador, and he would have been overwhelmingly confirmed if the Senate had been allowed to vote. But we were not. I, therefore, urge President Clinton, after Congress adjourns, to make a recess appointment of James Hormel to be U.S. Ambassador to Luxembourg. It is the right thing to do, and it will give the country the benefit of the service of James Hormel, which the Senate has failed to do.

Mr. President, because the Senate has not had the opportunity to debate this nomination, I ask unanimous consent to place in the RECORD some of the materials I would have used in the course of that debate, including some of the notable editorials, op-ed pieces, and letters of support that have come to my attention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 22, 1998]

GAME'S NOT OVER FOR HORMEL

Even though this hasn't been a notably busy or productive year for the U.S. Senate, Majority Leader Trent Lott has decided that there simply is no time available to vote on the nomination of James Hormel as ambassador to Luxembourg. Never mind that Hormel's confirmation has been pending since last fall, that hearings on his fitness have long since been completed or that Lott early on declared his unshakable belief that Hormel should not represent his country abroad because he is a homosexual. The excuse du jour is that the Senate calendar is

too crowded to permit a confirmation vote. So Lott and a handful of others of like mind will have denied the Senate its constitutional responsibility to advise and consent to this nomination.

That's not the end of the story, however. The Constitution also empowers the president to fill vacancies when Congress is in recess. Congress is rushing toward recess now, its members eager to campaign for the November elections. Once it has adjourned, President Clinton can name Hormel to the Luxembourg post. He is qualified, he is acceptable to the host government and his sexual orientation is utterly irrelevant.

That's the way most senators feel, as Lott well knows. Had the Senate leader allowed a floor vote, Hormel would easily have been confirmed. Instead Lott used his powers to prevent a vote, meanwhile taking to the airwaves to give his opinion that homosexuality is a treatable condition, as he put it, like alcoholism or kleptomania. In other words, anyone who makes the effort can surmount it. That notion may play well in some circles. It hardly elevates the reputation of the Senate.

In a few weeks the Senate will recess. There's no reason why Hormel shouldn't be presenting his credentials in Luxembourg not long after.

[From the Atlanta Constitution, July 2, 1998]

SENATE DISCRIMINATES AGAINST GAYS

When gay Americans have sought protection against being fired from jobs or being denied employment solely because of their sexual orientation, they have been slapped with the charge that they are seeking ''special rights.''

The implication of the term, ''special rights,'' has been that gay Americans don't really need job protection, that they seek some sort of exalted legal status above and beyond that enjoyed by other Americans. That doesn't make much sense to gay Americans, for whom job discrimination is very real, but it has nonetheless become the standard line for politicians in rejecting gay-rights legislation.

The example of businessman James Hormel has exposed the hypocrisy of that argument. President Clinton has nominated Hormel to be U.S. ambassador to Luxembourg, a largely honorary role that requires confirmation by the U.S. Senate. But a vote on Hormel's nomination has been blocked by a small minority of U.S. senators for one very obvious and silly reason: He is gay, and they don't like gay people.

It's a situation rich in irony. Most of those opposing Hormel have no doubt cited the ''special rights'' argument in the past, denying that gay Americans need protection. Now here they are, in a very public setting, committing a form of discrimination that supposedly does not exist.

For that reason, the Hormel nomination already has served a great public benefit. It has stripped away the code phrases and the weasel words that certain politicians have used to communicate their message of hate to one crowd while maintaining the pretense of tolerance for others. It has ripped away the mask exposing the hate that has always hidden behind that term ''special rights.''

Here is a good man, a person of great accomplishment and civic contributions, denied the chance to represent his country simply because he is gay. And the wellspring of that bias and hate, the agency denying him a job because of his sexual orientation, is the U.S. Senate.

That is shameful.

No American should be denied the opportunity to contribute to his country, or more fundamentally, to simply earn a living, because of his sexual nature. If the right to earn a living and contribute to one's country is a ''special right,'' it is a special right that must be available to all Americans.

[From the Philadelphia Inquirer, June 23, 1998]

HOLD THAT HOMOPHOBIA

Maybe Don Nickles, the second-ranking Republican in the Senate, thinks he's Don Rickles, the insult-comedian? That might explain his screed Sunday against a gay businessman nominated to be an ambassador.

Alas, Mr. Nickles and other die-hard opponents of sending James Hormel to Luxembourg are slinging their insults in dead earnest.

They say it's not simply that this would-be diplomat is gay; it's that he's out of the closet. Mr. Hormel, a wealthy San Franciscan, has given tons of money to various causes and institutions, including Swarthmore College. But his foes fulminate about his donations to ''a gay and lesbian center'' at San Francisco's main library.

''One might have that lifestyle,'' said Mr. Nickles, ''but if one promotes it as acceptable behavior . . . I don't think they [sic] should be representative of this country.''

Never mind that Mr. Hormel's public service includes stints at the U.N. Human Rights Commission and General Assembly.

Never mind that his nomination has been endorsed by Republicans such as former Secretary of State George Shulz and Senate Judiciary Committee Chairman Orrin Hatch.

Never mind that his defenders, including the executive director of the American Library Association, argue that libraries ought to include a breadth of materials.

For months now, his nomination has been in limbo because a few senators invoke their informal power to put an indefinite ''hold'' on it. If homophobes want to oppose Mr. Hormel, even though Luxembourg has expressed its approval, let 'em. But his future should be decided by the full Senate, not X'd out by a tiny minority.

[From the New York Times, June 22, 1998]

LET THEM VOTE ON MR. HORMEL

James Hormel, President Clinton's nominee to be ambassador to Luxembourg, is opposed by a small group of Republican senators who are looking smaller all the time. It is not Mr. Hormel's credentials that are in question. An heir to the Hormel Meat-packing fortune, a former dean of the University of Chicago Law School, he has given leadership and money to causes that range from the San Francisco Symphony to Swarthmore College and the Human Rights Campaign, the main political lobby for homosexual rights.

Mr. Hormel is gay, but that is not an issue in Luxembourg. As Alphonse Berns, Luxembourg's Ambassador to the United States, said on Friday, ''We would welcome Mr. Hormel.'' But for months, Senators James Inhofe of Oklahoma, Tim Hutchinson of Arkansas and Robert Smith of New Hampshire have been blocking a vote on the nomination, making dark suggestions about Mr. Hormel's gay-rights ''agenda,'' as if he might somehow seek to lead the moral standards of Luxembourg array.

Discrimination against people on the basis of their sexual orientation is outlawed in Luxembourg and in all the other countries in the European Union. It is illegal in San Francisco, where Mr. Hormel lives, and in Washington—except in such place as Congress, where the Republican leadership has made a fetish of it lately.

Last week, Trent Lott, the Senate majority leader, who has refused to bring the Hormel nomination up for a vote, said in a television interview that he thought homosexuality was a sin. He likened it to alcoholism, kleptornania and ''sex addiction.'' The next day, Dick Armey, the House majority leader, said he thought it was a sin too, and cited some Bible scripture to the effect that neither fornicators, nor adulterers, ''nor effeminate, nor abusers of themselves with mankind'' shall inherit the kingdom of God.

Finally, in a letter to Mr. Lott made public on Thursday, Senator Alfonse D'Amato of new York broke the silence of his fellow Republicans to say that it was wrong to block Hormel's nomination simply because he is gay. ''I am embarrassed,'' he said. Senator Dianne Feinstein of California has said she believes more than 60 senators support Mr. Hormel. Mr. Lott should let the nomination go to the floor, so Mr. Hormel. can be judged on his merit.

[From the Washington Post, May 12, 1998]

QUALIFIED TO SERVE

Senate Majority Leader Trent Lott, refuses to let the Senate vote on President Clinton's nominee to be ambassador to Luxembourg. Four of Mr. Lott's fellow Republicans have objected to would-be ambassador James Hormel because, they say, of his support for gay rights. But many other Clinton appointees have shared Mr. Hormel's views on that matter. The real problem seems to be that Mr. Hormel is himself openly gay.

Mr. Hormel, 65, is a longtime supporter of the Democratic Party, and you could certainly make a case that more career diplomats and fewer political contributors should get ambassadorial posts. But as political nominations go, Mr. Hormel is, according to wide bipartisan consensus, unusually well qualified. A lawyer and businessman from San Francisco, Mr. Hormel has been a longtime and effective supporter of many charitable causes. George Shultz, former secretary of state, says Mr. Hormel ''would be a wonderful representative for our country.''

The senators who object—Tim Hutchinson of Arkansas, James Inhofe of Oklahoma, Robert Smith of New Hampshire and a fourth who remains anonymous—say they fear he would use his ambassadorship to advance a gay rights agenda. How that might come about in Luxembourg is hard to see; in any case, Mr. Hormel has made clear that he would use his post to promote U.S. policy, and U.S. policy only.

Mr. Hormel's nomination sailed through the Senate Foreign Relations Committee last fall. Now he deserves a vote in the full Senate. Those senators who don't believe a gay person should represent the United States overseas would be able to vote no. Those who believe the United States should welcome to public service its most qualified citizens regardless of race, religion, gender, ethnic background or sexual orientation, would be able to vote yes. We believe a majority of the Senate inclines toward the latter view. As Republican Sen. Orrin Hatch said in support of Mr. Hormel's nomination, ''I just don't believe in prejudice against any individual, regardless.''

[From the Arkansas Democrat-Gazette]

STRANGE DIPLOMACY—SENATOR HUTCHINSON, MEET MR. HORMEL

Any day now Tim Hutchinson is to meet with James Hormel. Mr. Hutchinson, you may have noticed, is the junior senator from Arkansas, and Mr. Hormel is the ambassador-designate to Luxembourg whose appointment Senator Hutchinson has been holding up.

We thought better of Tim Hutchinson. It's one thing to block an ambassadorial nomination when policy is the issue. That's what Jesse Helms did when William Weld, then governor of Massachusetts, was nominated

as ambassador to Mexico. The irrepressible senator from North Carolina reasoned that the drug trade was going to be a major issue between the United States and Mexico, and that made Mr. Weld's position on legalizing marijuana fair game.

But now Senator Hutchinson has put ahold on the nomination of James Hormel—scion of the Spam-making family—as ambassador to Luxembourg. The senator says he's concerned about the ''activism'' of Mr. Hormel in pushing rights for homosexuals.

Funny, we don't remember homosexuality being a major issue between the United States and Luxembourg. Nor does Luxembourg seem to offer much of a platform for espousing any political agenda. Luxembourg is by all accounts a lovely country about the size of Rhode Island, and one not likely to be confused with a great power.

Tim Hutchinson says he plans to find out more for himself about the nominee's background. When he does he'll learn that James Hormel has many qualifications as representative of this country.

* * * * *

Not only all that, but James Hormel already has a diplomatic background of sorts: He was a delegate to the United Nations Human Rights Commission's meeting in Geneva in 1995, and he was an alternate in this country's delegation to the UN General Assembly this year.

That last position required confirmation by the Senate. Mr. Hormel's ''activism'' wasn't an issue for Senator Hutchinson when that vote came up.

When it comes down to it and ambassadorship to a small friendly country requires little more than an ability to throw good parties. What's our junior senator worried about—that James Hormel will serve Spam at diplomatic receptions? That he'll re-decorate the ambassador's residence in lavender? Come On, senator. Wake up and grow up.

Senators have more realistic problems to worry about. Or should have Senator Hutchinson's objections to Mr. Hormel are enough to make that clunky, over-worked word Homophobis all too relevant.

Orrin Hatch, the senator from Utah, said it plain when he urged his colleagues to lift Tim Hutchinson's embarrassing hold on this nomination. ''We ought to vote on him,'' Senator Hatch said of the nominee, ''and I personally believe he would pass and he'd become the next ambassador to Luxembourg. I just don't believe in prejudice against any individual and, frankly, we have far too much of that.'' to quote Orrin Hatch. ''I get tired of that kind of stuff.'' So do we.

[From the Washington Post, July 7, 1998]

A VOTE FOR HORMEL

(By James K. Glassman)

Luxembourg is a nation of 400,000 souls in the middle of Europe. It's smaller than Jacksonville, Fla., but it's the focus of a big controversy in Washington. Back in October, President Clinton picked James C. Hormel of San Francisco, an investor and philanthropist, to be U.S. ambassador to Luxembourg. The next month, he was approved by the Senate Foreign Relations Committee, 16–2. But it is unlikely that the ''Spam heir,'' as the local newspapers call him, will ever become our envoy to the Grand Duchy.

Trent Lott, the Senate Majority Leader, refuses to put the matter to a vote. Hormel is gay, and Lott considers homosexuality a sin. In an interview on ''The Armstrong Williams Show,'' Lott elaborated: ''You should still love that person. You should not try to mistreat them or treat them as outcasts. You should try to show them a way to deal with that problem, just like alcohol . . . or sex addiction . . . or kleptomaniacs.''

Kleptomaniacs! The Hormel nomination has brought anti-gay sentiment among GOP leaders out of the closet—and it is an ugly sight. Recent comments by Lott, Foreign Relations Chairman Jesse Helms (''it's sickening'') and Senate Whip Don Nickles (''immoral behavior'') may appear unenlightened and ignorant, but politicians, like the rest of us, are entitled to their bigotries.

Through their actions as lawmakers, however, politicians should not be entitled to impose such bigotries—or religious or moral convictions, if you prefer—about matters of personal behavior on the rest of us.

In general, while Americans don't approve of homosexuality, they are very tolerant of it—and getting more so. For example, 52 percent of respondents to a Gallup poll last year said homosexuality was ''not an acceptable alternative lifestyle''—a figure essentially unchanged from 1982. But 84 percent (up from 59 percent 16 years ago) said homosexuals ''should have equal rights in terms of job opportunities.'' Gallup says that ''solid majorities'' favor gays as elementary school teachers (up from 27 percent in 1977) and clergy (up from 36 percent).

What's truly disturbing about the Hormel affair is that it shows how conservatives, who claim to favor a smaller, less intrusive government, can't resist using it to impose their own moral views on the public.

Frederich von Hayek, the Nobel Prize-winning economist and a patron saint to many conservatives, identified this propensity in a famous essay in 1960. ''In general,'' he wrote, ''it can probably be said that the conservative does not object to coercion or arbitrary power so long as it is used for what he regards as right purposes. . . . Like the socialist, he regards himself as entitled to force the values he holds on other people.''

At a conference on homosexuality at Georgetown University, Bill Kristol, a conservative intellectual leader and editor of the Weekly Standard, complained about ''a denial of the public's right to uphold moral standards.'' But he, too, misses the key distinction: No one is denying the right of individuals and groups to campaign against immorality as they see it. But public officials, in the discharge of their duties are something else. Judgments about truly personal behavior are not their province.

Some of Hormel's foes claim they are against him not because he's gay but because he's a vigorous proselytizer for gay causes. ''He has promoted that lifestyle and promoted it in a big way, in a way that is very offensive,'' said Nickles.

But this is a meaningless distinction. Gays are denied jobs because of their sexual orientation. Why shouldn't Hormel campaign to change that situation? Lott and Nickles sound like a couple of 1950s southern segregationists: ''It's not that we're against nigras. It's that we're against them marching for their so-called rights.''

One reason the American system works so well is that, in Hayek's words, ''we agree to tolerate much that we dislike.'' It's that agreement ''that makes it possible to build a peaceful society with a minimum of force.''

When we abandon tolerance, the trouble begins. It's bad enough on college campuses, where rules against ''offensive speech'' are used to stifle ideas unpopular to the left and, of course, to hypersensitive gays. But when it comes to government, which wields the power to tax and imprison, tolerance is an absolute necessity.

As far as our international relations are concerned, it makes no difference at all whether Hormel becomes an ambassador. As far as the preservation of our freedoms and proper role of our government are concerned, it makes a big difference indeed.

SAN FRANCISCO, CA, *February 6, 1998.*

Senator TRENT LOTT,
U.S. Capitol,
Washington, DC.

DEAR TRENT: We are writing on behalf of James Hormel, a candidate for the post of Ambassador to Luxembourg. We know him as a highly regarded individual in the City of San Francisco. His community service and philanthropy are extraordinary. He gives time and personal effort as well as resources to improve the quality of life in our community.

We recommend him to you because we believe he would be a wonderful representative for our country. We hope that his nomination can be brought to the floor of the Senate for a vote as soon as possible

Sincerely,

CHARLOTTE M. SHULTZ.
GEORGE P. SHULTZ.

D'AMATO URGES MAJORITY LEADER LOTT TO SCHEDULE VOTE ON NOMINATION OF JAMES HORMEL

WASHINGTON—U.S. Senator Alfonse M. D'Amato (R–NY) today called on Senate Majority Leader Trent Lott (R–MS) to permit an up or down vote on the nomination of James Hormel to serve as U.S. Ambassador to Luxembourg. Text of Senator D'Amato's letter follows:

DEAR MAJORITY LEADER: I urge you to permit an up or down vote on the nomination of Mr. James Hormel to serve as United States Ambassador to Luxembourg. I support proceeding to a vote for three basic reasons.

First, Mr. Hormel is a highly qualified nominee. His academic, business, and community service credentials are outstanding and are easily equal to or greater than those of most ambassadorial nominees. I know of no statements or actions by Mr. Hormel that make him unfit to represent our country in this diplomatic post. Furthermore, he clearly understands that his own personal philosophies, whatever they may be, are not to influence his ambassadorial duties. He is completely committed to representing the policies of the United States government.

Second, simple fairness demands that the Senate be allowed to vote on Mr. Hormel's nomination. The Foreign Relations Committee overwhelmingly approved the nomination, and a majority of Senators are on record supporting the nomination. Opponents of the nominee should certainly have their voices heard, but so too should supporters. And Mr. Hormel should also be given the chance to defend himself. This can only happen if the Senate is permitted to vote.

Third, and most fundamentally, I fear that Mr. Hormel's nomination is being obstructed for one reason, and one reason only, the fact that he is gay. In this day and age, when people ably serve our country in so many capacities without regard to sexual orientation, for the United States Senate to deny an appointment on that basis is simply wrong. What's more, on a personal level, I am embarrassed that our Republican Party, the Party of Lincoln, is seen to be the force behind this injustice.

I know that you join me in standing for the proposition that all people should be judged on their ability to do the job. By that sole standard, Mr. Hormel is well qualified to be Ambassador to Luxembourg. I urge you to permit a Senate vote on the nomination, and to join me in opposing those who would deny Mr. Hormel this position because of his sexual orientation.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

CATHOLIC CHARITIES,
San Francisco, CA, July 22, 1998.

Hon. TRENT LOTT,
U.S. Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: Please accept this letter in my capacity as the Chief Executive Officer of Catholic Charities of the Archdiocese of San Francisco and the immediate past President of Catholic Charities of California. It has been alleged that James Hormel, President Clinton's nominee to be Ambassador to Luxembourg, is anti-Catholic and anti-religious. I know the characterizations of Mr. Hormel are not true. I know personally that Mr. Hormel vigorously opposes discrimination in all forms including that of religion.

I urge you to allow Mr. Hormel's nomination to come before the full Senate for he would be an excellent representative for the United States to the predominantly Catholic country of Luxembourg.

Sincerely,

FRANK C. HUDSON,
Chief Executive Officer.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. MURKOWSKI. I rise to speak in support of the passage of H.R. 2000, a bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes, and I hope it will be sent on its way to the President for his signature.

A measure similar to H.R. 2000 was passed by the Senate Energy and Natural Resources Committee on September 24, of last year. S. 967 contained the majority of the provisions in H.R. 2000.

One of the most important provisions in H.R. 2000 is section 6 which implements a land exchange with the Calista Corporation, an Alaska Native regional corporation organized under the authority of the Alaska Native Claims Settlement Act. This exchange, originally authorized in 1991, by P.L. 102–172, would provide for the United States to acquire more than 200,000 acres of Calista and village corporation lands and interests in lands within the Yukon Delta National Wildlife Refuge in southwestern Alaska.

The Refuge serves as an important habitat and as a breeding and nesting ground for a variety of fish and wildlife, including numerous species of migratory birds and waterfowl. As a result, the Calista exchange will enhance the conservation and protection of these vital habitats and thereby further the purpose of ANCSA and the Alaska National Interest Lands Conservation Act.

In addition to conservation benefits, this exchange will also render much needed economic benefit to the Yupik Eskimo people of southwestern Alaska. The Calista region is burdened by some of the harshest economic and social conditions in the Nation. As a result of this exchange, the Calista Corporation will be better able to make the kind of investments that will improve the region's economy and the lives of the Yupik people. In this regard, this provision furthers and carries out the underlying purposes of ANCSA.

This provision is, in part, the result of discussions by the various interested parties. As a result of those discussions, a number of modifications were made to the original package of lands offered for exchange.

Mr. President, it is past time to move forward with this exchange.

Another section of this bill I wanted to comment on is a provision that was not included in the technical amendments I introduced but that was added in the House.

Section 12 of this bill expressly authorizes and confirms the original intent of ANCSA in 1971: that ANCSA corporations could provide health, education and welfare benefits for Alaska Natives, including those persons who were their shareholders.

This provision is necessary because one recent Alaska Supreme Court case has concluded that an ANCSA corporation had liability to its shareholders under Alaska state law for a cash payment benefits program. The program at issue in that case was limited to the persons reached a certain age. Given the narrowness of this program, it was not consistent with the intent of ANCSA. Section 12 of this bill is not intended to alter the result in that case, or otherwise, with regard to that specific benefit program.

However, in reaching its decision under Alaska state law, the court used language which suggests that any ANCSA corporate benefits program which does not provide equal pro rata benefits to all shareholders simultaneously is invalid. Such a conclusion goes too far and is inconsistent with the intent behind ANCSA.

Thus, section 12 of this bill is intended to make clear that in evaluating the legality of health, education and welfare programs maintained by ANCSA corporations, federal law (ANCSA) is to preempt Alaska state law. Such programs have been established in good faith to provide health, education and/or welfare benefits for the ANCSA corporations' shareholders or their family members.

To be valid under ANCSA, it is not necessary that benefits be provided on an equal pro rata basis simultaneously to all shareholders, or even that the program recipients be shareholders as long as they are family members of shareholders.

Examples of the type of programs authorized include: scholarships, cultural activities, shareholder employment opportunities and related financial assistance, funeral benefits, meals for the elderly and other elders benefits including cash payments, and medical programs.

I believe these programs represent an important part of the ANCSA corporations, and I hope they will continue long into the future.

REVISION OF RECORD CONCERNING AMENDMENT NO. 3812

Mr. HATCH. Mr. President, prior to the passage of H.R. 3494 by the Senate and House, Title 18 of the United States Code, Section 2252 and 2252A permitted prosecution for possession of child pornography only when it could be alleged that an individual possessed three or more pictures or images of child pornography. When the original Senate substitute to H.R. 3494 was reported out of the Judiciary Committee, no agreement had been reached on amending the federal child pornography laws to prohibit the possession of even one picture or image of child pornography.

Thanks to the diligent efforts of Senators LEAHY, DEWINE, and SESSIONS, we were able to reach agreement on that issue. The final bill makes it clear that the United States has ''Zero Tolerance'' for the possession of any child pornography. Unfortunately, Senators LEAHY, DEWINE, and SESSIONS were inadvertently omitted from the list of cosponsors of Senate amendment 3812 to H.R. 3494, which incorporated that agreement. The RECORD should be corrected to reflect their work on, and cosponsorship of, this important amendment.

MISPRINT OF THE STATEMENT OF MANAGERS OF S. 1260

Mr. SARBANES. Mr. President, I rise to address a question to the chairman of the Banking Committee, Senator D'AMATO: it is my understanding that the joint explanatory statement of the committee of conference on S. 1260, as printed by the Government Printing Office in Report 105–803, and as it appeared in the CONGRESSIONAL RECORD for Friday, October 9, 1998, contained an error and was incomplete. Is that the Senator's understanding?

Mr. D'AMATO. Yes, my colleague from Maryland, the ranking Democrat on the Banking Committee is correct. Due to a clerical error, the joint explanatory statement of the committee of conference on S. 1260, was printed without the final page. This page contained some essential explanatory information regarding the 1995 Securities Litigation Reform Act regarding scienter standards. Unfortunately, this same clerical error occurred in the version of the report language that appeared in the House RECORD at H10270. The official version of the joint explanatory statement was filed in the Senate on October 9th and did contain the page that was omitted by the GPO and the CONGRESSIONAL RECORD for October 9th.

In order to clarify this situation, I ask for unanimous consent that the text of the explanatory statement be reprinted in its entirety.

Mr. SARBANES. Is it the further understanding of the Chairman of the Banking Committee that page H10775 of the CONGRESSIONAL RECORD for October 13, 1998 contains a printing error?

Mr. D'AMATO. The Senator from Maryland is correct. The Joint Explanatory Statement of the committee of conference begins on page H10774 of the

CONGRESSIONAL RECORD for October 13, 1998 and concludes on page H10775 where the names of the House and Senate Managers appear. The material on page H10775 that follows the names of the Managers, although printed in the same typeface, is not part of the Joint Explanatory Statement. It does not represent the views of the Managers.

Mr. SARBANES. So the correct version of the Joint Explanatory Statement is that which will appear in today's Senate RECORD?

Mr. D'AMATO. The Senator is correct.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

UNIFORM STANDARDS

Title I of S. 1260, the Securities Litigation Uniform Standards Act of 1998, makes Federal court the exclusive venue for most securities class action lawsuits. The purpose of this title is to prevent plaintiffs from seeking to evade the protections that Federal law provides against abusive litigation by filing suit in State, rather than in Federal, court. The legislation is designed to protect the interests of shareholders and employees of public companies that are the target of meritless ''strike'' suits. The purpose of these strike suits is to extract a sizeable settlement from companies that are forced to settle, regardless of the lack of merits of the suit, simply to avoid the potentially bankrupting expense of litigating.

Additionally, consistent with the determination that Congress made in the National Securities Markets Improvement Act[1] (NSMIA), this legislation establishes uniform national rules for securities class action litigation involving our national capital markets. Under the legislation, class actions relating to a ''covered security'' (as defined by section 18(b) of the Securities Act of 1933, which was added to that Act by NSMIA) alleging fraud or manipulation must be maintained pursuant to the provisions of Federal securities law, in Federal court (subject to certain exceptions).

''Class actions'' that the legislation bars from State court include actions brought on behalf of more than 50 persons, actions brought on behalf of one or more unnamed parties, and so-called ''mass actions,'' in which a group of lawsuits filed in the same court are joined or otherwise proceed as a single action.

The legislation provides for certain exceptions for specific types of actions. The legislation preserves State jurisdiction over: (1) certain actions that are based upon the law of the State in which the issuer of the security in question is incorporated[2]; (2) actions brought by States and political subdivisions, and State pension plans, so long as the plaintiffs are named and have authorized participation in the action; and (3) actions by a party to a contractual agreement (such as an indenture trustee) seeking to enforce provisions of the indenture.

Additionally, the legislation provides for an exception from the definition of ''class action'' for certain shareholder derivative actions.

Title II of the legislation reauthorizes the Securities and Exchange Commission (SEC or Commission) for Fiscal Year 1999. This title also includes authority for the SEC to pay economists above the general services scale.

Title III of the legislation provides for corrections to certain clerical and technical errors in the Federal securities laws arising from changes made by the Private Securities Litigation Reform Act of 1995[3] (the ''Reform Act'') and NSMIA.

The managers note that a report and statistical analysis of securities class actions lawsuits authored by Joseph A. Grundfest and Michael A. Perino reached the following conclusion:

The evidence presented in this report suggests that the level of class action securities fraud litigation has declined by about a third in federal courts, but that there has been an almost equal increase in the level of state court activity, largely as a result of a ''substition effect'' whereby plaintiffs resort to state court to avoid the new, more stringent requirements of federal cases. There has also been an increase in parallel litigation between state and federal courts in an apparent effort to avoid the federal discovery stay or other provisions of the Act. This increase in state activity has the potential not only to undermine the intent of the Act, but to increase the overall cost of litigation to the extent that the Act encourages the filing of parallel claims.[4]

Prior to the passage of the Reform Act, there was essentially no significant securities class action litigation brought in State court.[5] In its Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995, the SEC called the shift of securities fraud cases from Federal to State court ''potentially the most significant development in securities litigation'' since passage of the Reform Act.[6]

The managers also determined that, since passage of the Reform Act, plaintiffs' lawyers have sought to circumvent the Act's provisions by exploiting differences between Federal and State laws by filing frivolous and speculative lawsuits in State court, where essentially none of the Reform Act's procedural or substantive protections against abusive suits are available.[7] In California, State securities class action filings in the first six months of 1996 went up roughly five-fold compared to the first six months of 1995, prior to passage of the Reform Act.[8] Furthermore, as a state securities commissioner has observed:

It is important to note that companies can not control where their securities are traded after an initial public offering. * * * As a result, companies with publicly-traded securities can not choose to avoid jurisdictions which present unreasonable litigation costs. Thus, a single state can impose the risks and costs of its peculiar litigation system on all national issuers.[9]

The solution to this problem is to make Federal court the exclusive venue for most securities fraud class action litigation involving nationally traded securities.

SCIENTER

It is the clear understanding of the managers that Congress did not, in adopting the Reform Act, intend to alter the standards of liability under the Exchange Act.

The managers understand, however, that certain Federal district courts have interpreted the Reform Act as having altered the scienter requirement. In that regard, the managers again emphasize that the clear intent in 1995 and our continuing intent in this legislation is that neither the Reform Act nor S. 1260 in any way alters the scienter standard in Federal securities fraud suits.

Additionally, it was the intent of Congress, as was expressly stated during the legislative debate on the Reform Act, and particularly during the debate on overriding the President's veto, that the Reform Act establish a heightened uniform Federal standard on pleading requirements based upon the pleading standard applied by the Second Circuit Court of Appeals. Indeed, the express language of the Reform Act itself carefully provides that plaintiffs must ''state with particularity facts giving rise to a strong inference that the defendant acted with the required state of mind.'' The Managers emphasize that neither the Reform Act nor S. 1260 makes any attempt to define that state of mind.

The managers note that in Ernst and Ernst v. Hochfelder,[10] the Supreme Court left open the question of whether conduct that was not intentional was sufficient for liability under the Federal securities laws. The Supreme Court has never answered that question. The Court expressly reserved the question of whether reckless behavior is sufficient for civil liability under section 10(b) and Rule 10b–5 in a subsequent case, Herman & Maclean v. Huddleston,[11] where it stated, ''We have explicitly left open the question of whether recklessness satisfies the scienter requirement.''

The managers note that since the passage of the Reform Act, a data base containing many of the complaints, responses and judicial decisions on securities class actions since enactment of the Reform Act has been established on the Internet. This data base, the Securities Class Action Clearinghouse, is an extremely useful source of information on securities class actions. It can be accessed on the world wide web at http://securities.stanford.edu. The managers urge other Federal courts to adopt rules, similar to those in effect in the Northern District of California, to facilitate maintenance of this and similar data bases.

TRIBUTE TO DANA TASCHNER

Mr. DASCHLE. Mr. President, I rise today to call attention to the outstanding achievements of a Nevadan who has dedicated himself to helping individuals who often lack the means to help themselves. Dana Taschner has achieved national recognition as a champion for victims of domestic violence and civil rights abuses. He is a 38 year-old lawyer from Reno who chooses cases that are relatively small-scale,

[1] Public Law 104–290 (October 11, 1996).

[2] It is the intention of the managers that the suits under this exception be limited to the state in which issuer of the security is incorporated, in the case of a corporation, or state of organization, in the case of any other entity.

[3] Public Law 104–67 (December 22, 1995).

[4] Grundfest, Joseph A. & Perino, Michael A., Securities Litigation Reform: The First Year's Experience: A Statistical and Legal Analysis of Class Action Securities Fraud Litigation under the Private Securities Litigation Reform Act of 1995, Stanford Law School (February 27, 1997).

[5] *Id.* n. 18.

[6] *Report to the President and the Congress on the First Year of Practice Under the Private Securities Litigation Reform Act of 1995,* U.S. Securities and Exchange Commission, Office of the General Counsel, April 1997 at 61.

[7] Testimony of Mr. Jack G. Levin before the Subcommittee on Finance and Hazardous Materials of the Committee on Commerce, House of Representatives, Serial No. 105–85, at 41–45 (May 19, 1998).

[8] *Id.* at 4.

[9] Written statement of Hon. Keith Paul Bishop, Commissioner, California Department of Corporations, submitted to the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Securities'' ''Oversight Hearing on the Private Securities Litigation Reform Act of 1995,'' Serial No. 105–182, at 3 (July 27, 1998).

[10] 425 U.S. 185 (1976).

[11] 459 U.S. 375 (1983).

but representative of many of the problems facing Americans. Time and again, Mr. Taschner has had the courage and initiative to take on cases that more prominent firms are hesitant to handle for political or monetary reasons. Dana Taschner truly brings honor to his profession.

Mr. Taschner's devotion to fighting oppression recently earned him the American Bar Association's Lawyer of the Year award. He was chosen from a pool of approximately 245,000 other lawyers in North America, competing with litigators with much higher profiles and greater wealth. In 1993, Mr. Taschner took on the Los Angeles Police Department and succeeded in forcing them to change their policy regarding police officers who commit domestic violence. In this case, he represented 3 orphans whose father, an L.A. police officer, murdered their mother and then took his own life. Taschner was able to overcome his own painful childhood memories of domestic abuse and secure the orphans a settlement. He argued that the department should not have returned the officer's gun after he had beaten his wife and threatened to kill her. He also forced the department to treat these matters as criminal cases, rather than internal affairs.

In this era of cynicism and self-promotion, I believe we must take steps to encourage and reward sincerity. Dana Taschner's unwavering dedication to his clients can be seen in his personal relationships with them, relationships that often outlive the outcome of the case. As an attorney myself, I have seen firsthand how much our country needs people in my field who care enough about their clients to commit themselves personally, as well as professionally. Many litigators find it much easier to take the cases that bring financial gain, rather than attempting to help the true victims of injustice.

I am proud that his colleagues have lavished accolades upon Mr. Taschner, but I believe it is a much greater sign of his success that his clients put their faith in him. Dana Taschner, whose integrity and selfless devotion to fairness truly embody our American justice system, is a role model for us all.

THE HEALTHCARE QUALITY ENHANCEMENT ACT

Mr. FRIST. Mr. President, I rise today to express my continued support for S. 2208, the Healthcare Quality Enhancement Act, which seeks to reform and improve the Agency for Healthcare Policy and Research (AHCPR).

Studies show that health care quality is dictated more by where you live than by scientific evidence or what is the best practice in medicine. Today, we have more biomedical research results than ever before, yet we are falling short in our success to disseminate our findings and to influence practice behavior. In 1843, Dr. Holmes published his famous article on hand washing for the prevention of puerperal fever in the New England Quarterly Journal of Medicine and Surgery. While it is an accepted and expected practice today, it took several decades before his recommendation became a universally accepted practice.

The landmark Early Treatment Diabetic Retinopathy Study was published in 1985. Then, three years later, the American Diabetes Association published its eye care guidelines for patients with diabetes. Unfortunately, however, today the national rates for annual diabetic eye exam is still only 38.4 percent. Clearly, the practical application of scientifically sound diabetic eye care recommendations has not fared much better than the highly beneficial and very important hand washing theory. While there are more scientific discoveries than ever before, the practical introduction of these new scientific discoveries does not appear to be much faster today than it was more than 100 years ago.

Through S. 2208, I am seeking to close the gap between what we know and what we do in health care. The expired statute of AHCPR represented an outdated approach to health care quality improvement. S. 2208 would establish the Agency for Healthcare Quality Research (AHQR), whose mission is the overall improvement in health care quality.

Built upon the current AHCPR, the Agency for Healthcare Quality Research is refocused and enhanced to become both the hub and driving force of federal efforts to improve quality of health care in all practice environments. The Agency will assist, not burden physicians in four specific ways. First, it will aggressively support state-of-the-art information systems for health care quality. Improved computer systems will advance quality scoring and facilitate quality-based decision making in patient care. Next, it will support research in areas of primary care delivery, priority populations and access in under served areas. The Agency's authority is expanded to support health care improvement in all types of office practice—both solo practitioners and managed care. In addition, it will promote data collection that makes sense. Physicians want information on quality to enable them to compare their outcomes with their peers. Statistically accurate, sample-based national surveys based on existing structures will efficiently provide reliable and affordable data. And finally, the Agency will promote quality by sharing information with doctors, not the federal government. While proven medical advances are made daily, patients wait too long to benefit from these discoveries. We must get the science to the people who use it—physicians.

I would like to point out that S. 2208 does not create a new bureaucracy, nor does it expand the federal government. Rather, it refocuses an existing agency, the AHCPR, on a research mission that can better serve the health and health care of all Americans. The reauthorization of the AHCPR and the creation of the Agency for Healthcare Quality Research enjoys broad-based support. By taking leadership in supporting research on health care quality improvement, eight Senators, including myself, are co-sponsoring this bill. They are Senators COLLINS, FAIRCLOTH, JEFFORDS, INOUYE, MACK, BREAUX, and LIEBERMAN. In addition, S. 2208 was later incorporated in another bill which received co-sponsorship from 49 Senators. Also, I am pleased to report that 44 leading organizations, consisting of health care professionals, patient advocates, major health care organizations and health services researchers, have also lent their support for this measure.

Americans want and deserve better health care. For this compelling reason, I will reintroduce S. 2208 in the 106th Congress. I urge my colleagues to support health care quality improvement and to refocus the federal government's role in this vitally important area of research.

NOMINATION OF JEFFREY S. MERRIFIELD

Mr. SMITH of New Hampshire. Mr. President, I rise today in support of Mr. Jeff Merrifield to the position of U.S. Nuclear Regulatory Commissioner.

Mr. Merrifield was born in Westerly, Rhode Island and spent most of his childhood in Antrim, New Hampshire. In 1985, Jeff graduated Magna Cum Laude with his B.A. from Tufts University. In 1986, he joined Senator Gordon Humphrey's staff and handled energy and environmental issues. I first came to the Senate in 1990 and I was fortunate that Jeff was one of several staffers who carried over from Senator Humphrey's staff to mine.

While working for Senator Humphrey and me, Jeff put himself through Georgetown Law School. He graduated in 1992 after which he began work for the Washington D.C. based law firm of McKenna and Cuneo. There, he practiced environmental and government contracts law until 1995. I was very pleased to have Jeff returned to my staff in 1995 to be my counsel for the Senate Subcommittee on Superfund, Waste Control and Risk Assessment. He was the lead staffer in developing my Superfund reauthorization legislation.

During his time with the Senate, Jeff has been involved with all aspects of solid and hazardous waste disposal and cleanup regulation. He took part in a number of bills including the Price Anderson reauthorization, the Oil Pollution Control Act, the Clean Air Act reauthorization, efforts to reauthorize both Superfund and RCRA, and the Intermodal Surface Transportation Act (ISTEA I).

In addition to his duties on the Committee, Jeff has also been extensively

involved in assisting me on the Armed Services Subcommittee on Strategic Forces, which I chair. He has provided me with valuable oversight of hazardous and radiological waste programs at DOD and DOE facilities.

Jeff's philosophy as Commissioner will be that the NRC cannot take a solitary role in maintaining full public confidence in the safety of nuclear power. He has said that the nuclear industry must also assume equal responsibility for taking the steps necessary to maintain the trust of the American public.

Mr. President, Jeff has done a great job for me over the years. Although I'm sorry to lose him from my staff, I'm confident that he will provide the NRC with the talents necessary to ensure adequate protection of the public health and safety, the common defense and security, and the environment in the use of nuclear materials in the United States. Jeff is a bright, dedicated and articulate individual who will serve the nation with distinction. I strongly recommend him for the position of U.S. Nuclear Regulatory Commissioner and urge my colleagues to do the same. Thank you, Mr. President.

HEALTH PROFESSIONS EDUCATION PARTNERSHIPS ACT OF 1998

Mr. FRIST. Mr. President, I rise to address the Senate today on the passage of the Health Professions Education Partnerships Act of 1998. This bill reauthorizes the programs funded through Titles VII and VIII of the Public Health Service Act. These programs are intended to increase access to primary care and to improve the distribution of members of the health professions—physicians, dentists, pharmacists, nurses, and others—to underserved areas. For many years, this legislation has helped our nation's schools of health serve the needs of their communities better and prepare the health care practitioners of the future. This bill provides a comprehensive and flexible authority to support training programs for health professions and related community-based educational partnerships. It will improve the quality, diversity, and distribution of the work force.

The Senate has worked diligently on this effort for the past four years. Reauthorization has been a priority since the authority expired for Title VII programs in 1995 and for Title VIII programs in 1994. In 1995, Senators Kassebaum, KENNEDY, and I introduced S. 555 to take the 44 programs involved and consolidate them into six groups or clusters. Performance outcomes and improved data collection were added. This approach was used to streamline the granting process, and to allow the Department of Health and Human Services greater flexibility to leverage areas of development; and to align with community workforce needs. It also provided flexibility for strategic planning of the workforce supply, and insured that a greater percentage of program dollars would go directly to grantees versus federal administration.

After this bill, S. 555, passed in the Senate but failed to pass in the House during the 104th Congress, I identified areas of disagreement and developed ways to address these obstacles. At a hearing in April 1997, I had the opportunity to listen to concerned groups and outline possibilities for compromise. My staff has worked very hard to maintain a high level of input from constituency groups. We worked with the Congressional Hispanic Caucus to address their concerns. We worked to ensure that this bill lived up to the goal of increasing the number of underrepresented minorities in the health professions. We are very pleased that the Congressional Hispanic Caucus supports S. 1754.

This bill enjoys broad support in the medical and public health community. The bill is supported by a broad range of professional societies for physicians, nurses, pharmacists, psychologists, dentists, and others.

S. 1754 establishes a program with the flexibility to respond to changes in the workforce. Flexibility is built into the bill over time. As funding lines change, the Secretary's authority to move funds across program lines increases. This revision will allow programs to address the constantly changing health care needs of communities and respond to the changes in the health care delivery system.

Since so much of the Act's flexibility is based on the discretion of the Secretary, we have added advisory councils to ensure that the view points of those providing medical services are considered. This will generate confidence among the grantees and encourage collaboration between agency officers and the programs they manage. In addition, these councils will report back to Congress to ensure oversight of these programs.

However, flexibility alone will not result in successful targeting of resources. As noted by the Government Accounting Office in testimony to the Senate Labor Subcommittee on Public Health and Safety in April 1997, federal efforts should be based on performance measures and achievement of goals. The Secretary of Health and Human Services will ensure that there is an annual evaluation of programs and projects funded through this legislation.

It was very important to maintain the distinct and separate funding for nurse education—Title VIII, the ''Nursing Education and Practice Improvement Act of 1998.'' We wanted to increase the flexibility of the Department of Health and Human Services to target funding and to respond to the nursing workforce needs of a rapidly changing health care system. S. 1754 strengthens the role of the National Advisory Council on Nursing Education and Practice. We rewrote the duties of the Council so that it not only provides advice and recommendations to the Secretary and the Congress but also to report its findings and recommendations annually. In addition, S. 1754 specifies that the Council include representatives of advanced practice nursing groups, including nurse practitioners.

The bill specifically states that authorized nurse practitioner programs have as their objective the education of nurses who will provide primary health care. For advanced practice nurse traineeships, the Secretary shall give special consideration to those programs that agree to train advanced practice nurses who will practice in health professional shortage areas. The amendment proposed and passed by the House further clarifies how funding for training for nurse midwives, nurse practitioners, and nurse midwives will be allocated. The Department of Health and Human Services, in consultation with individuals in the field of nursing, will develop a methodology, based on data, to allocate training funds. The data for this methodology will include the need for and distribution of services among underserved populations and health professional shortage areas, and the percentage of the population that are minorities, elderly, or below the poverty level. The methodology will be in place by fiscal year 2003. Until the methodology is developed, the funding for nurse practitioners, nurse midwives, and nurse anesthetists will be ''held harmless''. The House amendment also clarifies the use of the definition of an advanced practice nurse in S. 1754.

Mr. President, this bill creates new partnerships and supports existing ones. It represents the best example of team work among interest groups, agencies and legislators. Through the goals of improving the distribution and quality of health professions in underserved areas and of simplifying the administration of existing programs, this bill fosters change. The Health Professions Education Partnerships Act of 1998 will help underserved areas meet their future health care needs.

Mr. President, I am proud of our work. I would like to take this opportunity to specifically thank, Senators KENNEDY, JEFFORDS, and BINGAMAN, and all their staffs for their efforts to work with us on this bill. I would also like to thank the interest groups which gave so generously of their time and support to help us address the issues involved. Mr. President, I especially thank Dr. Mary Moseley, Dr. Carol Pertowski, Dr. Debra Nichols, and Sue Ramthun of my staff for their dedication and hard work toward the reauthorization of these programs.

THE WOMEN'S BUSINESS NETWORK

Mr. CAMPBELL. Mr. President. I take this opportunity to call my colleagues' attention to the role of women owned businesses in our economy, and

particularly in Colorado. The Business Women's Network (BWN), which is a network of 1200 women's associations working in concert to expand all women's inclusion in business development, is helping towards that end. Tonight, the BWN will be hosting an event to honor its members and the many structures which serve the development of women's business.

Colorado enterprises which embody well-developed and successful business ventures include: the Colorado Women's Business Office, which represents more than 75,000 women and 50,000 girls; the Denver Women's Business Network; the Casa Career Development and Business Center for Women; the Southern Colorado Women's Chamber of Commerce; the University of Colorado Women's Resource Center; the Women Owner, Managers and Executive Network of Colorado Springs; the Women's Foundation of Colorado; the Women's Library Association in Denver, and many others. Colorado's success in identifying and nurturing a strong base of women owned businesses provides a model for other states seeking to conquer the spectrum of needs and obstacles that confront women entrepreneurs.

National recognition is in order. Last year, the women-owned businesses in the Denver metro area had the highest regional growth rate in the country, at 57%. Both employment and sales increased four-fold. The translation for Coloradans is easy. As a state, we enjoy more than 77,600 women-owned businesses that provide jobs for almost 208,000 people, to the tune of $23 billion in annual sales.

The Business Women's Network is important because it profiles all women's groups, both nationally and globally, in salute of their achievements. Today, I wish to single out for special honor the solid foothold women's business has in Colorado's unparalleled economy. I also want to encourage the continued efforts of BWN—the strong presence of women in our world economy cannot be emphasized enough.

WHITE RIVER JUNCTION VA CENTER—60 YEARS OF EXCELLENCE

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Department of Veterans Affairs (VA) Hospital and Regional Office Center of White River Junction, Vermont. October 16 marks this facility's sixtieth anniversary. For six decades it has provided compassionate, high-quality service to Vermont and New Hampshire Veterans.

On October 16, 1938, an elaborate dedication ceremony was held in White River Junction at the newly completed VA hospital. The next day, the first patient was admitted. In an unusual move, the regional VA office relocated its offices from Burlington to the White River Junction location to better serve veterans in processing their claims for benefits. The facility gradually grew over the years. By the end of World War II, 26 ''Quonset'' huts had to be erected to provide space for the rapidly expanding veterans programs, increasing the hospital's capacity to 250 beds.

In 1946, the VA hospital entered into an agreement with Dartmouth Medical School to become a teaching hospital, an arrangement that continues and thrives today. Recognizing the importance of research programs, in 1954, the VA, in partnership with Dartmouth Medical School, launched a medical research initiative. The research function was significantly expanded in 1992 with the completion of a research and education facility that enabled the hospital to perform medical and health services research, rehabilitation and cooperative studies. In addition to these critical fields of study, this facility is helping veterans make more informed choices about their medical treatment through cutting edge outcomes research.

From 1971 through 1981, several construction projects were undertaken to modernize and expand the hospital. In 1989, the VA began its venture of providing community-based outreach centers (CBOCs) to meet veterans' primary care needs in locations closer to their homes. A outreach clinic was opened in Burlington, and based on the success of this project, a community clinic was opened in Bennington earlier this year.

The White River Junction VA center has also done an exemplary job of meeting more than just the veterans' health care needs. Vermont veterans are also very fortunate to have, under the same roof, a very capable group of people to assist them with their benefit needs. The staff is small but mighty when its comes to their advocacy for veterans and I greatly appreciate the assistance they have provided Vermont veterans, for more than half a century, as well as to my office for the past 20 years.

In closing, Mr. President, I want to publicly thank all of the unsung heroes associated with this tremendous facility. They know who they are—the director of this facility, Gary DeGasta; the dedicated staff at the hospital and regional office; the Veterans Service Organizations who donate so much time and money to help provide for veterans; and, of course, the veterans, who for 60 years have supported the mission of this fine facility with their continuous patronage.

To my friends at the VA in White River Junction—Happy Anniversary. May you have many more.

IN SUPPORT OF SUBSTITUTE TO H.R. 3433

Mr. GRASSLEY. Mr. President, I rise today in support of the amendment in the form of a substitute to H.R. 3433.

Many people with disabilities who have been out of the workforce are eager to return to work. However, because of the risks of losing cash benefits and health insurance provided through the Social Security Disability Insurance program and the Supplemental Security Income program many beneficiaries are discouraged from entering or re-entering the workforce. The intent of these programs was never to demoralize or dishearten Americans who are ready, willing and able to work. We must look at ways to overcome this attitude.

Thanks to the disability reform proposal developed by Senator JEFFORDS and Senator KENNEDY many of the barriers facing people with disabilities will be addressed. Several provisions in the Jeffords-Kennedy substitute to H.R. 3433 tackle the problems of loss of cash benefits and health insurance which can prevent beneficiaries from being able to support themselves once they begin working. The substitute legislation would provide working individuals with disabilities access to additional services under the Medicaid program, such as personal assistance and prescription drugs. These services are vital to many people on SSDI and SSI. Furthermore, this proposal would provide improved access to rehabilitation opportunities for beneficiaries of both the SSI and SSDI programs.

The most encouraging parts of this proposal are those that eliminate work disincentives and facilitate self-sufficiency among those with disabilities. This legislation prohibits using work activity as the only basis for triggering a continuing disability review. Moreover, the proposal put forth by my colleagues, Senator JEFFORDS and Senator KENNEDY, would expedite the process of eligibility determinations of individuals who have been on disability insurance but who lost it because they were working. Also, the Jeffords-Kennedy substitute creates incentives for both disabled beneficiaries and providers of vocational rehabilitation to secure jobs for those who want to work. It is my hope that this will eliminate shuffling these people from vocational rehabilitation programs to state programs without them being able to make any real progress.

Finally, I want to say how glad I am to see that a component of the Jeffords-Kennedy substitute includes a proposal to ensure that local prisoners will not receive Social Security Disability Insurance benefits. I sponsored legislation in the beginning of the 105th Congress to prevent this needless waste of taxpayer dollars by closing a loophole in the law. Criminals should not be allowed to ''double dip'' and receive Federal money earmarked for the purchase of food and clothing while they are part of a prison system which provides these necessities already. This proposal would protect the financial soundness of the Social Security Disability Insurance program for the people it is meant to assist.

The work Senator JEFFORDS and Senator KENNEDY have put forth on this bill characterizes the bipartisanship necessary to pass the proposal into law. I am glad to lend my support to

the Senate substitute legislation to H.R. 3433. I look forward to passage of this legislation.

ADDRESSING READINESS ISSUES

Mr. WELLSTONE. Mr. President, I rise in opposition to proposed increases in military spending contained in the supplemental appropriations provisions for FY 1999, and to comment on even larger anticipated proposals for increases in the military budget for fiscal year 2000 and beyond that will be the subject of ongoing debate in Washington in the coming months.

I have always been a strong supporter of our men and women in uniform, and I believe we must provide the best possible training, equipment, and preparation for our military forces, so they can effectively carry out whatever peacekeeping, humanitarian, warfighting, or other missions they are given. But certain Republican proponents of increased defense spending here in Washington are trying to use an alleged ''readiness crisis'' to get $1 billion or more additional funding included in the omnibus appropriations bill to be considered before adjournment. And this is just the first step. Some Pentagon officials, and Republican defense hawks here in Congress, are reportedly already pressing the Administration to increase next year's budget request by up to $15 billion, and by an estimated $50–75 billion over the next five years. These numbers are in addition to the grossly wasteful and unnecessary military spending of recent years, much of which was over and above what the Pentagon itself had requested from Congress to complete its mission.

These large increases are unjustified. Yes, I recognize that to a certain extent there are problems with readiness. There are shortages of spare parts in some areas, for example. It is reportedly difficult to retain pilots and other key personnel; certain of our armed forces, especially enlisted personnel, are suffering a declining quality of life. But if we look carefully at the military budget we can see that these readiness problems are not caused by inadequate military budgets, but rather by a wasteful and irresponsible, often politically-motivated misallocation of existing defense dollars to military programs and projects in states of key members of Congress. This is the crux of the matter. There is more than sufficient funding in the current budget to fix these problems if priorities are reassessed and money is redirected from wasteful and obsolete weapons programs to crucial readiness measures.

We continue to pour billions into Cold War era weapons programs that are essentially massive pork projects for the states and districts of various members of Congress. Congress has also contributed to the readiness problems by refusing to close military bases which the Pentagon acknowledges are unneeded and obsolete, and has pressed to have closed. The Chairman of the Joint Chiefs, and his colleagues on the Joint Staff, testified to this recently before the Armed Services Committee—they effectively said if you want us to fix these problems, then stop ramming down our throats weapons systems, ships and planes that we don't need, don't want, and haven't requested—and start closing down antiquated or outdated military bases that we can no longer afford to maintain, for which there is no reasonable purpose.

Mr. President, as I've said, I believe in maintaining a strong national defense. We face a number of credible threats in the world today, including terrorism and the proliferation of weapons of mass destruction. But let's make sure we carefully identify the threats we face and tailor our defense spending to meet them. Let's not continue to maintain military spending based on the needs of the Cold War.

Mr. President, we do not need to spend more on the military. We only need to spend what we have already allocated more intelligently and more honestly. We do not need to give more money to an already bloated Pentagon for wasteful pork projects when we have so many urgent problems in this country that need attention. We need to focus on adequate funding for the hundreds of domestic programs that protect the vulnerable; protect our lakes and streams; provide health care for the vulnerable elderly; and create expanded opportunities for the broad middle class, such as student loans and job retraining.

The real ''readiness'' crisis, Mr. President, is not in the military budget but in the readiness of the Congress to give up its attachment to wasteful pork projects, and in the readiness of Pentagon officials to make the hard choices about what programs are really necessary for the restructured military force we need to face the challenges of the 21st century. I expect that an omnibus bill will pass, and that some additional defense spending will be included in it for Bosnia and other needs. But I hope my colleagues will keep these concerns in mind as the defense spending debate moves forward next year.

I intend to press forward my efforts here in the Senate to make sure we more responsibly balance our defense and domestic priorities, by scaling back wasteful defense spending, and reallocating existing military funds to address our readiness problems, so that we can invest more in the skills and intellect and character of our children; in basic health care for all; in decent education, affordable housing and jobs that can sustain families.

RETIREMENT OF SENATOR DALE BUMPERS

Mr. FEINGOLD. Mr. President, in these last few days of the 105th Congress, when I come to the floor, I often look wistfully to the aisle just to my left here, where DALE BUMPERS has trod up and down yanking the microphone cord and dispensing wisdom for just about twenty-four years now. The other day he gave his last speech here, and it was brilliant—an eloquent and moving reminder of the best purposes of politics. But now I want to look back and pay tribute to my friend DALE BUMPERS for what he has done and what he has been for me, for the Senate, for his beloved Arkansas and for our country.

DALE BUMPERS was born in Charleston, Arkansas in 1925, and it's from that little town he first drew the values he has eloquently proclaimed on this floor for two and a half decades. In a small town in western Arkansas during the Depression, young DALE BUMPERS learned about human suffering and deprivation, learned to believe that it could be defeated and came to understand, on his father's knee, that the government could be a force for good in that struggle. He saw typhoid in his hometown and saw a New Deal program put an end to it. He saw rural electrification light the countryside, projects that made the water cleaner, the roads safer, he saw the WPA and he saw the tenacity, and the ingenuity and the sense of community of the American people. One day as a boy he went to the nearby town of Booneville and saw Franklin Roosevelt himself, and he heard his father tell him that politics is an honorable profession—he took all that to heart and we are all the richer for it. He sometimes says, as his father did, ''When we die, we're going to Franklin Roosevelt.''

In 1943, DALE BUMPERS joined the Marines. He shipped out to the Pacific and he expected to be a part of the invasion force that would hit the beaches of Japan. He did not expect to survive it. The invasion never came, but that experience made a profound impression on him. When I hear him speak about the Constitution, our Founding Fathers and the flag on this floor it is plain how that wartime experience helped him comprehend the true stakes of the constitutional debate, how it informed his notions of patriotism and his sense of what America means. When he returned from the service he got a first-rate education at the University of Arkansas and Northwestern University Law School, all paid for, he is quick to point out, by Uncle Sam under the GI bill. He has been returning the favor to the American people ever since.

DALE BUMPERS started his career as a country lawyer in Charleston, a very successful one by all reports, and he got a reputation around Arkansas, even if he was, as he says, ''the entire membership of the South Franklin County Bar Association.'' As time went by, his practice grew, he took over his father's hardware store, he taught Sunday School and sang in the church choir and he and his wonderful wife Betty started a family. But he wasn't feeling complacent.

There are a lot of great DALE BUMPERS stories many people don't know. In the days following the *Brown* v. *Board of Education* decision, tension was building in the South as school integration looked more and more inevitable. By 1957, we had the Little Rock Crisis, but there was one town in Arkansas that had already integrated by then, without any great trouble. It was the first in Arkansas, maybe the first in the entire south. It was Charleston, Arkansas, where DALE BUMPERS was a young lawyer, representing the school board. He saw what was coming and he knew what was right. He did a little research and he found out how much the district was spending to bus its black students to Fort Smith. He made his case to the school board about the right course, working those numbers into the argument. The board then voted to do what he had advised them to do—integrate the schools. It was not long after that he helped to integrate his church—the pastor of the local black Methodist church approached the all white congregation of his Methodist church, seeking help to repair a leaky roof. Why spend all that money and have two churches, why not just join our two churches together, said DALE BUMPERS, and it was done. Those are two quiet little pieces of history that tell us plenty about the principles and the persuasive powers of DALE BUMPERS.

Well, after a while, school board politics were getting to him, so DALE decided he would like to be the Governor of Arkansas. So off he went, eighth out of eight in the early primary polls, to do battle with Orval Faubus and other established politicians. His critics said he had ''nothing but a smile and a shoeshine.'' But then the people of Arkansas heard what he had to say. He beat everybody but Faubus in the primary, beat Faubus in the runoff and then he beat Winthrop Rockefeller. Arkansas had never seen a governor like DALE BUMPERS. He reformed everything from education to heath care and gained the lasting affection of the people while doing it.

After four years as Governor, he decided he wanted to go to the Senate. All that stood in his way was J. William Fulbright, an institution in his own right. But BUMPERS won, and he came to the Senate. As we have seen, this chamber is the place where he always belonged.

When I came to the Senate, I had heard of Senator BUMPERS' intelligence, his quick wit, his impatience with wasteful spending, his vigorous defense of the environment and his role as a relentless guardian of our Constitution. When it comes to amending the Constitution. DALE BUMPERS always says, ''I'm a founding member of the 'Wait Just a Minute' club.'' That is a great line, but it tells of a Senator who has risked defeat, has felt real contempt from those who disagree, all because he would not stand for the political use of the Constitution. He gave a great speech once called ''The Trivialization of the Constitution'' in which he made the case that we must never casually fiddle with our Constitution for political gain or to deal with transitory policy issues. His work to defend the Constitution and inject sobriety into the constitutional debate, all by itself, qualifies him as a great patriot and senator. Let the record reflect that I too am a member of the ''Wait Just a Minute'' club.

DALE BUMPERS' leadership in cutting wasteful spending and his fiscal foresight are unsurpassed. In 1981, when Ronald Reagan was calling the shots in the budget debate, DALE BUMPERS was one of only three Senators to oppose Reagan's tax cuts and support the spending cuts. If their position had prevailed, the budget would have been balanced in 1984. That was fourteen years ago. Now there's a fiscal role model.

Senator BUMPERS went after what we now call ''corporate welfare'' years before the term was coined, and years before others were willing to focus on the problem of government waste. From the international space station to the 1872 Mining Law, Senator BUMPERS has been resolute in his pursuit of excesses in the federal budget. He has gone after sacred cows and hidden pork, and faced strong opposition from both sides of the aisle. But he has continued his work, tirelessly and often thanklessly, because he knows he is doing what is right for the American people. I have often felt great pride standing with DALE BUMPERS on an amendment, even when we knew we would lose, because when he made a stand, his allies knew they were doing the right thing.

His campaign against government waste is matched only by his efforts to protect the environment as Chairman and Ranking Member of the Energy and Natural Resources Committee. Senator BUMPERS has been an outstanding leader on the committee, and has exhibited a conservation ethic unparalleled in the U.S. Senate. DALE BUMPERS was the first Senator to sound the alarm about the ozone layer and the danger of ozone-depleting gases, long before most of us had ever heard of them. And he always remembered his father's hardware store—there never was a more relentless defender of small business in the Senate.

I have been honored to work with him on a number of conservation efforts, including public land reform and nuclear energy issues, and I know the Senate will miss his leadership in that area. His work to reform the 1872 mining law is the issue where his environmental stewardship and his determination to cut wasteful spending have gone hand-in-hand. I have been proud to join him in this fight, because it's a crucially important one, an ''outrage,'' as he calls it, that wouldn't be under scrutiny today if it weren't for the work of Senator BUMPERS. And I am confident, Senator BUMPERS, that your view will prevail on the mining law soon enough, because you are right and everybody knows you're right.

Everybody thinks of DALE BUMPERS first and foremost as an orator, a story teller, a raconteur and a dispenser of folk wisdom. He is common sense with a silver tongue and a sense of history. So let me finish my remarks with a tribute to his oratorical style. DALE BUMPERS often decried the idea that we could eliminate the deficit by cutting taxes and raising spending, he said ''That reminds me of the combination taxidermist/veterinarian in my hometown. His slogan was 'Either way you get your dog back.''' When he saw a flaw in his opponent's argument he jumped on it like a duck on a junebug. He might declare. ''His argument is as thin as spit on a rock!'' Why is he such a masterful debater? Because he can explain the complex in a simple way, and expose the truth in uncomplicated language, without demagoguery or distortion. As he would say, ''You gotta throw the corn where the hogs can get at it.'' He hated deficit spending, and when he saw a budget full of red ink, he said, ''Well, you pass that and you'll create deficits big enough to choke a mule. That's just eating the seed corn!''

Being in this body, and having the honor of serving with DALE BUMPERS, has given me an invaluable chance to get to know a remarkable man, and to understand what his legacy in this body will mean for generations to come. The greatest thing he has taught me is not to fear the tough votes. Time and again, from the Panama Canal to the flag amendment, he has cast the hard votes. Time and again, he has gone home to Arkansas and made his case, explaining his votes to the people. He didn't always persuade them all, but he convinced them that his were votes of principle—and the poeple's confidence in his integrity has sustained him in the affection of even those Arkansans who disagreed.

DALE BUMPERS has plenty to be proud of, but he has always remembered who he is and where he came from. He mixed it up with the best of them during debate, but never with rancor. He is quick to point out the work of other Senators and his staff when things are accomplished. The other day he stood on this floor and thanked his grade school teacher, Miss Doll, for encouraging him more than sixty years ago! He never fails to credit all his success to his remarkable wife Betty, who has achieved so much in promoting peace and the health of children. He speaks always of his family as the wellspring of his values and the source of his priorities.

So now he leaves the Senate having enriched this country and this institution in a thousand ways. His wisdom and courage and his persistent voice will echo long into the future. To every member of the Senate, on both sides of the aisle, DALE BUMPERS is an admired friend and colleague. To those of us who share his principles and have learned from his leadership, he is nothing less than a hero. He is one of the

great ones—and you don't need to be all broke out in brilliance to know that. Thank you DALE BUMPERS and good luck! I yield the floor.

RETIREMENT OF SENATOR DIRK KEMPTHORNE

Mr. SESSIONS. Mr. President, six years seems too short a time for a man of DIRK KEMPTHORNE's character to serve in the United States Senate. In the two years that I have been privileged to work with the Senator from Idaho, I have been impressed by both his considerable integrity and also his unwavering dedication to the citizens of Idaho and to his fellow countrymen. When I reflect upon Senator KEMPTHORNE's tenure in the Senate, I will remember the traits that made him such a successful legislator. I will especially remember the thoughtful approach the the Senator used when addressing the pressing issues of the day. When Senator KEMPTHORNE chose a course of action, every Senator could be certain that his decisions were guided by careful deliberation, broad consultation, and sincere prayer. Now, Senator KEMPTHORNE has decided to return to his people of Idaho, offering to sere their interests closer to home. Selfishly, I and others will miss his quiet strength, his leadership in a pinch, his good judgment, and his deep faith. It has enriched all who have had the privilege of serving with him and, I must say, it has been a special source of strength to me. DIRK not only talks the talk, he walks the walk. His concern is for the least among us and his insights are superior. Whether he is in a small group meeting, a committee hearing, a leadership conference, a Bible study, or on the floor of the United States Senate, DIRK KEMPTHORNE always reveals himself to be a man of integrity. This is so because he is one solid whole. He does not compartmentalize. What you see is what you get, from the surface to the center.

DIRK has called us to higher things than mere public policy. He wants our government to make us better, not just richer and more powerful. His service in the Senate has been to that goal. He is both a humble servant of a higher calling, and an effective leader. We will miss that leadership and strength on issue after issue. We will miss even more his good example, his living proof that one can serve in public life and posses the richest qualities of a Christian gentleman. DIRK, we will miss you. You have made us better by your word, your manner, and your life. Our best wishes go with you. Godspeed DIRK KEMPTHORNE.

TRIBUTE TO SENATOR WENDELL FORD

Mr. INOUYE. Mr. President, since taking my oath of office in January of 1963, I have had the high privilege of serving with 323 senators. Among them were some of the giants we read about in history books, Richard Russell of Georgia, Everett Dirksen of Illinois, Mike Mansfield of Montana, and John Stennis of Mississippi.

I have served with men and women of great moral strength and high intellect, but, of the 323 senators, I shall always look upon one person as my ''best friend''—Senator WENDELL FORD.

How does one become a best friend of a stranger? I had some knowledge of WENDELL before he was elected, because I was then a member of the Senate Campaign Committee and serving as the Secretary of the Democratic Caucus. I knew that he was a former State Senator, Lieutenant Governor, and the 49th Governor of the Commonwealth of Kentucky before he was elected to the Senate. I also knew that he was one of the most popular Presidents of the U.S. Junior Chamber of Commerce.

When I first met WENDELL in early 1974, I immediately liked what I saw.

I could see that he was ''truth in packaging'' personified. There were no fancy frills, or bells, or ribbons around him. He was down to earth. He obviously loved his constituents and without question, understood them. Immediately, I concluded that he was a ''man of the people.'' Soon, I found myself serving with him on two important Committees—the Senate Committee on Commerce, Science, and Transportation and the Committee on Rules and Administration.

Whenever he stood and raised his voice to defend, advocate, oppose, or support a measure, you knew that it related to people.

Therefore, I was not surprised when he became the prime mover of the National Voter Registration Act which would ensure that every American who was of age, qualified and wanted to vote was given the opportunity to do so. He took away all of the obstacles that stood in their path.

He also made certain that when a worker's spouse was ill at home, he or she was given the right to be with their loved ones in their time of great need. He knew what it was to be a husband and a father. And he knew what it meant to comfort wives and children in time of need. When WENDELL became the Chairman of the Aviation Subcommittee, first and foremost on his agenda was passenger safety.

He was always ready to carry the banner for the working man and woman. And during the recent tobacco legislation debates, WENDELL's voice was one of the very few that spoke out for the tobacco farmer. His concern was not for the wealthy Chief Executive Officers. His concern was for the poor farmer who had to struggle, day in and day out, to eke out a livelihood.

WENDELL also spoke out for the miners who worked in the deep coal mines, and for those who had been discriminated against in employment because of their age. He was a ''work horse,'' never a ''show horse.'' When others would give eloquent speeches on cutting the cost of government, he did something about it. He led the movement to adopt a two-year budget, thereby saving millions of dollars by streamlining our budgetary process.

He introduced the measure that is responsible now for using recycled printing paper by the federal government, thus saving millions of dollars. After all, the paperwork of the federal government today, with all the technological advances, still uses more than 480,000 tons of paper annually. However, before WENDELL FORD got into the act, it was nearly double that amount.

As a politician, he wanted to make certian that campains were carried out without corruption and without impediments. He streamlined voter registration procedures, and did everything to increase voter participation in federal elections.

WENDELL FORD's departure from the Senate will leave a huge void in the committee rooms and in the Senate Chamber. It is difficult for me to imagine that next year we will not hear his voice rising to defend the working man and woman.

We will not hear his voice to insist upon safety for our traveling public. And we will not hear his voice for good and clean government. I hope that the people of Kentucky will someday come to the realization that they and the people of this nation were blessed with the service of WENDELL FORD.

Winston Churchill just prior to his retirement from active government service said, ''Service to the community is the rent we pay for living on this earth.'' WENDELL FORD has been paying his rent throughout his life.

It will be difficult for me to say goodbye to my good friend. It will be difficult no matter how good a person his successor may be, to fill his ''huge boots.''

But most importantly, I agree with my wife, Maggie, that what makes WENDELL a good husband, a good father, and decent human being is the fact that he had the good sense to marry his beloved Jean. Without Jean, Kentucky and our nation would have been denied the great service of WENDELL H. FORD.

WENDELL and Jean, you have my best wishes for continued happiness and fulfillment in the bright years ahead. We shall miss you immensely.

RETIREMENT OF SENATORS

WENDELL FORD

Mr. FEINGOLD. Mr. President, I want to take a moment to honor Senator WENDELL FORD for his long and distinguished record of service in the United States Senate.

A vigorous defender of his home state, WENDELL FORD's raspy voice has spoken out for the people of Kentucky and the entire nation with intelligence, tenacity and humor, winning him the respect and affection of his colleagues.

Of Senator FORD's many accomplishments during his years of public service, his positions in the Senate's Democratic leadership and as Chairman of the Senate Rules Committee stand out as invaluable contributions to his party and his country. I have greatly appreciated, as have all my Democratic colleagues, the outstanding job Senator FORD has done as the Democratic whip, and the dedication he has shown to the caucus. Here on the floor, WENDELL FORD has exhibited an uncommon commitment to fairness.

Kentuckians can also be proud of Senator FORD's sponsorship of the Motor Voter bill and longstanding support of government reforms, which are a testament to his commitment to the democratic principle of government.

I want to wish Senator FORD all the best for his well-earned retirement, and thank him for his many contributions to American political life.

DIRK KEMPTHORNE

Mr. FEINGOLD. Mr. President, I want to wish all the best to Senator KEMPTHORNE as he leaves the Senate. Senator KEMPTHORNE and I both joined the Senate in 1992, and both, as very junior senators, initially found ourselves with offices in the basement of the Dirksen building.

Senator KEMPTHORNE has always demonstrated a strong grasp of policy issues, including his work on unfunded mandates, and has always conducted himself with the highest degree of professionalism in the Senate. I thank him for his service, and wish him well in his new endeavors.

Now he returns to Idaho to seek the office of governor. Whatever happens in that race, the people of Idaho will know that he is a thoughtful man of grace and civility.

JOHN GLENN

Mr. FEINGOLD. Mr. President, today I want to take this opportunity to thank Senator JOHN GLENN for his long and distinguished service in the United States Senate. He has served this body with great dignity, and with an unparalleled commitment to our country.

Of course, Senator GLENN is known for a great deal more than his Senate service, as the first man to orbit the earth and a hero in both World War II and the Korean War. But his contributions here in the Senate, all by themselves, have made for Senator GLENN the legacy of an American hero.

I worked with Senator GLENN in 1993 on an amendment to the Clean Water Act, which was just one of his many efforts to focus environmental protection efforts on the Great Lakes region. The Great Lakes states owe a great debt to Senator GLENN for his work in this area, which has included chairing the Senate's Great Lakes Task Force and helping to get Great Lakes regional offices for the Environmental Protection Agency and the Fish and Wildlife Service.

As the Chair and Ranking Member of the Senate Governmental Affairs Committee, Senator GLENN has been fair-minded and provided outstanding leadership on the committee, in particular during the recent hearings into campaign finance violations. During those hearings, Senator GLENN showed his keen understanding of the flaws in the current system and his commitment to its reform. As someone who cares deeply about campaign finance issues, I was grateful for his leadership.

Senator GLENN has also worked tirelessly on nuclear proliferation issues, and been a valued member of the Armed Services Committee, the Select Committee on Intelligence, and the Special Committee on Aging.

Now Senator GLENN is moving on to his newest challenge, and, as usual, making history. At the age of 77, he will again launch into space, this time for a nine-day ride on the Shuttle Discovery. Most of us would be content being the first man to orbit the earth, flying 149 combat missions, and breaking a transcontinental flight speed record in a Navy jet. But then JOHN GLENN has more determination, more talent and more courage than most of us can imagine. He must know that he is not just respected and famous, he must know that he holds a special place in the hearts of his fellow Americans and in American culture, yet there is no humbler man in the Senate. We admire him for that, we thank him for his dedicated service to the U.S. Senate, to the people of Ohio and to America. We wish him every success on his next mission, and wish him all the best in his retirement.

DAN COATS

Mr. FEINGOLD. Mr. President, I want to offer my best wishes to Senator COATS as he retires from the Senate this year. I have enjoyed working with him in areas where we agree, and I have always respected his viewpoint when we have differed. He is a gentleman in the best tradition of the Senate.

I have appreciated Senator COATS leadership in several areas, including his commitment to the line-item veto, which I agree can be a powerful tool against wasteful spending. Senator COATS has also taken on the issue of solid waste disposal, calling for more state discretion over what types of waste are disposed of within individual states. In Wisconsin, where we have a strong recycling program and create less solid waste than many states, we share Senator COATS' belief that states deserve to be heard on this issue, and not be forced to accept unwelcome garbage.

Senator COATS has also been a leader among the ''donor states'' in ISTEA funding for a more equitable distribution of highway funds, another issue of great importance to Wisconsin, where we again appreciate his commitment to fairness.

Senator COATS now voluntarily walks away from the Senate, still a young man, with humility and dignity, sure to find success in private life. As he leaves the Senate, I thank him for his years of service in this body and in the House of Representatives, and I wish him all the best in his new endeavors.

THE RETIREMENT OF SENATOR DAN COATS

Mr. SESSION. Mr. President, many have spoken more eloquently than I of the contributions made to this body and to this nation by DAN COATS. I will not try to describe his distinguished career or to list his legislative achievements, but I will, once again, attempt to review the qualities that have made DAN COATS special to me and to so many others.

First, he is a man of faith who lives that faith and allows it, shockingly to some, to actually affect how he votes and how he does his job. He is fully apprized of all the technical data and the Senate procedures required for effective service in the Senate on the Armed Services Committee and the Labor and Human Resources Committee. But, the strength of his service goes beyond technical skills—DAN brings honesty, strong principle and faith to every issue he faces. He does not approach these issues in a shallow or parochial fashion, but instead brings perspective to these matters that only comes from faith. Faith shapes what he does. It inspires others. It has inspired me, an event for which I am most grateful. DAN COATS is generous, kind, loving and courteous. He is also courageous. He cares about our nation and he wants it to achieve its highest and best goals. He knows that coarseness, selfishness, dishonesty, and meanness must not be our norm. So, while DAN tended to the daily duties of the Senate, he always kept his eye on the permanent things. Whether he was working quietly behind the scenes, or passionately on the floor, DAN has sought to ensure that our nation's policies result not only in making us stronger and richer, but also better. DAN knows, to the depth of his being, that God desires goodness, humility, honesty and justice more than power, fame and wealth. Indeed, DAN has steadfastly and in a winsome manner, worked, perhaps more than any other Senator, to cause the members of this body to think on these things. He has encouraged us, as the prophet Habakkuk says, ''to walk on my high places''. He has shown that one person can improve the lives of others by articulating and living a message of faith. That DAN is national president of the Big Brothers organization is not surprising. He knows that profound change comes one life at a time, not through the expenditure of a few more governmental dollars. And, though he has served in the most exemplary fashion as a United States Senator, still, to paraphrase, nothing has so become him as his manner of leaving. He, with grace and diginity, has just walked away. DAN knows, he really knows, that this great Senate, this earthy pit, too often leads us to believe, by our own pride and self deception, that we control our own destinies,

the destinies of others, and the destiny of the world. And, most importantly, he knows that such price is false. DAN knows that another power controls this world, a power far beyond our imaginings. While we have governmental duties to fulfill, we must also listen to that still, small voice. It is not only important to listen, but to obey. DAN does both. He has just walked away from this Senate and the wise think this decision is foolish. But, as he leaves this body, and begins a new period in his life of obedience, none can know precisely what the future will hold anymore than Abraham did when he was called. But, when he was called, he went. As DAN COATS leaves this Senate, we are all saddened because we love him, admire him, and because we will miss his guidance. Certainly, he has loved us first and uplifted this senator and others with his example. With grace and strength he has dropped the trappings of power to serve in another way. His example, Mr. President, is bright and pure. We watch with love and awe. Godspeed DAN COATS.

RETIREMENT OF SENATOR WENDELL FORD

Mr. SESSIONS. Mr. President, I am pleased to join others to comment on the service provided to America and to Kentucky by WENDELL FORD. While we were members of different political parties, I often had the opportunity to hear him speak on this floor and to observe him represent his party as a Democratic leader. He is strong, experienced, filled with good humor and a tough advocate for his state and for his beliefs. I was honored to be the presiding officer for the Senate on the day in which WENDELL FORD eclipsed the service record of a host of outstanding Kentucky senators and became the longest serving Senator from that great state.

While he loves government, politics and the debate that goes with this office, he is a family man at heart. He has the sense of a southerner. He remembers his friends and he loves his state.

He is also independent. I recall one late night that we were debating whether to limit the high attorneys' fees in the tobacco cases. Senator FORD came on the floor and I noticed him looking my way during the debate. As we concluded, he asked if I would yield for a question. I answered his inquiry as best I could and he firmly nodded. Even though his party was strongly against my amendment, and no one could doubt that WENDELL FORD is a good Democrat, he voted for the amendment and it passed by one vote.

Those are the things that you remember and are a good example for all of us. While we want to be loyal, we are also independent.

Mr. President, we are losing one of our more notable members. We will miss the richness of his experience, the sharp debate, and the good humor. While our association has been a short one, I have enjoyed and benefitted from it, and expect that it will continue.

ALLOWING HASKELL INDIAN NATIONS UNIVERSITY AND THE SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE EACH TO CONDUCT A DEMONSTRATION PROJECT

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4259, which was received from the House.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4259) was considered read the third time and passed.

OFFICER DALE CLAXTON BULLET RESISTANT POLICE PROTECTIVE EQUIPMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 608, S. 2253.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2253) to establish a matching grant program to help State and local jurisdictions purchase bullet resistant equipment for use by law enforcement departments.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3825

(Purpose: To establish a matching grant program to help State and local jurisdictions purchase video cameras for use in law enforcement vehicles)

Mr. JEFFORDS. Mr. President, Senators TORRICELLI and LEAHY have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for Mr. TORRICELLI, for himself and Mr. LEAHY, proposes an amendment numbered 3825.

The amendment is as follows:

Beginning on page 8, strike line 17 and all that follows through page 9, line 6, and insert the following:

vise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice

Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

''SEC. 2523. DEFINITIONS.

''For purposes of this subpart—

''(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

''(B) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.''.

Mr. JEFFORDS. I ask unanimous consent that the amendment be considered read and agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3825) was agreed to.

The bill (S. 2253), as amended, was considered read the third time and passed, as follows:

S. 2253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Officer Dale Claxton Bullet Resistant Police Protective Equipment Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Officer Dale Claxton of the Cortez, Colorado, Police Department was shot and killed by bullets that passed through the windshield of his police car after he stopped a stolen truck, and his life may have been saved if his police car had been equipped with bullet resistant equipment;

(2) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had access to additional bullet resistant equipment;

(3) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(4) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing bullet resistant equipment, such as an armor vest, is 14 times higher than for officers wearing an armor vest;

(5) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(6) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide officers with bullet resistant equipment.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT BULLET RESISTANT EQUIPMENT.

(a) IN GENERAL.—Part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking the part designation and part heading and inserting the following:

''PART Y—MATCHING GRANT PROGRAMS FOR LAW ENFORCEMENT

''Subpart A—Grant Program For Armor Vests'';

(2) by striking ''this part'' each place that term appears and inserting ''this subpart''; and

(3) by adding at the end the following:

''Subpart B—Grant Program For Bullet Resistant Equipment

''SEC. 2511. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase bullet resistant equipment for use by State, local, and tribal law enforcement officers.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of bullet resistant equipment for law enforcement officers in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for bullet resistant equipment based on the percentage of law enforcement officers in the department who do not have access to a vest;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated .25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

''SEC. 2512. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of bullet resistant equipment, but did not, or does not expect to use such funds for such purpose.

"SEC. 2513. DEFINITIONS.

''For purposes of this subpart—

''(1) the term 'equipment' means windshield glass, car panels, shields, and protective gear;

''(2) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(3) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(4) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(5) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

"Subpart C—Grant Program For Video Cameras

"SEC. 2521. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to make grants to States, units of local government, and Indian tribes to purchase video cameras for use by State, local, and tribal law enforcement agencies in law enforcement vehicles.

''(b) USES OF FUNDS.—Grants awarded under this section shall be—

''(1) distributed directly to the State, unit of local government, or Indian tribe; and

''(2) used for the purchase of video cameras for law enforcement vehicles in the jurisdiction of the grantee.

''(c) PREFERENTIAL CONSIDERATION.—In awarding grants under this subpart, the Director of the Bureau of Justice Assistance may give preferential consideration, if feasible, to an application from a jurisdiction that—

''(1) has the greatest need for video cameras, based on the percentage of law enforcement officers in the department do not have access to a law enforcement vehicle equipped with a video camera;

''(2) has a violent crime rate at or above the national average as determined by the Federal Bureau of Investigation; or

''(3) has not received a block grant under the Local Law Enforcement Block Grant program described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119).

''(d) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.50 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

''(e) MAXIMUM AMOUNT.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section, except that a State, together with the grantees within the State may not receive more than 20 percent of the total amount appropriated in each fiscal year for grants under this section.

''(f) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under subsection (a) may not exceed 50 percent. Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection.

''(g) ALLOCATION OF FUNDS.—At least half of the funds available under this subpart shall be awarded to units of local government with fewer than 100,000 residents.

"SEC. 2522. APPLICATIONS.

''(a) IN GENERAL.—To request a grant under this subpart, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Director of the Bureau of Justice Assistance in such form and containing such information as the Director may reasonably require.

''(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this subpart, the Director of the Bureau of Justice Assistance shall promulgate regulations to implement this section (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this section.

''(c) ELIGIBILITY.—A unit of local government that receives funding under the Local Law Enforcement Block Grant program (described under the heading 'Violent Crime Reduction Programs, State and Local Law Enforcement Assistance' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)) during a fiscal year in which it submits an application under this subpart shall not be eligible for a grant under this subpart unless the chief executive officer of such unit of local government certifies and provides an explanation to the Director that the unit of local government considered or will consider using funding received under the block grant program for any or all of the costs relating to the purchase of video cameras, but did not, or does not expect to use such funds for such purpose.

"SEC. 2523. DEFINITIONS.

''For purposes of this subpart—

''(1) the term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands;

''(2) the term 'unit of local government' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level;

''(3) the term 'Indian tribe' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(4) the term 'law enforcement officer' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by striking paragraph (23) and inserting the following:

''(23) There are authorized to be appropriated to carry out part Y—

''(A) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart A of that part;

''(B) $40,000,000 for each of fiscal years 1999 through 2001 for grants under subpart B of that part; and

''(C) $25,000,000 for each of fiscal years 1999 through 2001 for grants under subpart C of that part.''.

SEC. 4. SENSE OF THE CONGRESS.

In the case of any equipment or products that may be authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available by this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 5. TECHNOLOGY DEVELOPMENT.

Section 202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3722) is amended by adding at the end the following:

''(e) BULLET RESISTANT TECHNOLOGY DEVELOPMENT.—

''(1) IN GENERAL.—The Institute is authorized to—

''(A) conduct research and otherwise work to develop new bullet resistant technologies (i.e., acrylic, polymers, aluminized material, and transparent ceramics) for use in police equipment (including windshield glass, car panels, shields, and protective gear);

''(B) inventory bullet resistant technologies used in the private sector, in surplus military property, and by foreign countries;

''(C) promulgate relevant standards for, and conduct technical and operational testing and evaluation of, bullet resistant technology and equipment, and otherwise facilitate the use of that technology in police equipment.

''(2) PRIORITY.—In carrying out this subsection, the Institute shall give priority in testing and engineering surveys to law enforcement partnerships developed in coordination with High Intensity Drug Trafficking Areas.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for fiscal years 1999 through 2001.''.

AUTHORIZING TESTIMONY AND REPRESENTATION IN BCCI HOLDINGS (LUXEMBOURG), S.A., ET AL. V. ABDUL RAOUF HASAN KHALIL, ET AL.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 299, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 299) to authorize testimony and representation in BCCI Holdings (Luxembourg), S.A., et al. v. Abdul Raouf Hasan Khalil, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of BCCI Holdings (Luxembourg), S.A., et al. versus Abdul Raouf Hasan Khalil, et al., pending in the District Court for the District of Columbia, is a civil action brought by court-appointed fiduciaries of the Bank of Credit and Commerce, International, known as BCCI, to recover on behalf of depositors and

creditors of BCCI funds wrongfully diverted from the bank.

Between 1988 and 1992, the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations, under the leadership of Senator JOHN KERRY and Senator HANK BROWN, conducted a wide-ranging investigation into BCCI. As the Subcommittee described in its report to the Foreign Relations Committee, one of the individuals with whom the Subcommittee staff met during its investigations may have used his contacts with the Subcommittee to extort money from BCCI. The court-appointed fiduciaries are seeking to recover any such improperly diverted funds. As a part of that effort, the fiduciaries are seeking testimony from a former Subcommittee counsel, Jack Blum, about his contacts with the BCCI employee.

Both Senator KERRY and the Committee believe that it is appropriate to authorize the testimony requested on this subject. This resolution would accordingly authorize Mr. Blum to testify about this subject and to be represented by the Senate Legal Counsel in connection with the testimony.

Mr. JEFFORDS. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 299) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 299

Whereas, in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, C.A. No. 95–1252 (JHG), pending in the United States District Court for the District of Columbia, the plaintiffs have requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *BCCI Holdings (Luxembourg), S.A., et al.* v. *Abdul Raouf Hasan Khalil, et al.*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum in connection with the testimony authorized by section one of this resolution.

AUTHORIZING PAYMENT OF SALARIES AND EXPENSES OF PATENT AND TRADEMARK OFFICE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3723 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3723) to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

The Senate proceeded to consider the bill.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3723) was considered read the third time and passed.

INTERNATIONAL ANTI-BRIBERY ACT OF 1998

Mr. JEFFORDS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2375) to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2375) entitled ''An Act to amend the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977, to strengthen prohibitions on international bribery and other corrupt practices, and for other purposes'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Anti-Bribery and Fair Competition Act of 1998''.

SEC. 2. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING ISSUERS.

(a) PROHIBITED CONDUCT.—Section 30A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or'';

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or''; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or''.

(b) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (1) of section 30A(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)(1)) is amended to read as follows:

''(1)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.''.

(c) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) is amended—

(1) by adding at the end the following:

''(g) ALTERNATIVE JURISDICTION.—

''(1) It shall also be unlawful for any issuer organized under the laws of the United States, or a State, territory, possession, or commonwealth of the United States or a political subdivision thereof and which has a class of securities registered pursuant to section 12 of this title or which is required to file reports under section 15(d) of this title, or for any United States person that is an officer, director, employee, or agent of such issuer or a stockholder thereof acting on behalf of such issuer, to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a) of this section for the purposes set forth therein, irrespective of whether such issuer or such officer, director, employee, agent, or stockholder makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

''(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(2) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (g)''; and

(3) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a) or (g)''.

(d) PENALTIES.—Section 32(c) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(c)) is amended—

(1) in paragraph (1)(A), by striking ''section 30A(a)'' and inserting ''subsection (a) or (g) of section 30A'';

(2) in paragraph (1)(B), by striking ''section 30A(a)'' and inserting ''subsection (a) or (g) of section 30A''; and

(3) by amending paragraph (2) to read as follows:

''(2)(A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title shall be fined not more than $100,000, or imprisoned not more than 5 years, or both.

''(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Commission.''.

SEC. 3. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING DOMESTIC CONCERNS.

(a) PROHIBITED CONDUCT.—Section 104(a) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(a)) is amended—

(1) by amending subparagraph (A) of paragraph (1) to read as follows:

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or'';

(2) by amending subparagraph (A) of paragraph (2) to read as follows:

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or''; and

(3) by amending subparagraph (A) of paragraph (3) to read as follows:

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or''.

(b) PENALTIES.—Section 104(g) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(g)) is amended—

(1) by amending subsection (g)(1) to read as follows:

''(g)(1)(A) PENALTIES.—Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be fined not more than $2,000,000.

''(B) Any domestic concern that is not a natural person and that violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.''; and

(2) by amending paragraph (2) to read as follows:

''(2)(A) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who willfully violates subsection (a) or (i) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

''(B) Any natural person that is an officer, director, employee, or agent of a domestic concern, or stockholder acting on behalf of such domestic concern, who violates subsection (a) or (i) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.''.

(c) OFFICIALS OF INTERNATIONAL ORGANIZATIONS.—Paragraph (2) of section 104(h) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)) is amended to read as follows:

''(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.''.

(d) ALTERNATIVE JURISDICTION OVER ACTS OUTSIDE THE UNITED STATES.—Section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) is further amended—

(1) by adding at the end the following:

''(i) ALTERNATIVE JURISDICTION.—

''(1) It shall also be unlawful for any United States person to corruptly do any act outside the United States in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to any of the persons or entities set forth in paragraphs (1), (2), and (3) of subsection (a), for the purposes set forth therein, irrespective of whether such United States person makes use of the mails or any means or instrumentality of interstate commerce in furtherance of such offer, gift, payment, promise, or authorization.

''(2) As used in this subsection, the term 'United States person' means a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the laws of the United States or any State, territory, possession, or commonwealth of the United States, or any political subdivision thereof.'';

(2) in subsection (b), by striking ''Subsection (a)'' and inserting ''Subsections (a) and (i)'';

(3) in subsection (c), by striking ''subsection (a)'' and inserting ''subsection (a) or (i)''; and

(4) in subsection (d)(1), by striking ''subsection (a)'' and inserting ''subsection (a) or (i)''.

(e) TECHNICAL AMENDMENT.—Section 104(h)(4)(A) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(4)(A)) is amended by striking ''For purposes of paragraph (1), the'' and inserting ''The''.

SEC. 4. AMENDMENTS TO THE FOREIGN CORRUPT PRACTICES ACT GOVERNING OTHER PERSONS.

Title I of the Foreign Corrupt Practices Act of 1977 is amended by inserting after section 104 (15 U.S.C. 78dd–2) the following new section:

''SEC. 104A. PROHIBITED FOREIGN TRADE PRACTICES BY PERSONS OTHER THAN ISSUERS OR DOMESTIC CONCERNS.

''(a) PROHIBITION.—It shall be unlawful for any person other than an issuer that is subject to section 30A of the Securities Exchange Act of 1934 or a domestic concern (as defined in section 104 of this Act), or for any officer, director, employee, or agent of such person or any stockholder thereof acting on behalf of such person, while in the territory of the United States, corruptly to make use of the mails or any means or instrumentality of interstate commerce or to do any other act in furtherance of an offer, payment, promise to pay, or authorization of the payment of any money, or offer, gift, promise to give, or authorization of the giving of anything of value to—

''(1) any foreign official for purposes of—

''(A)(i) influencing any act or decision of such foreign official in his official capacity, (ii) inducing such foreign official to do or omit to do any act in violation of the lawful duty of such official, or (iii) securing any improper advantage; or

''(B) inducing such foreign official to use his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person;

''(2) any foreign political party or official thereof or any candidate for foreign political office for purposes of—

''(A)(i) influencing any act or decision of such party, official, or candidate in its or his official capacity, (ii) inducing such party, official, or candidate to do or omit to do an act in violation of the lawful duty of such party, official, or candidate, or (iii) securing any improper advantage; or

''(B) inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person; or

''(3) any person, while knowing that all or a portion of such money or thing of value will be offered, given, or promised, directly or indirectly, to any foreign official, to any foreign political party or official thereof, or to any candidate for foreign political office, for purposes of—

''(A)(i) influencing any act or decision of such foreign official, political party, party official, or candidate in his or its official capacity, (ii) inducing such foreign official, political party, party official, or candidate to do or omit to do any act in violation of the lawful duty of such foreign official, political party, party official, or candidate, or (iii) securing any improper advantage; or

''(B) inducing such foreign official, political party, party official, or candidate to use his or its influence with a foreign government or instrumentality thereof to affect or influence any act or decision of such government or instrumentality,

in order to assist such person in obtaining or retaining business for or with, or directing business to, any person.

''(b) EXCEPTION FOR ROUTINE GOVERNMENTAL ACTION.—Subsection (a) of this section shall not apply to any facilitating or expediting payment to a foreign official, political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action by a foreign official, political party, or party official.

''(c) AFFIRMATIVE DEFENSES.—It shall be an affirmative defense to actions under subsection (a) of this section that—

''(1) the payment, gift, offer, or promise of anything of value that was made, was lawful under the written laws and regulations of the foreign official's, political party's, party official's, or candidate's country; or

''(2) the payment, gift, offer, or promise of anything of value that was made, was a reasonable and bona fide expenditure, such as travel and lodging expenses, incurred by or on behalf of a foreign official, party, party official, or candidate and was directly related to—

''(A) the promotion, demonstration, or explanation of products or services; or

''(B) the execution or performance of a contract with a foreign government or agency thereof.

''(d) INJUNCTIVE RELIEF.—

''(1) When it appears to the Attorney General that any person to which this section applies, or officer, director, employee, agent, or stockholder thereof, is engaged, or about to engage, in any act or practice constituting a violation of subsection (a) of this section, the Attorney General may, in his discretion, bring a civil action in an appropriate district court of the United States to enjoin such act or practice, and upon a proper showing, a permanent injunction or a temporary restraining order shall be granted without bond.

''(2) For the purpose of any civil investigation which, in the opinion of the Attorney General, is necessary and proper to enforce this section, the Attorney General or his designee are empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers, or other documents which the Attorney General deems relevant or material to such investigation. The attendance of witnesses and the production of documentary evidence may be required from any place in the United States, or any territory, possession, or commonwealth of the United States, at any designated place of hearing.

''(3) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, or other documents. Any such court may issue an order requiring such person to appear before the Attorney General or his designee, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

''(4) All process in any such case may be served in the judicial district in which such person resides or may be found. The Attorney General may make such rules relating to civil investigations as may be necessary or appropriate to implement the provisions of this subsection.

''(e) PENALTIES.—

''(1)(A) Any juridical person that violates subsection (a) of this section shall be fined not more than $2,000,000.

''(B) Any juridical person that violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

''(2)(A) Any natural person who willfully violates subsection (a) of this section shall be fined not more than $100,000 or imprisoned not more than 5 years, or both.

''(B) Any natural person who violates subsection (a) of this section shall be subject to a civil penalty of not more than $10,000 imposed in an action brought by the Attorney General.

''(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of a person, such fine may not be paid, directly or indirectly, by such person.

''(f) DEFINITIONS.—For purposes of this section:

''(1) The term 'person', when referring to an offender, means any natural person other than a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) or any corporation, partnership, association, joint-stock company, business trust, unincorporated organization, or sole proprietorship organized under the law of a foreign nation or a political subdivision thereof.

''(2)(A) The term 'foreign official' means any officer or employee of a foreign government or any department, agency, or instrumentality thereof, or of a public international organization, or any person acting in an official capacity for or on behalf of any such government or department, agency, or instrumentality, or for or on behalf of any such public international organization.

''(B) For purposes of subparagraph (A), the term 'public international organization' means—

''(i) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(ii) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.

''(3)(A) A person's state of mind is knowing, with respect to conduct, a circumstance or a result if—

''(i) such person is aware that such person is engaging in such conduct, that such circumstance exists, or that such result is substantially certain to occur; or

''(ii) such person has a firm belief that such circumstance exists or that such result is substantially certain to occur.

''(B) When knowledge of the existence of a particular circumstance is required for an offense, such knowledge is established if a person is aware of a high probability of the existence of such circumstance, unless the person actually believes that such circumstance does not exist.

''(4)(A) The term 'routine governmental action' means only an action which is ordinarily and commonly performed by a foreign official in—

''(i) obtaining permits, licenses, or other official documents to qualify a person to do business in a foreign country;

''(ii) processing governmental papers, such as visas and work orders;

''(iii) providing police protection, mail pick-up and delivery, or scheduling inspections associated with contract performance or inspections related to transit of goods across country;

''(iv) providing phone service, power and water supply, loading and unloading cargo, or protecting perishable products or commodities from deterioration; or

''(v) actions of a similar nature.

''(B) The term 'routine governmental action' does not include any decision by a foreign official whether, or on what terms, to award new business to or to continue business with a particular party, or any action taken by a foreign official involved in the decision-making process to encourage a decision to award new business to or continue business with a particular party.

''(5) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State or between any State and any place or ship outside thereof, and such term includes the intrastate use of—

''(A) a telephone or other interstate means of communication, or

''(B) any other interstate instrumentality.''.

SEC. 5. TREATMENT OF INTERNATIONAL ORGANIZATIONS PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.

(a) DEFINITION.—For purposes of this section:

(1) INTERNATIONAL ORGANIZATION PROVIDING COMMERCIAL COMMUNICATIONS SERVICES.—The term ''international organization providing commercial communications services'' means—

(A) the International Telecommunications Satellite Organization established pursuant to the Agreement Relating to the International Telecommunications Satellite Organization; and

(B) the International Mobile Satellite Organization established pursuant to the Convention on the International Maritime Satellite Organization.

(2) PRO-COMPETITIVE PRIVATIZATION.—The term ''pro-competitive privatization'' means a privatization that the President determines to be consistent with the United States policy of obtaining full and open competition to such organizations (or their successors), and nondiscriminatory market access, in the provision of satellite services.

(b) TREATMENT AS PUBLIC INTERNATIONAL ORGANIZATIONS.—

(1) TREATMENT.—An international organization providing commercial communications services shall be treated as a public international organization for purposes of section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2) until such time as the President certifies to the Committee on Commerce of the House of Representatives and the Committees on Banking, Housing and Urban Affairs and Commerce, Science, and Transportation that such international organization providing commercial communications services has achieved a pro-competitive privatization.

(2) LIMITATION ON EFFECT OF TREATMENT.—The requirement for a certification under paragraph (1), and any certification made under such paragraph, shall not be construed to affect the administration by the Federal Communications Commission of the Communications Act of 1934 in authorizing the provision of services to, from, or within the United States over space segment of the international satellite organizations, or the privatized affiliates or successors thereof.

(c) EXTENSION OF LEGAL PROCESS.—

(1) IN GENERAL.—Except as specifically and expressly required by mandatory obligations in international agreements to which the United States is a party, an international organization providing commercial communications services, its officials and employees, and its records shall not be accorded immunity from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States.

(2) NO EFFECT ON PERSONAL LIABILITY.—Paragraph (1) shall not affect any immunity from personal liability of any individual who is an official or employee of an international organization providing commercial communications services.

(d) ELIMINATION OR LIMITATION OF EXCEPTIONS.—The President and the Federal Communications Commission shall, in a manner that is consistent with specific and express requirements in mandatory obligations in international agreements to which the United States is a party—

(1) expeditiously take all actions necessary to eliminate or to limit substantially any privileges or immunities accorded to an international organization providing commercial communications services, its officials, its employees, or its records from suit or legal process for any act or omission taken in connection with such organization's capacity as a provider, directly or indirectly, of commercial telecommunications services to, from, or within the United States, that are not eliminated by subsection (c);

(2) expeditiously take all appropriate actions necessary to eliminate or to reduce substantially all privileges and immunities not eliminated pursuant to paragraph (1); and

(3) report to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on any remaining privileges and immunities of an international organization providing commercial communications services within 90 days of the effective date of this act and semiannually thereafter.

(e) PRESERVATION OF LAW ENFORCEMENT AND INTELLIGENCE FUNCTIONS.—Nothing in subsection (c) or (d) of this section shall affect any immunity from suit or legal process of an international organization providing commercial communications services, or the privatized affiliates or successors thereof, for acts or omissions—

(1) under chapters 119, 121, 206, or 601 of title 18, United States Code, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), section 514 of the Comprehensive Drug Abuse

Prevention and Control Act of 1970 (21 U.S.C. 884), or Rules 104, 501, or 608 of the Federal Rules of Evidence;

(2) under similar State laws providing protection to service providers cooperating with law enforcement agencies pursuant to State electronic surveillance or evidence laws, rules, regulations, or procedures; or

(3) pursuant to a court order.

(f) RULES OF CONSTRUCTION.—

(1) NEGOTIATIONS.—Nothing in this section shall affect the President's existing constitutional authority regarding the time, scope, and objectives of international negotiations.

(2) PRIVATIZATION.—Nothing in this section shall be construed as legislative authorization for the privatization of INTELSAT or Inmarsat, nor to increase the President's authority with respect to negotiations concerning such privatization.

SEC. 6. ENFORCEMENT AND MONITORING.

(a) REPORTS REQUIRED.—Not later than July 1 of 1999 and each of the 5 succeeding years, the Secretary of Commerce shall submit to the House of Representatives and the Senate a report that contains the following information with respect to implementation of the Convention:

(1) RATIFICATION.—A list of the countries that have ratified the Convention, the dates of ratification by such countries, and the entry into force for each such country.

(2) DOMESTIC LEGISLATION.—A description of domestic laws enacted by each party to the Convention that implement commitments under the Convention, and assessment of the compatibility of such laws with the Convention.

(3) ENFORCEMENT.—As assessment of the measures taken by each party to the Convention during the previous year to fulfill its obligations under the Convention and achieve its object and purpose including—

(A) an assessment of the enforcement of the domestic laws described in paragraph (2);

(B) an assessment of the efforts by each such party to promote public awareness of such domestic laws and the achievement of such object and purpose; and

(C) an assessment of the effectiveness, transparency, and viability of the monitoring process for the Convention, including its inclusion of input from the private sector and non-governmental organizations.

(4) LAWS PROHIBITING TAX DEDUCTION OF BRIBES.—An explanation of the domestic laws enacted by each party to the Convention that would prohibit the deduction of bribes in the computation of domestic taxes.

(5) NEW SIGNATORIES.—A description of efforts to expand international participation in the Convention by adding new signatories to the Convention and by assuring that all countries which are or become members of the Organization for Economic Cooperation and Development are also parties to the Convention.

(6) SUBSEQUENT EFFORTS.—An assessment of the status of efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

(7) ADVANTAGES.—Advantages, in terms of immunities, market access, or otherwise, in the countries or regions served by the organizations described in section 5(a), the reason for such advantages, and an assessment of progress toward fulfilling the policy described in that section.

(8) BRIBERY AND TRANSPARENCY.—An assessment of anti-bribery programs and transparency with respect to each of the international organizations covered by this Act.

(9) PRIVATE SECTOR REVIEW.—A description of the steps taken to ensure full involvement of United States private sector participants and representatives of nongovernmental organizations in the monitoring and implementation of the Convention.

(10) ADDITIONAL INFORMATION.—In consultation with the private sector participants and representatives of nongovernmental organizations described in paragraph (9), a list of additional means for enlarging the scope of the Convention and otherwise increasing its effectiveness. Such additional means shall include, but not be limited to, improved recordkeeping provisions and the desirability of expanding the applicability of the Convention to additional individuals and organizations and the impact on United States business of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977.

(b) DEFINITION.—For purposes of this section, the term ''Convention'' means the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted on November 21, 1997, and signed on December 17, 1997, by the United States and 32 other nations.

AMENDMENT NO. 3826

(Purpose: To strike provisions relating to treatment of international organizations providing commercial communications services, and for other purposes.)

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate concur in the House amendments with a further amendment by Senators D'AMATO and SARBANES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. D'AMATO, for himself and Mr. SARBANES, proposes an amendment numbered 3826.

The amendment is as follows:

Strike section 5 of the bill.

In section 6(a) of the bill, strike paragraph (7) and redesignate paragraphs (8), (9), and (10), as paragraphs (7), (8), and (9).

Redesignate section 6 of the bill as section 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956 AMENDMENTS

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4660, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4660) to amend the State Department Basic Authorities Act of 1956 to provide rewards for information leading to the arrest or conviction of any individual for the commission of an act, or conspiracy to act, of international terrorism, narcotics related offenses, or for serious violations of international humanitarian law relating to the Former Yugoslavia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3827

(Purpose: To provide substitute language)

Mr. JEFFORDS. Mr. President, Senators HELMS and BIDEN have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 3827.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3827) was agreed to.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill, as amended, be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4660), as amended, was considered read the third time and passed.

AMENDING CHAPTER 47, TITLE 18, UNITED STATES CODE

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4151, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4151) to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing H.R. 4151, the ''Identity Theft and Assumption Deterrence Act.'' This is virtually identical to the Kyl-Leahy substitute to S.512, which passed the Senate unanimously on July 30, 1998. This bill penalizes the theft of personal identification information that results in harm to the person whose identification is stolen and then used for false credit cards, fraudulent loans or for other illegal purposes. It also sets up a ''clearinghouse'' at the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

Protecting the privacy of our personal information is a challenge, especially in this information age. Every time we obtain or use a credit card, place a toll-free phone call, surf the Internet, get a driver's license or are featured in ''Who's Who,''in the form of personal information, which can be used without our consent or even our knowledge. Too frequently, criminals are getting hold of this information and using the personal information of

innocent individuals to carry out other crimes. Indeed, U.S. News & World Report has called identity theft ''a crime of the 90's''.

The consequences for the victims of identity theft can be severe. They can have their credit ratings ruined and be unable to get credit cards, student loans, or mortgages. They can be hounded by creditors or collection agencies to repay debts they never incurred, but were obtained in their name, at their address, with their social security number or driver's license number. It can take months or even years, and agonizing effort, to clear their good names and correct their credit histories. I understand that, in some instances, victims of identity theft have even been arrested for crimes they never committed when the actual perpetrators provided law enforcement officials with assumed names.

The new legislation provides important remedies for victims of identity theft. Specifically, it makes clear that these victims are entitled to restitution, including payment for any costs and attorney's fees in clearing up their credit histories and having to engage in any civil or administrative proceedings to satisfy debts, liens or other obligations resulting from a defendant's theft of their identity. In addition, the bill directs the Federal Trade Commission to keep track of consumer complaints of identity theft and provide information to victims of this crime on how to deal with its aftermath.

This is an important bill on an issue that has caused harm to many Americans. It has come a long way from its original Senate formulation, which would have made it an offense, subject to 15 years' imprisonment, to possess ''with intent to deceive'' identity information issued to another person. I was concerned that the scope of the proposed offense in the original Senate version of the bill would have resulted in the federalization of innumerable state and local offenses, such as the status offenses of underage teenagers using fake ID cards to gain entrance to bars or to buy cigarettes, or even the use of a borrowed ID card without any illegal purpose. This problem, and others, were addressed in the Kyl-Leahy substitute that was passed by the Senate.

This bill appropriately limits the scope of the new offense governing the illegal transfer or use of another person's ''means of identification'' to exclude ''possession.'' This change ensures that the bill does not inadvertently subject innocuous conduct to the risk of serious federal criminal liability. For example, with this change, the bill would no longer raise the possibility of criminalizing the mere possession of another person's name in an address book or Rolodex, when coupled with some sort of bad intent.

At the same time, the Kyl-Leahy substitute as reflected in H.R. 4151, restores the nuanced penalty structure of section 1028 of the Federal criminal code. Specifically, the bill provides that the use or transfer of 1 or more means of identification that results in the perpetrator receiving anything of value aggregating $1,000 or more over a 1-year period, would carry a penalty of a fine or up to 15 years' imprisonment, or both. The use or transfer of another person's means of identification that does not satisfy those monetary and time period requirements, would carry a penalty of a fine and up to three years' imprisonment, or both.

Finally, again with the support of the Department of Justice, we created a limited and appropriate forfeiture penalty for these offenses and specified the forfeiture procedure to be used in connection with them.

I am glad that Senator KYL and I were able to join forces to craft legislation that both punishes the perpetrators of identity theft and helps the victims of this crime.

Finally, an amendment added in the House, at the joint request of Senator HATCH and myself, gives the United States Judicial Conference limited authority to withhold personal and sensitive information about judicial officers and employees whose lives have been threatened. Apparently, sophisticated criminals are able to use information set forth in publicly available financial disclosure forms to collect more detailed personal information then used in carrying out threats against our judicial officers. This amendment is an important step to protect the lives of judges, and I am glad that we were able to accomplish this.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4151) was considered read the third time and passed.

ORDERS FOR THURSDAY, OCTOBER 15, 1998

Mr. JEFFORDS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Thursday, October 15. I further ask that the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. I further ask unanimous consent that there then be a period for the transaction of morning business until 1 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. JEFFORDS. Mr. President, for the information of all Senators, on Thursday, there will be a period for morning business until 1 p.m. Following morning business, the Senate may consider any legislation that can be cleared by unanimous consent. Negotiations are still ongoing with respect to the omnibus appropriations bill, and it is still the leader's hope that the bill can be passed without a rollcall vote. Once again, Members will be notified if a rollcall vote is necessary on passage of the funding bill.

RECESS

Mr. JEFFORDS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:43 p.m., recessed until Thursday, October 15, 1998, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate October 14, 1998:

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2003, VICE WILLIAM B. GOULD IV, RESIGNED.