Recently the agency denied due process of law to manufacturers by withholding a substantial equivalence determination even when the product was in fact substantially equivalent whenever the manufacturer was determined to have even a technical defect in the GMP inspection. The bill prohibits the FDA from withholding the initial classification of a device based on failure to comply with unrelated provisions of the act, including good manufacturing practices. The agency is directed to use its ample existing enforcement authority to ensure that products that have the GMP violations at the time of classification do not reach the market.

Title V, improving the accountability. It sets an agency plan for statutory compliance in an annual report so we have a better handle on what is going on within the FDA.

Title VI, better allocation of resources by setting priorities. We exempt certain classes of devices from premarket notification requirements. This really expands on the administration's reinventing Government initiative that exempts class I and class II medical devices that pose little risk by exempting all class I devices, the least risk devices, except those that are important in preventing impairment of human health or presents potential unreasonable risk of illness or injury.

We had extensive discussion on this. This is an area where Senator HARKIN raised what I believe are legitimate concerns and we have tried to address those concerns in this legislation.

We have evaluation of automatic class III designations. Current law requires that all new devices not substantially equivalent to a device already on the market must be automatically classified in a highest-risk category. This does not make sense. If a very simple device that would otherwise be a class I or class II device is not substantially equivalent to a device already on the market, it has to be automatically classified as the riskiest of all devices and therefore falls into class III for the review process, and the approval process, which takes an extraordinary amount of time and requires an extraordinary amount of data, clinical trials and so forth. That is not necessary. So we have changed that so that it does not automatically fall into class III.

It says ''if it is not substantially equivalent,'' what we have done here is allow the agency to make a determination as to which category it would fall in rather than automatically go to class III. So the agencies could look at it and say we think this is class I or class II and is subject to those review procedures rather than automatically moving into class III. It is a sensible change in the current status of how this is handled.

We made changes regarding health care economic information, health claims for food products, and pediatric studies of drugs.

Title VII, we have extended, and of course this is the engine that drives the train here, and another reason why it is so necessary to move forward with this legislation. We have reauthorized the Prescription Drug User Fee Act for 5 years. That is the so-called PDUFA legislation which the prescription drug companies have agreed to support. It is a tax on those companies for the specific purpose of providing extra funds for FDA to hire personnel to expedite the reviews of drugs which are submitted for review and approval to the FDA.

It has worked out very, very well in response to an overwhelmed FDA who could not begin to meet their statutory requirements for review of drugs. A proposal was made that we would enact a tax against the companies submitting the product and the proceeds of that tax will be used to hire personnel and establish procedures whereby we could expedite the approval drugs. It was needed. It was supported. It has worked. We need to reauthorize it because it expires October 1 this year. That is why it is so important to move forward with this legislation.

There are other things in the bill, Mr. President, but in the interests of time I will not detail them unless the President wants me to go through them point by point, but I do not think we have the time still allotted. I know the majority leader is anxious to move back to the Labor-Health and Human Services appropriations bill.

Again, I thank the Senator from Vermont for his leadership on this issue. It has been a cooperative effort that has reached across the aisle and involved Members from both parties in a very substantial number. Hopefully, we can move forward now in getting to the bill itself and the amendments and move this very needed legislation forward. I will be involved in this. I know there are a number of discussions coming up with some of these amendments.

I appreciate the leadership and support of the Senator from Vermont, who is not testing but actually utilizing a medical device to address an unfortunate accident he had just last week.

I yield the floor.

Mr. JEFFORDS. I commend the Senator from Indiana who has been extremely helpful on this whole bill in helping us bring it to conclusion. He made many offers, very reasonable, and I hope we can find the magic one to bring us to fruition very quickly.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called 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.

Mr. JEFFORDS. I have the authority to yield back the balance of the time for the minority, as well as the majority on this side.

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

Mr. JEFFORDS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report the bill.

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Gregg amendment No. 1070, to prohibit the use of funds for national testing in reading and mathematics, with certain exceptions.

Coats-Gregg amendment No. 1071 (to amendment No. 1070), to prohibit the development, planning, implementation, or administration of any national testing program in reading or mathematics unless the program is specifically authorized by Federal statute.

Specter amendment No. 1069, to express the sense of the Senate that the Attorney General has abused her discretion by failing to appoint an independent counsel on campaign finance matters and that the Attorney General should proceed to appoint such an independent counsel immediately.

Nickles-Jeffords amendment No. 1081, to limit the use of taxpayer funds for any future International Brotherhood of Teamsters leadership election.

Craig amendment No. 1083 (to amendment No. 1081), in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 1087

(Purpose: To increase funding for the Head Start Act)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1087.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Head Start Act shall be $4,636,000,000, and such amount shall

not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 1088

(Purpose: To increase funding for Federal Pell grants)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1088.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 shall be $7,241,334,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 1089

(Purpose: To increase funding for the Education Infrastructure Act of 1994)

Mr. WELLSTONE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 1089.

Mr. WELLSTONE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . If the amount appropriated to carry out the B–2 bomber program for fiscal year 1998 is more than $579,800,000, then notwithstanding any other provision of law—

(1) the total amount appropriated under this Act to carry out the Education Infrastructure Act of 1994 shall be $371,000,000, and such amount shall not be subject to the nondefense discretionary cap provided in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) the amount appropriated for purposes of the B–2 bomber program for fiscal year 1998 is hereby reduced by $331,000,000.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the amendment be temporarily laid aside.

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

Mr. WELLSTONE. Madam President, this is not an amendment, and I know the managers are not here. It is not really a debate I am trying to generate here. I thought I would take a little bit of time, while I have the floor, to thank the managers of the bill for their work. Really, I think they have done a very, very impressive job, especially when you consider what they have been able to put into this bill.

These amendments that I have introduced have more to do with what is not in the bill, and we will be debating that later. I want to also thank the managers of the bill for including an important item in this appropriations measure. This bill, on the Senate side, it is my understanding, includes the full amount requested by the President for the budget of the Department of Labor's Mine Safety and Health Administration.

As the ranking member of the Labor Committee's Subcommittee on Employment and Training, I am very interested in this whole area of occupational health and safety. But, today, what I want to do is talk about one aspect of this policy, and that is the sampling of coal mine dust and its relation to black lung disease. Madam President, this is of particular interest to me because of a recent trip that I took to eastern Kentucky. I met with a number of coal miners, and I do think that their story deserves to be told. It is a story that I intend to follow, hopefully, as we in the Congress take further steps to make sure that the Federal Government lives up to its responsibility regarding miners' health and safety.

Mining has been really one of the most dangerous professions, and the Federal Government has done much to correct or address some of its hazards. But what I want to focus on is the Mine Safety and Health Administration and a request for new staff and money—which we have on the Senate side, it is my understanding—to increase the Federal Government's sampling for respirable coal mine dust. The request is modest, but it is significant; it calls for 24 new full-time employees and $1.7 million.

Madam President, though it is a small amount of money, I think it is very important that we keep this in conference. Last year, there was an advisory committee appointed by the Secretary of Labor, which recommended that a key step that the Federal Government could take toward eliminating black lung disease would be to increase the responsibilities of the Mine Safety and Health Administration for coal mine dust compliance sampling. Simply speaking, that is a measurement of coal mine dust levels to determine whether or not they are a threat to the miners' health.

Madam President, the problem is that the majority of the dust sampling is done by the mineowners themselves—that is to say the coal companies. When I was in east Kentucky last week, what I heard over and over again were really miners describing conditions that I think many Senators would feel like they were in a time warp and they were really living 50 years ago. We are talking about too many miners who work in crawl spaces about this high for 12 or 14 hours a day and can't see 6 inches in front of them because of the dust level. So the problem is, when you depend upon the companies to actually do the measurements of the dust levels, there is a pretty obvious conflict of interest. As a Senator, I am not naive to these conditions. Most of my work has been in communities around the country, starting in Minnesota, with hard-pressed people.

I met a woman—to expand this discussion—whose husband had begged the company over and over again to please give him some relief from his particular work situation. He was afraid he was going to be electrocuted. Basically, the position of the company was: Look, if you don't like the job, leave. When there aren't a lot of $20-an-hour jobs, people don't have much of a choice. She spoke. She was 27 years of age. Her husband was electrocuted. He lost his life.

I met other miners suffering from black lung. I met one woman, and she is the only woman who is a deep mine miner. I said, ''Aren't you afraid * * *''—the common complaint is that most of the mines are nonunion, and if people complain, they lose their jobs. I said, ''Aren't you afraid * * *''—since there were TV cameras in Hazard, KY—I said, ''Aren't you afraid that you are going to lose your job?''

She said, ''I don't think I will because I am the only woman miner. I don't think they will let me go. I feel like I am speaking for a lot of other miners that aren't here.''

I said to her and to the other 12 or 14 miners sitting around talking, ''Look, I have to ask you this question. Can you tell me very honestly and truthfully, if all of your friends and coworkers could be here, without fear of losing their jobs, would they be saying the same thing, or are you exaggerating in any kind of way?''

All of them, starting with this woman miner said, ''They would say the same thing to you, except that people are afraid they may lose their jobs.''

I will tell you, it was a very, very powerful meeting. So this is a small step here to make sure there is some additional money for at least some

compliance of the dust sampling. But it is terribly important.

Let me read from the testimony of Earl Shackleford, Jr., from Wallins Creek in Harlan County, KY. He was 36 years old last year. This was presented last year to the Secretary of Labor's advisory committee on the elimination of black lung disease. He had been working as a miner 17 years, though he is only 36. His testimony indicates that he, his father, his grandfather, and other friends and relatives all suffer from black lung disease. Someone from my wife Sheila's family from Cumberland in Harlan County, KY, also suffered from black lung disease. I will read four sentences from the conclusion of Mr. Shackleford's testimony:

> There is nothing more terrible to me than watching a fellow coal miner smother to death, one slow gasp at a time. There is nothing anybody can do for a dying miner but pray for him. But we can do something for the miners who labor in the mines today. We can make sure that the coal dust they breathe is accurately monitored by a Government that cares about their health and safety.

Madam President, this bill takes a step toward better Federal monitoring of coal mine dust sampling. I hope we can keep this additional funding in the conference committee. At the same time, I point out that I agree with the recommendation of the Secretary's advisory committee on the elimination of black lung disease, which is that the Federal Government should take more responsibility in this area—perhaps full responsibility—of dust sampling.

I am going to be working with other colleagues. Eventually, I want to come to the floor and push very hard on this. The story of these Kentucky coal miners cannot be ignored. I had a chance to talk to Senator FORD, who has cared about these issues and about what the miners are facing. The testimony of Earl Shackleford, Jr., and others, cannot be ignored.

I would like to thank the managers again of this bill for putting money in here for at least some compliance work. I hope we can keep that in conference committee.

I want to say to colleagues that one of the best things about getting a chance to travel sometimes outside of your State—not necessarily to another country, but in other communities—and for me, focusing on poverty in the country has been a tremendous education and very important. I met a lot of people who should be famous, a lot of strong people who, under incredibly difficult conditions, can still manage to survive and not only survive but flourish. But of all the meetings I have been to and of all the things I have seen—and I have seen a lot of children and a lot of pain, and I have seen a lot of housing that nobody should ever have to live in, and I have seen schools that are just as dilapidated as the schools that we talk about, where you can walk in the hallway and you can smell the stench of urine, and you can go into the bathrooms where the toilets don't even work, I have seen all that and more than I want to see. But this meeting with these coal miners in eastern Kentucky was jolting.

I asked one of the journalists that was there, off the record, to tell me whether or not she thought they were exaggerating. She said, ''Absolutely not.'' My guess is that in some of the investigative work that I hope will be done by journalists, we are going to see more reports of these conditions. We are talking about conditions that these coal miners are working under that we thought existed 50 years ago—people not able to see 6 inches in front of them because of the dust levels, which not only means people are gone to go suffer from and die from black lung, it also means, it is my understanding, that when you have that high concentration of dust levels, you have the ingredients for all kinds of possibilities of explosions within the mine. And then somebody will talk about a mine accident as if it were impersonal and random and never should have happened.

We have a huge problem here because the coal mine operators, the companies, are actually the ones doing the measurement of the dust levels. I don't see how we can really get an independent and accurate measurement of the dust levels and how that affects these miners, unless we do much better by way of expanding the responsibility or at least the resources for the Department of Labor's Mine Safety and Health Administration. I am sure other people in the Senate would say the same thing. But it is very difficult to meet with people and have a couple of people talk about loved ones who were killed in the mines. I still cannot remember. She is 27 years old. Her husband was 28 years old when he was electrocuted. I have met a lot of the older miners who were suffering with black lung. For reasons I don't actually understand the actual motive for being turned down when they applied for disability, which is something I want to know more about.

But at the very least, I think we have to make sure that somehow the clock has not been turned back 50 years. People ought not to have to work under conditions which are uncivilized. People have every right in our country to be able to focus on how they earn a decent living and how they have a job that pays a decent wage under civilized working conditions. The miners in eastern Kentucky, or some of the miners and the miners that I met with, should not be in a situation where if they should speak up about this, they lose their jobs. The choice for them is whether you do and, if you work, you work under these uncivilized conditions and it is going to take years off your life, possibly kill you, or you don't work and you lose your job.

I know that some of these issues are just like off the radar screen here in the Senate. But I think really this should be part of our focus.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1087, 1088, AND 1089 WITHDRAWN

Mr. WELLSTONE. Madam President, I withdraw my amendments.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Maine, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1090

(Purpose: To increase the appropriations for the Mary McLeod Bethune Memorial Fine Arts Center)

Mr. MACK. Madam President, I have an amendment on behalf of myself and my colleague from Florida, Senator GRAHAM, that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Florida [Mr. MACK], for himself and Mr. GRAHAM, proposes an amendment numbered 1090.

Mr. MACK. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> On page 57, line 24, strike ''$929,752,000, of which'' and insert ''$934,972,000, of which $6,620,000 shall be expended to carry out Public Law 102–423 and of which''.
>
> On page 85, line 19, strike ''$30,500,000'' and insert ''$35,720,000''.

Mr. MACK. Madam President, this amendment would provide an additional $5.2 million to fund the construction phase of the Mary McLeod Bethune Memorial Fine Arts Center and Hospitality Management Training Facility. It would bring the fiscal year 1998 appropriation for this center to $6.6 million, which is the same as the House committee recommendation. This center was authorized in 1992 as a freestanding bill and became Public Law 102–423. It would be offset by decreasing the salaries and expense accounts.

Madam President, I ask unanimous consent that this amendment be temporarily laid aside.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Madam President, I ask unanimous consent the pending business before the Senate be laid aside for purposes of proposing an amendment.

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

AMENDMENT NO. 1091

(Purpose: To eliminate medicare incentive payments under plans for voluntary reduction in the number of residents)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. GRAMM, proposes an amendment numbered 1091.

Mr. MCCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) Section 4626 of the Balanced Budget Act of 1997 (Public Law 105–33) is repealed.

(b) For any fiscal year (beginning with fiscal year 1998), the Secretary of Health and Human Services may not enter into an agreement with any institution to provide incentive payments to the institution for the reduction of medical residents in the approved medical education training programs (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A)), of that institution.

(c) The repeal made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33).

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I would like it known I also have one other amendment that I want to have considered by the Senate on this legislation. I will wait before proposing that amendment, but make it clear I do have another one.

Madam President, I also intend to ask for the yeas and nays on this amendment. I understand there is still some uncertainty as to when a vote will be held on this particular amendment.

Madam President, I rise, with my colleague, Senator PHIL GRAMM, to offer an amendment that would eliminate the financing incentives created in the Balanced Budget Act for teaching hospitals to reduce their medical residency programs. This new program will make teaching hospitals eligible for hundreds of millions of taxpayers' dollars for not training medical students. Let me repeat that, Madam President. Under the Balanced Budget Act, which we voted on before we went into the August recess, a program was created that would make teaching hospitals eligible for hundreds of millions of taxpayers' dollars for not training medical students—not for training medical students, but for not training medical students. In short, the Federal Government will pay hospitals for doing nothing.

Unbeknownst to most of my colleagues when we considered and voted for the Balanced Budget Act, that legislation created yet another wasteful, unnecessary, and inappropriate Federal subsidy program. This newly created subsidy is no different from the wasteful agricultural subsidy programs which pay farmers millions of dollars not to grow certain crops or to reduce their production of a certain crop. This is wasteful and a blatant misuse of taxpayers' funds.

Proponents of the new incentive program argue that there is an overabundance of medical doctors, particularly specialists, in this country. They believe that providing financial incentives to hospitals to reduce the number of medical students is a solution to the supposed glut of physicians in our country. Madam President, it springs to my mind that there is an argument that is being made by a lot of us today who are not members of the legal profession that the same problem exists in that the country has too many lawyers. I wonder if in the next Balanced Budget Act agreement, we are going to pay hundreds of millions of dollars to law schools, because we have an overabundance, not to teach lawyers. I might say, Madam President, as a personal preference I might lean toward that program more than the one that we have just enacted in the Balanced Budget Act.

Let me also just point out here, the Berlin wall fell. Socialism, that is communism, is a failure. It is only in Communist countries where they pay people not to do things. This might have been a great idea in North Korea, Cuba, or perhaps some other countries in the world, but certainly not in the United States of America should we be paying hundreds of millions of dollars so that we will not train anybody, much less not train doctors. As I will point out later on in my remarks, Madam President, there are 46 million Americans who do not have access to medical care. Yet we are going to spend hundreds of millions of dollars in order that teaching hospitals will not teach—will not teach.

It is not the role of the Federal Government to determine if we have an appropriate amount of physicians or any other professionals in this country. This subsidy is a misguided attempt by the Federal Government to restrict the career choices available to individual Americans. This program places the Federal Government in control of a specific labor segment in our country and allows the Government to directly restrict the freedom of choice of our citizens who may want to become physicians.

I have children. Most of the Members of this body have children. If one of my children decides he or she wants to be a physician, should that child be restricted from doing so if otherwise eligible to train as a physician? In a democracy, the Government does not determine the makeup of the labor force or regulate the supply of workers in a specific field. That was done in the former Soviet Union. Demand, not the Government, in a market-driven economy, drives the number of practicing physicians. As the need for doctors increases or decreases, medical schools and teaching hospitals must determine how many applicants to accept and if there is a need for expanding or reduction.

Government rationing of medical training and ultimately rationing of health care smacks of socialism not democracy.

Second, Federal subsidies don't work. They cost money and usually don't achieve their stated goals. Every time we have ignored market-based solutions to our Nation's health care problems and called for Government intervention, we have had paradoxical results. In the 1960's, the Government predicted an undersupply of doctors and created incentives for individuals to pursue a medical career. The result was a perceived glut of medical doctors by the late 1970's.

Third, this new subsidy program totally ignores the needs of 46 million Americans residing in rural communities and inner-city neighborhoods who are faced with a shortage of physicians and health care professionals. While proponents of this initiative argue that our country is producing more physicians than we need, many communities have no resident physicians and have only limited access to trained medical care.

I am seriously concerned about the disproportionate number of physicians who elect to practice only in urban settings, leaving rural and inner-city neighborhoods underserved and without access to critical medical services.

A better use of taxpayer dollars might be to strengthen existing programs already in place to increase access to health care providers and services in underserved areas. This includes the National Health Service Corps, Area Health Education Centers, Interdisciplinary Training for Health Care in Rural Areas, Community Health Centers, Migrant Health Centers, and the Health Professions Workforce Development Program. Those are all good programs. I have seen the community health centers in my own State serve people who otherwise would not receive health care. I repeat, 46 million Americans are underserved or not served at all in light of their medical needs.

Finally, this subsidy will be financed using the Medicare part A trust fund. As we all know, without significant reform to the Medicare system, this trust fund is expected to become insolvent. Using scarce Medicare resources to finance another Government subsidy program is unwise in the near term and unnecessary in the long term if market forces are permitted to determine the need for doctors in this country.

There is also going to be an argument raised that this would somehow upset the delicate agreement that was made in the Balanced Budget Agreement Act; that somehow this was an ironclad commitment that we would agree to every single aspect of the balanced budget agreement. I want to state right here, what a lot of us did was hold our nose and vote for it. A lot of people didn't vote for it, but a lot of us held our nose because we didn't like a lot of things associated with it. And to say that we should subsidize a program that is pure socialism in the name of preserving the balanced budget agreement, I think, borders on insanity. But yet, strangely enough, Madam President, you will see Senators come to this floor and say that if we vote not to subsidize through hundreds of millions of dollars teaching hospitals not to teach, then somehow it will upset the balanced budget agreement. I find that argument absurd, and we will hear it.

I understand that there was a request by others to speak against this amendment. I also am not clear as to whether the votes will be held this afternoon or later.

I ask unanimous consent to set aside the pending McCain amendment so that I may present another amendment.

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

AMENDMENT NO. 1092

(Purpose: To ensure that payments to certain persons captured and interned by North Vietnam are not considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act)

Mr. MCCAIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. KERRY, and Mr. REID, proposes an amendment numbered 1092.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligibility for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

Mr. MCCAIN. Mr. President, this amendment is basically to correct a technical problem that exists. It is to pay the Vietnamese commandos that we authorized by legislation last year. They are a group of Vietnamese soldiers who were recruited and trained by the United States to promote our cause during the Vietnam war. Unfortunately, they were captured soon after their deployment and imprisoned for 20 years for fighting on our side.

Last year, we passed legislation authorizing payment to the commandos for their sacrifice, $2,000 a year for the 20 years they were detained, for a total of $40,000 each. However, this payment, if interpreted as 1 year's income will disqualify the commandos from Medicaid and other benefits they currently receive, because it ostensibly raises their income beyond the cutoff point for benefits.

This is a payment accrued to the commandos over the 20-year period during which they were detained. As such, it represents not 1 year's income but an annual payment of $2,000 over 20 years and should not, therefore, disqualify them from Medicaid and SSI.

Mr. President, we have now placed the commandos in the awkward position of being forced into accepting the funds we rightly owe them or maintaining their eligibility for needed benefits. This amendment, by myself and Senator KERRY, simply states the $40,000 payment to each commando will not disqualify him from the various welfare benefits he currently receives. This measure has no cost and merely ensures the commandos don't lose the benefits they already receive.

We are in debt to these men for their wartime sacrifices, and we cannot compensate them with one hand while we take away their benefits with the other.

I urge my colleagues to join in supporting this measure to make sure the commandos are not unjustly penalized for accepting the accumulated payment our country rightly owes them. I hope this will be a routine amendment. I yield the floor.

Mr. KERRY. Mr. President, last year Congress enacted legislation that I sponsored with Senator MCCAIN to provide payment to some 450 Vietnamese commandos who were captured by North Vietnamese forces while performing covert operations for the United States behind enemy lines and subsequently incarcerated in North Vietnamese prisons for 20 years or more. Under this legislation, each of the commandos would receive a lump sum payment of $40,000—payment their families did not receive during their years of incarceration because the Pentagon wrote them off the employment rolls by declaring them dead.

Presently about 200 of the commandos reside in the United States. Most are either U.S. citizens or resident aliens applying for citizenship. Many of them receive Medicaid and related benefits. The problem is that receipt of the long overdue lump sum payment will disqualify them from Medicaid and other benefits they currently receive because it raises their income above the cutoff point for benefits.

Let me give you an example. Last year, I met with a group of commandos including Ly Pho, who lives in my home State of Massachusetts. Ly and his colleagues wanted to express their thanks for our efforts to provide them compensation. Shortly after the meeting, which was widely reported in the press in Massachusetts, Ly was notified by his social service case worker that his Medicaid assistance would be terminated once he received the compensation.

Inadvertently, we have placed the commandos in an untenable position which forces them to choose between the funds we rightly owe them for their services and loyalty to our cause during the war and the benefits they now receive. The amendment Senator MCCAIN and I are offering today is designed to eliminate this Hobson's choice by making it clear that the payment each commando receives will not disqualify him from receiving these benefits.

I believe that this amendment is necessary and fair. These men made great sacrifices for the United States. They were incarcerated for years and many of them were tortured during their incarceration. We are in their debt. We cannot give them compensation with one hand and take away the life sustaining health benefits that they need with another.

This is an important amendment with no additional financial burden to the U.S. Government. I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I not lose the floor in the process of yielding to my friend from Idaho. Prior to doing that, I ask unanimous consent that I be listed as a cosponsor on the last amendment offered by my friend from Arizona, and I will also say that the statement he just made regarding the doctor issue is something we need to talk about and discuss. I think it is a very important amendment and needs to be discussed in some detail rather than just let go through as it is now on the legislation before us.

Mr. McCAIN. If the Senator will yield, it has been made clear that there will be a significant amount of debate on this amendment.

Mr. REID. I say to my friend, I am not opposed to it. It is just an issue we should talk about.

The PRESIDING OFFICER. On the request of becoming a cosponsor, without objection, it is so ordered.

Without objection, the request of the Senator from Nevada regarding yielding to the Senator from Idaho is agreed to. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague from Nevada for yielding. May I inquire of the Chair, has the last McCain amendment been set aside?

The PRESIDING OFFICER. It has not.

Mr. CRAIG. I ask unanimous consent that that amendment be set aside.

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

AMENDMENT NO. 1093

(Purpose: To amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees)

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself and Mr. BINGAMAN, proposes an amendment numbered 1093.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after ''water'' the following: '', at least 90 percent of which is ultimately delivered''.

Mr. CRAIG. Mr. President, I offer this amendment on behalf of myself and Senator BINGAMAN. I am offering an amendment to S. 1061 that would make a very narrow change in the Fair Labor Standards Act. This is a small amendment, but it is critically important to irrigators in Idaho and across the West.

My amendment would solve a problem with the interpretation of a provision of the Fair Labor Standards Act clarifying that the maximum hour exemption for agricultural employees apply to water delivery organizations that supply 90 percent or more of their water for agricultural purposes.

My colleague, Congressman MIKE CRAPO, has introduced a like measure in the House. This is an issue we struggled with for some time, Mr. President. What we are simply saying is that nonprofit co-ops that deliver water are exempt. We have always done it. We have done it for other provisions under the fair labor standards. But if that irrigation ditch happens to cross a pasture and cattle drink out of it and there is some other measure or use other than irrigation that falls under fair labor standards, we are saying OK, but a narrow window. Ninety percent has to be for that purpose, the other 10 percent might accidentally be used for those purposes and might not fall under the qualifications. The intent of the amendment, I think, clarifies, and certainly irrigators across the West working with other organizations had hoped we could resolve this issue. It has been some time in the making.

Representative MIKE CRAPO of Idaho and I previously have introduced a similar provision as a bill—S. 259 in the Senate and H.R. 526 in the other body. Our amendment would restore the flexibility that was always intended by Congress.

Nonprofit organizations, such as independent water districts or nonprofit corporations, which deliver water for agricultural purposes, are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

Such uses may be closely related, but technically not interpreted as being, ''agricultural purposes.''

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and cannot be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year following the harvest, the work load is light, consisting mainly of maintenance duties.

This adjustment would be better for employers, workers, and farmers. It would reflect more accurately the realities of agricultural water delivery.

Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, this amendment would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

I urge my colleagues to support this modest amendment.

Mr. President, I ask unanimous consent that my amendment be set aside, and I yield the floor to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1094

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. REID. Mr. President, I send an amendment to the desk on my behalf and Senator BOXER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mrs. BOXER, proposes an amendment numbered 1094.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—From amounts appropriated under this title, the National Institutes of Health shall conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health shall prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

Mr. REID. Mr. President, the amendment that I have offered on my behalf and that of the Senator from California deals with a serious problem. The city of Henderson, NV, where I went to high school, has been in existence since the Second World War. Henderson, NV, was developed as a result of the war effort during World War II. It is Nevada's only industrial city.

At one time, that was the whole city. Everything in that town supplied a job related to what we called the basic magnesium complex, BMI. So for more than 50 years, Henderson has been supplying products for our war effort—the Second World War, Korea, Vietnam, the cold war.

During the cold war, the biggest use of products out of the complex, at least one part of the complex, was providing the fuel to send spaceships into the air, a product called ammonium perchlorate.

We, it is said, take our water for granted, especially the water we drink. Those of us in the western part of the United States are very concerned about water, as we should be, because we have so little of it. Just in the last 30 days, there are people in California and Nevada who are concerned about the safety of the water. We have been told that the water in Lake Mead is safe, and I am hopeful and confident that it is. But as people in this body know, water is an enormous issue for those of us from the West. The scarcity of water and its availability requires us to be extremely careful in how we apportion and use this most basic natural resource.

In the Las Vegas area, for example, Mr. President, the annual rainfall is less than 4 inches a year. We get very, very little water in the Las Vegas area. Henderson is a suburb of Las Vegas. Because of this, we do everything we can to make sure that the water is protected. This is no easy task. The problem that we address in this amendment deals with something called ammonium perchlorate. It is an interstate problem. It involves not only the State of Nevada, but also the States of California and Arizona. Why? Because we share water out of the Colorado River and the lakes that are up and down the Colorado River.

Over the August recess, it was reported that perchlorate was turning up in certain samples they were doing of the water at Lake Mead, southern Nevada's primary drinking water source. Perchlorate is also being detected, at really low levels, in Los Angeles, in the water they think they get from the Colorado River. It has been detected in California in over 70 drinking water wells throughout that State.

As I mentioned, Mr. President, perchlorate is a common ingredient in the manufacture of rocket fuel—especially rocket fuel—munitions, and fireworks. Forms of perchlorate are ammonium perchlorate, which we manufacture in southern Nevada, potassium perchlorate, sodium perchlorate, and perchloric acid. Currently, the only treatment for that is reverse osmosis and ion exchange.

Mr. President, perchlorate is not a compound that is regulated under the Safe Drinking Water Act. Why? Because all the tests in previous years showed that there was no reason to be concerned. There are some scientists who say that it could be dangerous to pregnant women and to children. We do not know. That is what this amendment is all about.

We want to make sure that in the State of California and the States of Nevada and Arizona the water is safe. The only State that has set a limit as to how much perchlorate is allowed to be in the water is California. They set a limit. We want to make sure we comply with that limit, as does everyone in Arizona and California.

In the 70 wells that they have tested in California where they found perchlorate, about 18 of those wells exceeded the level that they had set. But the question is, what does that really mean? That is the purpose of this amendment. We have asked the National Institutes of Health to run some studies during the next 9 months and report back to us to determine whether or not perchlorate in drinking water is unsafe for children and pregnant women. Perchlorate is not listed as a RCRA or Superfund hazardous substance.

We are in relatively new ground at this time, Mr. President. As I indicated, the primary health concern related to perchlorate is it can interfere with the thyroid gland's ability to use iodine to produce certain hormones. In a hormone-deficient condition, normal metabolism, growth and development can be affected. We don't know that perchlorate does that, but we need to find out.

In very high doses, perchlorate has been used as a medicine to treat a thyroid disease called Graves' disease in which excessive amounts of a thyroid hormone are produced. However, in thousands of parts per billion, it can disrupt growth and bodily functions because of its effect on the thyroid gland, some people think. As I have indicated, those people who are particularly vulnerable to unsafe consumption would include pregnant women, children, and sometimes the elderly.

The problem, however, is there is no hard science on the health and safety risks that perchlorate may pose to human beings. We need to better understand the potential health consequences of this compound on human beings.

The amendment that I have offered on my behalf and that of the Senator from California I believe should be accepted by this body. All of us can appreciate the necessity of ensuring that the water that we consume is safe. We have been assured by the head of the Southern Nevada Water Authority, Pat Mulroy, that the water is safe. I am confident and very, very hopeful that it is. But we need to make sure that that is the case.

I support this research and am pushing for its inclusion in this legislation. I also believe that because it has been detected in wells in the West, we need to understand why it is there. In particular, we need to understand the potential health risks. Nevada has a large population with elderly, children, pregnant women, as does certainly California and Arizona.

So we want this body to accept this. We think it is sound legislation. We have been in contact with the National Institutes of Health. They can do this. I ask my colleagues to support this legislation.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Prior to offering an amendment, I ask unanimous consent to yield the floor to my colleague, the Senator from Louisiana, and have the opportunity to reclaim the floor and present my amendment, if I may.

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

Ms. LANDRIEU. I thank my colleague for yielding, and ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 1095

(Purpose: To increase the amounts made available to promote adoption opportunities in order to eliminate barriers and to help find permanent homes for children)

Ms. LANDRIEU. Mr. President, I send to the desk an amendment to the Labor, Health and Human Services appropriations bill for myself and Senator MCCAIN. I have here a copy of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. MCCAIN, proposes an amendment numbered 1095.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 2, strike ''$5,606,094,000'' and insert ''5,611,094,000''.

On page 85, line 19, strike ''$70,500,000'' and insert ''75,500,000''.

Ms. LANDRIEU. Mr. President, I rise today to offer an amendment to the Labor, Health and Human Services appropriations bill. As the Members of the Senate are aware, nearly one-half million children in this country languish in foster care instead of permanent placement. We have had little success in coping with the problem. While the numbers of children in foster care multiply, children trickle into adoptive homes. Last year only a little over 20,000 children were formally adopted.

Mr. President, these numbers are unacceptable. Recent advances in science and psychology have indicated that early childhood is the critical stage for human development. The nurturing and attention that infants need can only be provided by a loving family. Studies have indicated that the holding, touching, and play that good parents take for granted, actually affects a child's brain size and activity. Sadly, the children most in need of this kind of human warmth, our abused and neglected children, are ill-served by our Nation's adoption placement system.

Equally distressing is the fact that these same problems in the adoption system are reflected in our budget priorities. In the Labor, Health and Human Services appropriations bill we propose to spend over $4.3 billion on support to foster care. At the same time, we are devoting only $13 million to encourage innovation in state adoption systems. This is a little more than one-third of 1 percent of all the money we are devoting to foster care.

Our spending priorities are another stark example of our spending billions of dollars in a way that perpetuates a problem instead of resolving it. We need to reprioritize how we address the thousands of children in foster care. This amendment takes a modest step in the right direction. By reallocating $5 million from the administrative costs of the bill to help fund State initiatives in adoption, we can begin the process of addressing the source of the problem rather than its symptoms.

Presently, the Children's Bureau has 40 grants to States that were either approved but unfunded, or underfunded due to shortfalls. Among the States with unfunded grant applications are Arizona, Arkansas, California, Colorado, Florida, Illinois, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Washington, and the District of Columbia. These grants would affect States large and small and in every region of the country.

It is my hope that the programs that we fund by providing State grant support may one day provide a national

model. Only through innovations like those funded by these grants can we hope to resolve the foster care crisis. I hope you will join me in supporting this amendment.

I thank my colleague again for the time.

Mr. President, I ask unanimous consent that my amendment be temporarily set aside for its determination at the appropriate time for a vote.

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

AMENDMENT NO. 1094

Mr. REID. Mr. President, I know my friend from Rhode Island has the floor. I ask that he yield to me for purposes of requesting the yeas and nays on my amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there an objection for there being an order at this time to the ordering of the yeas and nays?

Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 1096

(Purpose: To provide funding for grants to States for State student incentives under subpart 4 of part A of title IV of the Higher Education Act of 1965)

Mr. REED. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. LEVIN, Mr. CONRAD, Mr. KENNEDY, Mr. WYDEN, Mr. KOHL, Mr. DODD, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REID, Mr. FEINGOLD, Mr. DORGAN, Mr. TORRICELLI, Mr. KERREY, Mr. JOHNSON, Mr. WELLSTONE, Mr. BINGAMAN, Mrs. MURRAY, Mr. SMITH of Oregon, Mr. HARKIN and Ms. LANDRIEU, proposes an amendment numbered 1096.

Mr. REED. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 19, strike ''and 3'' and insert '', 3 and 4''.

On page 56, line 22, before the period insert '', provided that, $35,000,000 shall be available for State Student Incentive grants derived from unobligated balances''.

Mr. REED. Mr. President, I rise this afternoon to offer an amendment with my Republican colleague from Maine on the Labor and Human Resources Committee, Senator SUSAN COLLINS, and we are joined by a host of other colleagues—Senator KENNEDY, Senator CHAFEE, Senator SMITH of Oregon, Senator HARKIN, Senator DODD, Senator CONRAD, Senator LEVIN, Senator KOHL, Senator WYDEN, Senator LAUTENBERG, Senator MURRAY, Senator WELLSTONE, Senator BINGAMAN, Senator REID of Nevada, Senator FEINGOLD, Senator DORGAN, Senator TORRICELLI, Senator KERREY, Senator JOHNSON, and Senator LANDRIEU. I believe this indicates the widespread depth of concern and support for maintenance of the State Student Incentive Grant Program, or SSIG, as it is known.

This is a remarkable program, which requires State governments to match Federal resources on a dollar-for-dollar basis and provides direct higher education grant assistance to needy students. I had originally intended to offer, along with my colleague Senator COLLINS, an amendment which would have restored SSIG funding to last year's level of $50 million, but out of deference to the subcommittee chairman and also because of a lack of sufficient offset, the amendment today adds back $35 million for SSIG with an offset of unobligated balances from prior years.

In accepting this change, it is our intent to work with Chairman SPECTER and Senator HARKIN, as they have agreed, to ensure that funding for SSIG, at no less than $35 million and hopefully even more, is secured during conference deliberations with the other body.

Mr. President, I want to tell all of my colleagues why this amendment and saving student aid funding is so vitally important.

SSIG is critical to higher education, critical to the dreams of more than 700,000 students across the Nation and 13,000 students just in my home State of Rhode Island alone.

We are all familiar with another higher education grant, the Pell grant, and, as I think many in this Chamber, as well as students, parents, and those involved in higher education know, the purchasing power of the Pell grant has fallen drastically in comparison to inflation and the skyrocketing cost of college education. Students have searched for other sources of need-based higher education grants and have come to rely upon SSIG, the State Student Incentive Grant.

With a relatively modest amount of Federal funding, this essential program encourages States to provide need-based financial aid to students in the form of grants and community service work study awards.

SSIG grants are targeted to the neediest undergraduate and graduate students. The average family income for SSIG recipients in 1991–92 was approximately $12,000, which is below the Federal poverty level for a family of four. The average SSIG-supported grant was about $1,200 in 1995–96. This program reaches those families who are most desperately in need of support to send their children to college.

Moreover, this program is extremely efficient. Every SSIG dollar goes to the students. These funds are not used in any way to cover administrative costs.

With an SSIG expenditure at the Federal level of $63 million in fiscal year 1996, the program leveraged more than $784 million in State matching funds and served more than 700,000 students across America. In Rhode Island, an SSIG Federal expenditure of roughly $334,000 leveraged over $8 million in Rhode Island expenditures, serving more than 13,000 students.

The history of this program is simple. Before its enactment 25 years ago, only 26 States provided need-based assistance to students. Now, all 50 States provide such assistance.

While SSIG has been successful in increasing State aid, it is not true that it has outlived its usefulness. The statutory purpose of SSIG is not simply to start up State programs. Instead, its purpose is to encourage and assist States in making need-based grant and community service work-study awards to students.

Indeed, if SSIG is eliminated, nine States, including Alabama, Arizona, Georgia, and Mississippi, could lose their entire grant program. In these States, SSIG funds represent 25 percent or more of their entire student grant program. It is unlikely they would sustain these programs without this Federal assistance and encouragement. In addition, if SSIG were eliminated, 43 States have already said they would reduce the number and amount of need-based grants, according to the National Association of State Student Grant and Aid Programs. Thirteen States could face a 40-percent drop in funding for need-based grants, according to PIRG's Higher Education Project.

Even with Federal funding, my home State of Rhode Island failed to maintain funding for the State grant program in 1993 and lost Federal SSIG funding. So Rhode Island, a State known for its commitment to education, also faces serious harm to its need-based program.

How could SSIG have outlived its usefulness if States have already or are threatening to shut down student grant programs and cut student aid?

Even the Appropriations Committee has noted that there is wisdom in maintaining funding for this program. In this Congress, the Senate will work on the reauthorization of the Higher Education Act, which covers most higher education grants and loan programs including Pell grants and SSIG. During this reauthorization process, the Senate Labor and Human Resources Committee, on which I serve, along with Senator COLLINS, will comprehensively review all higher education aid programs. Prior to the Labor Committee's work, I believe it would be inappropriate and unfair for Congress to eliminate a successful program like SSIG. It is a program that

deserves support, but also deserves review, which it will receive in the reauthorization of the Higher Education Act.

It is also interesting to note that at a time when the majority party in this Congress is calling for more Federal money to be returned to the States, eliminating SSIG would end a successful program that gives States substantial flexibility and resources to help them help their citizens on to a better life.

In addition, it is important to note in the recent budget, we have gone a long way in providing tax incentives to send young people to college, tax credits and deductions from taxes, but the people that are served by SSIG are those that cannot readily use the tax system to help their children go to college. In this way, SSIG is vitally important because it is a grant program directly to those low-income Americans that need a chance to share in the same opportunity that we have, in our wisdom, provided through the tax system to upper-income and middle-income Americans.

Now, let me emphasize that SSIG is more important than ever as college costs continue to grow faster than income and grant aid, and as the grant-loan imbalance widens. In 1975, 80 percent of student aid came in the form of grants and 20 percent in the form of loans. Now, the opposite is true.

Let me also add that low-income students are finding it particularly hard to afford higher education. Less than 50 percent of high school graduates with family incomes under $22,000 go on to college, while more than 80 percent of their higher income counterparts go on to pursue education beyond high school. Frankly, if we do not reverse this trend, if we do not let every segment of our society go on to higher education, we will continue to develop a bifurcation of our society and our economy as young people with a chance to go on to college gain skills that make them employable and, indeed, enhances their incomes and ability to seize all the opportunity in our society, while others are left out. We cannot let that happen.

SSIG continues to make a difference for needy students in many States. However, I again remind my colleagues that nine States would likely end their grant programs without Federal encouragement and funding. Moreover, 43 States have said they would cut grants if SSIG were eliminated.

Mr. President, we should be helping all our citizens achieve the American dream by ensuring access to higher education, especially for hard-working families whose wages have not kept up with inflation.

Our amendment seeks to provide $35 million for SSIG. It is not a lot of money in a bill that contains more than $269 billion in funding, but it will make a huge difference to the students who rely upon it.

This amendment, I understand, is agreeable to the chairman and the ranking member and they have committed to work with Senator COLLINS and myself to fight for this funding in conference.

I have a letter from the American Council of Education in support of the amendment, and I ask unanimous consent that it be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
August 29, 1997.

DEAR SENATOR: The associations listed below, representing the nation's 3,700 colleges and universities, strongly urge you to support the amendment that will be offered by Senators Jack Reed (D–RI) and Susan M. Collins (R–ME) during floor consideration of the Fiscal Year 1998 Labor, Health and Human Services, and Education appropriations bill. This amendment will restore funding for the State Student Incentive Grant (SSIG) program, which serves as an effective inducement for states to maintain need-based student financial assistance programs.

In eliminating funding for the SSIG program, the Senate Appropriations Committee expressed the view that the need exists for an ongoing source of federal support that encourages and leverages state contributions, along with its hope that the imminent reauthorization will succeed in modifying and strengthening SSIG. We believe this will be accomplished, and we have submitted recommendations designed to achieve this goal.

However, we believe that the current program is both misunderstood and undervalued in terms of its unique role in the array of existing student aid programs. Within the last six years, for example, SSIG's maintenance of effort requirement has prevented cuts or forced the restoration of funding of state grants in Massachusetts, Arizona, Rhode Island, Connecticut, and Oregon. Further, terminating the program will have punitive consequences for the 680,000 students whose average award of over $1,200 offers them an essential alternative to borrowing. SSIG cuts also will be felt by graduate students, since SSIG is the only Title IV grant program for which they are eligible.

Terminating SSIG also will further strain the already frayed relationship that exists between the state and federal governments, families, students, and institutions. While students and their families have borrowed increasingly greater amounts; while institutions have increased institutional student aid from $1 billion in 1979 to more than $10 billion in 1995; and while the federal government has arrested and begun to reverse the decade-long decline in the value of Pell Grants, states have cut spending on higher education to pay for increased expenses in Medicaid and corrections programs. Between 1985 and 1997, the share of state budgets dedicated to higher education fell from 14 percent to 12 percent. Indeed, one analyst has now concluded that if state support for higher education continues to decline at the rate we have seen in the last two decades, it could begin to hit zero in some states early in the next century.

We believe that the SSIG program still plays an essential role in leveraging a state/federal partnership in the provision of need-based student aid. We oppose SSIG's elimination, and we urge your support of the Reed/Collins amendment to restore its funding.

Sincerely,

STANLEY O. IKENBERRY,
President.

On behalf of the following associations: American Association of Community Colleges, American Association of State Colleges and Universities, American Council on Education, Association of American Universities, National Association of Independent Colleges and Universities, National Association of State Universities and Land-Grant Colleges.

Mr. REED. I urge my colleagues to support this amendment. We cannot afford to pass up this opportunity to aid students who in turn will build a stronger and more prosperous America.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my friend and colleague from Rhode Island, Senator REED, in offering an amendment to restore $35 million in funding for the State Student Incentive Grant Program.

First, I want to thank and recognize the able leadership of the Senator from Rhode Island in this area. I also want to say I very much appreciate the work of the managers of this bill, Senators SPECTER and Senator HARKIN, in working with Senator REED and myself to find an offset that will allow us to achieve funding for this very important program.

The SSIG program has successfully leveraged a relatively small Federal contribution and investment in student aid to build a State-Federal partnership supporting grants to the neediest college students. Last year, a Federal appropriation of $63 million resulted in a match of $784 million in State expenditures for need-based scholarship grants. In the State of Maine alone, 12,000 students received assistance under this important program. Nationally, grants averaging $1,200 were awarded to about 700,000 students. The recipients, Mr. President, come from families with average incomes of $12,000 a year. As the Senator from Rhode Island has pointed out, that is below the Federal poverty level for a family of four.

Mr. President, it would be a serious mistake to terminate this program. Every single Federal dollar that it provides goes to students with financial need. The States bear the administrative costs, so every single Federal dollar goes for the grants for these needy students. This program helps to close the widening gap between what students receive in grant assistance and what they are forced to borrow to pay for the ever-increasing costs of a college education.

Because of high tuition costs and increased borrowing, students are graduating from college with higher and higher debt burdens. This Congress has recognized the problem that this mountain of debt poses for new graduates. It has attempted to ease that burden by making the interests on student loans tax deductible, but then if we turn around and eliminate the Federal contribution to the SSIG program we will, in fact, be counteracting part of this benefit to the most deserving students by increasing their loan burden.

Now, Mr. President, opponents to continuing the SSIG program argue

the purpose for the program no longer exists since each of the 50 States have established a grant program. However, this overlooks the importance of SSIG as the Federal-State partnership and the important role this program plays in maintaining the State commitment to these grants. According to the National Association of State Student Grant and Aid Programs, 43 States—43 States—would reduce their need-based grants if the SSIG program were eliminated. Some would clearly terminate their grant programs altogether without the SSIG contribution. Clearly, in spite of the impressive efforts ahead by many States to help their neediest students, this program continues to be a critical catalyst for State action.

As college costs continue to grow faster than income and grant aid, and as the grant-loan imbalance widens for students of modest means, the need for SSIG is more important than ever before. This Congress has just acknowledged the value of grants by voting for a modest increase in the maximum amount of Pell grants. It would be inconsistent and incredibly poor timing if at the time we are recognizing the need for an increase in the grants under the Pell program, we turn around and reduce assistance under the SSIG program.

Mr. President, I recently received a letter from Stephanie D'Amico of Biddeford, ME, who speaks far more eloquently about the importance of this program than I can. I ask unanimous consent her entire letter be printed in the RECORD.

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

Hon. SENATOR COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS, I am writing to ask for your support of State Student Incentive Grants (SSIG). College is one of the best investments we can make in America's future. It is critical to a strong democracy and a healthy economy. To me personally, it represents opportunity for the future.

Unfortunately, a college education is becoming harder and harder to afford. The costs of college are rising, but financial aid remains inadequate. The average full time student must devote 24 hours each week to work rather than studies. And this is just to make ends meet.

SSIG is one of the best federal programs helping to provide access to education. The federal money put into SSIG is matched by each state. So for every federal SSIG dollar, two dollars are spent on students that need it. Seventy percent of the students who receive SSIG funds come from families with incomes of less than $20,000. Without this program, it is likely that 18 states will lose their entire grant program, putting a college education at risk for many students.

Students and families need help with the costs of college. With students now graduating with decades of debt, loans are not the answer. Studies show that students with grants are more likely to stay in school. SSIG is a good, working program that should be fully funded.

Thank you for making education funding a priority. I look forward to hearing from you. Please let me know what you are doing to support increased funding for education.

Sincerely,

STEPHANIE D'AMICO.

Ms. COLLINS. I quote just briefly from Stephanie D'Amico's letter.

She wrote:

College is one of the best investments we can make in America's future. It is critical to a strong democracy and a healthy economy. To me personally it represents opportunity for the future. Unfortunately, a college education is becoming harder and harder to afford. . . . SSIG is one of the best Federal programs helping to provide access to education. . . . Students and their families need help with the costs of college. With students now graduating with decades of debt, loans are not the answer. . . . SSIG is a good, working program that helps students stay in school.

Mr. President, if America is truly to remain the land of opportunity, we must ensure that our citizens like Stephanie D'Amico do not face insurmountable obstacles to higher education. This program will help Stephanie D'Amico and many like her to achieve the American dream. I urge support of the Reed-Collins amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I rise in support of the amendment offered by my colleague from Rhode Island, Senator REED, which restores $35 million to the State Student Incentive Grant [SSIG] Program.

SSIG is an effective Federal/State partnership program which leverages State dollars for need-based student aid.

Ensuring that students have need-based grant aid available to them is very important—especially when one considers the extraordinary debt that many college students have taken on to pay for school. In 1995–96 SSIG benefited 688,000 students through the country and the median family income of those students was $12,000. In Vermont, 4,260 students received assistance through SSIG.

It is my hope that the Senate will vote in support of this important program. As chairman of the Labor and Human Resources Committee, I look forward to a thoughtful review and strengthening of SSIG as part of the reauthorization of the Higher Education Act.

So again, I thank my colleague from Rhode Island for offering this amendment and thank my colleague from Pennsylvania, Senator SPECTER, for his support.

Mr. WYDEN. Mr. President, as a cosponsor of the Reed amendment, I want to explain why the Senate should restore $35 million to the State Student Incentive Grant [SSIG] program.

First, SSIG funds go directly to the students, not to Federal bureaucrats or administrators. One hundred percent of these funds go to the students.

Second, SSIG grants go to those who need them most: the median family income for SSIG recipients is $12,000—well below the Federal poverty level for a family of four.

Third, because every Federal dollar directly leverages State education dollars, each additional Federal dollar may make the difference whether another student gets the chance to go to college. In many States SSIG grants truly make or break a student's chance to go to college.

Fourth, at a time when costs are limiting access to higher education, we must do everything we can to give every student the opportunity to go to college. I was an early supporter of tax credits to help middle-class families pay the cost of higher education, and this program is just as crucial for the most needy students.

This program is especially important for Oregon. In the 1995–97 period, the SSIG Program made the difference for 49,400 students in Oregon, with an average grant of $1,060. SSIG helped account for 5-percent of the funding for the Oregon Need Grant program. And there are more than 16,700 students who did not receive the grant because of underfunding.

The Oregon Need Grant program helps provide basic access for Oregon's most needy student population. If we cut off SSIG for the 1997–98 academic year, some 620 students could be forced to drop out of college. In pure dollar amounts, the grant may not seem like much to people in Washington, DC who are used to dealing in billions of dollars. But it will enable thousands of students in Oregon to make the decision to go to college.

It is the students, of course, who say it the best. One student who works at the U of O admissions office on work study said ''My father has been unemployed for about 4 years even though he has 20 years of naval experience and a college degree. My mother works for the local school system, but her income can't even provide for our family, let alone my college education. Without the need grant that I receive, I wouldn't be able to attend a 4 year university and work towards my degree in psychiatry and business.'' Another student at the University of Oregon said: ''The state need grant has literally been godsend. I come from a single parent household and my mother was laid off from a [major] corporation a few years ago and has only been able to get jobs as a waitress since. If it were not for the state need grant, I would not be able to attend the University of Oregon. I have lived in Eugene all of my life and I've always wanted to attend the U of O. I am majoring in journalism and hope to graduate this year. The grant made it possible for my mother to send me to school and still put food on the table for a family of four.''

Mr. President, I urge my colleagues to vote for this amendment, and ask unanimous consent that my full statement be printed in the RECORD.

Mr. KENNEDY. Mr. President, I support the education amendment offered by Senator REED to appropriate $35 million to maintain the State Supplemental Incentive Grant Program.

The SSIG Program is effective in encouraging States to allocate funds for need-based student aid programs. Elimination of SSIG will cause a significant loss of funds for many needy students and will discourage States from providing this important type of student aid.

Continued funding for SSIG is supported by the American Council on Education, the United States Student Association, US PIRG, the National Association of Graduate-Professional Students, the National Association of State Student Grant and Aid Programs, and the Education Trust.

SSIG is a Federal-State partnership in student aid. States must match the Federal funds on a dollar-for-dollar basis. Eliminating the Federal share will inevitably result in many States dropping their programs entirely.

SSIG constitutes a significant percentage of need-based aid in several States. It is also an incentive for State legislatures to provide their own need-based student aid. In 13 States, Federal SSIG is 20 percent or more of the total need-based aid in the State. In Hawaii and Mississippi, the elimination of SSIG funds would cut the State need-based aid in half.

In Rhode Island, the State legislature provided need-based aid in order to obtain the Federal SSIG funds. The Connecticut Legislature increased need-based aid in order to meet the SSIG requirements. Louisiana will end all need-based aid if Federal funds for SSIG are not appropriated.

One of the fundamental goals of the Higher Education Act is to provide greater access to higher education for all qualified students, regardless of income. Expanding this access is still a major challenge. In the upcoming reauthorization of the Higher Education Act, we will be considering all aspects of the roles of the Federal Government, the State governments, colleges, students, and their families in meeting the costs of higher education.

SSIG is a program that works. It's a sensible Federal-State partnership, and it may well be a model for other steps to leverage the use of Federal funds. I urge my colleagues to support the Reed amendment to appropriate adequate funds for SSIG, so that needy students across the country will not lose this critical aspect of college aid.

Mr. REED. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REED. I understand this vote is scheduled for 5 o'clock.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent at 5 p.m. today the Senate proceed to a vote on or in relation to Senator REED's amendment numbered 1096.

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

Mr. REED. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. REED. Would the Senator also include in this request a modification that precludes any second-degree amendments on my amendment?

Mr. COVERDELL. That is my understanding, that both sides would agree, and I ask unanimous consent the Senator's request be honored.

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

Mr. REED. I yield the floor.

AMENDMENT NO. 1097

(Purpose: To enhance food safety for children through preventive research and medical treatment)

Mr. COVERDELL. Mr. President, I ask unanimous consent the pending amendment be set aside in order to offer an amendment.

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

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment numbered 1097.

Mr. COVERDELL. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H-related disease (HUS);

(2) provide $1,000,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle;

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

AMENDMENT NO. 1098 TO AMENDMENT NO. 1097

(Purpose: To enhance food safety for children through preventive research and medical treatment)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] proposes an amendment No. 1098 to amendment numbered 1097.

Mr. COVERDELL. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the first word and add the following:

(a) TRANSFER.—Using $5,000,000 of the amounts appropriated under this title, the Secretary of Health and Human Services shall carry out activities under subsection (b) to address urgent health threats posed by E. coli:0157H7.

(b) USE OF FUNDS.—From amounts transferred under subsection (a) the Secretary of Health and Human Services shall—

(1) provide $1,000,000 for the development of improved medical treatments for patients infected with E. coli:0157H7-related disease (HUS);

(2) provide $550,000 to fund ongoing research to detect or prevent colonization of E. coli:0157H7 in live cattle:

(3) provide, through the existing partnership between the Federal Government, industry, and consumer groups, $1,000,000 for the National Consumer Education Campaign on Food Safety as part of the activities to address safe food handling practices;

(4) provide $1,000,000 for a study to determine the feasibility of the use of electronic pasteurization on red meats to eliminate pathogens and to carry out activities to educate the public on the safety of that process; and

(5) provide $1,000,000 for a contract to be entered into with the National Academy of Sciences to assess the effectiveness of testing to ensure zero tolerance of E. coli:0157H7 in raw ground beef products.

Mr. COVERDELL. Mr. President, I am only going to speak to this amendment briefly. Let me just say that, at the appropriate time, it will be discovered that this is a rather broadly based amendment to deal with food safety.

The amendment includes provisions for funding for research in the development of improved medical treatment for patients infected with E. coli and related diseases.

The amendment provides funding to help detect and prevent colonization of E. coli in live cattle. Research would focus on determining the pathogen relationship between cattle and E. coli.

The amendment will provide funding for the administration's food and safety initiative and, more directly, for the important consumer education component.

Mr. President, the amendment provides provisions to implement a much-needed study on the feasibility of a irradiating raw meat to eliminate E. coli and to develop a consumer education program on the process of safety.

Mr. President, the amendment will require the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of USDA's zero-tolerance standard for E. coli.

I am pleased today to be introducing an important amendment in my capacity as Agriculture Subcommittee

chairman with jurisdiction over inspections. I am proposing what I think is a commonsense, effective approach to confronting the deadly pathogen E. coli:0157H7. As we are all aware in Congress, our Nation is facing a difficult battle with this bacteria as we work to assure the safety of our domestic food source. Scientists are confronting traditional difficulties in fighting E. coli on the farm and controlling the toxins it releases once in the body. Looking closely at this issue over the past two weeks, it has become increasingly clear to me that some of the best answers to E. coli and other food safety problems can be found in advanced research, education, and study. The committee report on the Labor-HHS appropriations bill repeatedly calls for greater emphasis on food safety and development of priorities in this field. Consequently, firewalls must be built to prevent, to the greatest extent possible, the growth, transmission, and human health destruction that can be caused by this rare but virulent bacteria. The following amendment takes recommendations, which were issued in the ''Final Report of the Blue Ribbon Task Force on Solving the E. coli 0157:H7 Problem'' in 1994. This task force was comprised of the experts from the government, industry, academia, and consumer and producer groups. These recommendations are all backed by good science and will help strengthen existing standards and build new safeguards against human exposure to and illness from E. coli 0157:H7. The following is a summary of my amendment:

AMENDMENT SUMMARY

First, this provision provides funding for research on the development of improved medical treatment for patients infected with E. coli 0157:H7 related disease [HUS]. The most vulnerable members of society susceptible to the chronic effects of E. coli 0157:H7 infection are—children and the elderly. Funding should focus on helping these individuals to recover fully.

Second, this provision provides funding to help detect and prevent colonization of E. coli 0157:H7 in live cattle. Research should focus on determining the host/pathogen relationship between cattle and the E. coli microbe, and explore which factors contribute to its incidence in cattle.

Third, this provision provides funding for the Administration's Food Safety Initiative, more directly for the important consumer education component. This national consumer education campaign on food safety represents a partnership between government, industry, and consumer groups. This is an important link in the food safety chain and critical initiative endorsed last year by former U.S. Surgeon General C. Everett Koop, along with the U.S. Department of Agriculture, the Department of Health and Human Services, and the U.S. Department of Education.

Fourth, this provision implements a much-needed study on the feasibility of irradiating raw red meat to eliminate the E. coli 0157:H7 pathogen and to develop a consumer education program on the process' safety. Currently available for poultry products, irradiation is a proven method of confronting this disease, and its feasibility on red meat needs to be explored.

Fifth, requires the Department of Health and Human Services to contract with the National Academy of Sciences to determine the effectiveness of the USDA's zero tolerance standard for E. coli 0157:H7 in raw ground beef products and the effectiveness of its current microbiological testing program. An updated report on this testing will be helpful to the Congress, USDA, consumers, and the industry in their search for tools to effectively identify and eradicate E. coli 0157:H7 in raw ground beef products.

I would request that this amendment be carefully examined by my colleagues and by the administration. Upon their review, I hope that the amendment will be agreed to in order to continue solidifying our Nation's food as the safest in the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, can you tell me the order of the day?

The PRESIDING OFFICER. A vote will occur at 5 p.m. with respect to amendment No. 1096. It is an amendment offered by Mr. REED of Rhode Island.

AMENDMENT NO. 1094

Mrs. BOXER. Thank you very much, Mr. President. Would it be appropriate for the Senator to speak in favor of the Harry Reid amendment at this time by unanimous consent?

The PRESIDING OFFICER. The Senator may proceed.

Mrs. BOXER. Mr. President, a new contaminant called perchlorate, with potentially serious health risks, has recently been detected in drinking water in California and Nevada. It is expected to also be found in drinking water in other States.

Perchlorate is a chemical component of solid rocket fuel, munitions, and fireworks. The potential source of the drinking water contamination is solid fuel and munitions factories that produce and use large amounts of ammonium perchlorate.

According to preliminary research, perchlorate causes the thyroid gland to malfunction by interfering with the gland's ability to use iodine and produce hormones. A malfunctioning thyroid affects the metabolism and therefore interferes with growth and development of humans.

New safe drinking water technology to measure perchlorate became available in May 1997. Since then, groundwater wells in the most likely areas in the country have begun to be tested.

Perchlorate has so far been detected in 69 drinking water wells in California—out of the 232 tested so far—as well as in the Colorado River and Lake Mead which is the source of water for over 10 million people in California, Nevada, and Arizona.

It is expected to be present in drinking water wells in other States. EPA has stated that the contamination is a very serious issue.

There is no Federal standard for perchlorate in drinking water. California is the only State that has a temporary safety standard for consuming water that contains perchlorate—18 parts per billion—but this temporary standard is based on very preliminary health effects data.

There is no research data on the possible carcinogenic effects of perchlorate.

Twenty-four wells in California have been closed because perchlorate levels exceed the California standard—with some wells registering a perchlorate level of 280 parts per billion—including wells at the San Gabriel Superfund site.

Mr. President, this amendment requires the National Institutes of Health [NIH] to ''from amounts appropriated under this title'' conduct a study on the health effects of perchlorate with particular emphasis on the health risks to vulnerable subpopulations including children, pregnant women, and the elderly.

It also requires that the NIH report back to the committee within 9 months—and annually thereafter—on the results of the study—including a recommendation on whether further health effects research is necessary.

This is an important first step.

First we need to understand more about what the potential health effects of perchlorate are. Then we will take whatever measures are appropriate to ensure that our drinking water remains safe for all, especially for our most vulnerable people—children and our elderly.

OTHER INITIATIVES

First, the fiscal year 1998 EPA appropriations bill includes a $2 million earmark for treatment technology research at the Crafton-Redlands plume in California (that is, research on how to filter out or extract perchlorate. Perchlorate is a salt-based soluble so contamination moves as quickly as the water moves.

Second, Senator BOXER is working to include the following report language in the EPA appropriations bill:

The Committee directs the Environmental Protection Agency to work with the Department of Defense, the National Institute of Environmental Health Sciences, and other relevant federal and state agencies to assess the state of the science on (1) the health effects of perchlorate on humans and the environment, and (2) the extent of perchlorate contamination of our nation's drinking water supplies; and to make recommendations on how this emerging problem might

be addressed. The EPA will submit a report on the interagency findings to the Committee within six months.

I don't think we have a more serious charge of protecting the health and safety of the American people.

I thank you very much.

I yield the floor.

VOTE ON AMENDMENT NO. 1096

The PRESIDING OFFICER. Mr. President, 5 o'clock having arrived, the question is on Amendment 1096 offered by Mr. REED of Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah [Mr. BENNETT], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Oklahoma [Mr. INHOFE], the Senator from Delaware [Mr. ROTH], the Senator from Alabama [Mr. SESSIONS], and the Senator from Oregon [Mr. SMITH], are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama [Mr. SESSIONS] would vote ''yea.''

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina [Mr. HOLLINGS] would vote ''aye.''

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

The result was announced—yeas 84, nays 4, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—84

Abraham	Enzi	Lugar
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Baucus	Ford	McConnell
Bingaman	Frist	Mikulski
Bond	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Breaux	Graham	Murkowski
Brownback	Gramm	Murray
Bryan	Grams	Reed
Bumpers	Grassley	Reid
Burns	Gregg	Robb
Byrd	Hagel	Roberts
Campbell	Harkin	Rockefeller
Chafee	Hatch	Santorum
Cleland	Hutchinson	Sarbanes
Coats	Hutchison	Shelby
Cochran	Inouye	Smith (NH)
Collins	Jeffords	Snowe
Conrad	Johnson	Specter
Coverdell	Kempthorne	Stevens
Craig	Kerrey	Thomas
D'Amato	Kohl	Thompson
Daschle	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Levin	Wellstone
Durbin	Lott	Wyden

NAYS—4

Ashcroft	Helms
Domenici	Nickles

NOT VOTING—12

Bennett	Inhofe	Lieberman
Biden	Kennedy	Roth
Faircloth	Kerry	Sessions
Hollings	Leahy	Smith (OR)

The amendment (No. 1096) was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

EXPLANATION OF ABSENCE

Mr. LOTT. Mr. President, I would like to note for the RECORD that Senator BENNETT is on official business in Moscow, Russia until September 10. Senator BENNETT is meeting with members of President Yeltsin's administration and Members of the Duma on the matters relating to religious freedom in Russia.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendments be set aside and that it be in order to send a series of amendments to the desk, that they be considered en bloc, and that accompanying statements be printed at the appropriate point in the RECORD.

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

AMENDMENTS NOS. 1099 THROUGH 1111, EN BLOC

Mr. SPECTER. Mr. President, these amendments have been cleared on both sides:

First, on behalf of Senator CHAFEE, an amendment to add $250 million for both the Fiscal Payment Review Commission and Prospective Payment Assessment Commission offset by a reduction in the Railroad Retirement Board's dual benefit account.

Second, on behalf of Senator COVERDELL, regarding directives to the Secretary of Education concerning child safety and school crime.

Third, on behalf of Senator DASCHLE, regarding the authorization of a comprehensive program for the prevention of fetal alcohol syndrome.

Fourth, on behalf of Senator FAIRCLOTH, to require the Secretary of Education to certify the percentage of Federal funds appropriated to the department that are provided for students and teachers.

Fifth, on behalf of Senator FEINGOLD, to require the Secretary of Education to conduct a study on student populations.

Sixth, on behalf of Senator HOLLINGS, to increase the setaside within the funds provided in the bill for the National Occupational Information and Coordinating Committee, from $8 to $10 million.

Seventh, on behalf of Senator INHOFE, regarding a supplemental security income demonstration project.

Eighth, on behalf of myself, increasing funding in the bill for continuing disability reviews under the SSI program.

Ninth, on behalf of Senators WARNER and KENNEDY, providing $1.1 million to the Department of Education to begin preparations for this Nation to celebrate the year 2000. These funds are offset by a reduction in the Perkins Loan Cancellation Account.

Tenth, on behalf of Senator HARKIN, to provide the Health Care Finance Administration with authority to use fees they collect from providers, physicians and suppliers for provider-requested audits to offset the cost of such audits.

Mr. President, on behalf of Senator NICKLES, I submit an amendment for consideration relating to Social Security Administration regarding employer contributions.

On behalf of myself, I send an amendment to the desk on the administrative funds for the Department of Labor, the welfare-to-work program.

And another amendment, requested by Senator ROTH, for $900,000 for the Commission on Medicare.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and others, proposes amendments numbered 1099 through 1111 en bloc.

Mr. SPECTER. Mr. President, I ask unanimous consent that reporting be waived. I have stated the specific amendments and the purpose for those amendments.

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

The amendments are as follows:

AMENDMENT NO. 1099

(Purpose: To provide additional funding for the Prospective Payment Assessment Commission and the Physician Payment Review Commission)

On page 67, line 4, strike ''$3,258,000'' and insert in lieu thereof: ''$3,508,000''.

On page 67, line 10, strike ''$3,257,000'' and insert in lieu thereof: ''$3,507,000''.

On page 67, line 18, strike ''$206,000,000'' and insert in lieu thereof: ''$205,500,000''.

On page 67, line 24, strike ''$206,000,000'' and insert in lieu thereof: ''$205,500,000''.

AMENDMENT NO. 1100

(Purpose: To provide training and technical assistance regarding incidents of elementary and secondary school violence, and to provide for pilot student safety toll-free hotlines for elementary and secondary school students)

On page 61, after line 25, insert the following:

SEC. . Of the funds made available under this title, the Secretary of Education shall establish a program to provide training and technical assistance to State educational agencies and local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) in developing, establishing, and implementing procedures and programs designed to protect victims of and witnesses to incidents of elementary school and secondary school violence, including procedures and programs designed to protect witnesses testifying in school disciplinary proceedings.

SEC. . Of the funds made available under this title, $450,000 shall be awarded by the Secretary of Education for grants for the establishment, operation, and evaluation of pilot student safety toll-free hotlines to provide elementary school and secondary school students with confidential assistance regarding school crime, violence, drug dealing, and

threats to the personal safety of the students.

Mr. COVERDELL. Mr. President, there is a grave condition in our elementary and secondary schools across the land. Today, 40 percent of our children do not feel safe in school. It's hard to believe, Mr. President, that:

At least 2.7 million violent crimes take place annually either at or near school.

Every hour, on school campuses, more than 2,000 students and about 40 teachers are physically attacked.

One in every nine students said they cut classes or stayed away from school last year to avoid being beaten or shot.

One in every eight students carries a weapon to school for protection, with 100,000 children taking a gun to school each day.

Last year, a 12-year-old student at a Los Angeles middle school was raped on campus, during school hours, by another student. The victim was forced to attend alone a school disciplinary hearing for the accused which the offender attended with his parents and his lawyer. The State education code afforded protection for the accused but not for the victims or witnesses.

Recently, four teenage boys gang raped a 14-year-old girl at a public high school in Queens. The girl reluctantly reported the crime the next day to a school counselor. When she didn't provide enough detail the assistant principal merely referred her back to the counselor. Almost 1 month later the crime was finally reported to law enforcement and the four were arrested.

A 15-year-old boy killed himself in a GA classroom after being assaulted and bullied almost daily at school because he was overweight.

Mr. President, we cannot allow our children to continue to be terrorized at school. We cannot ignore these kids who are victimized or who witness their friends being abused. The amendment I am offering today begins to address this problem for those children already facing violence. It will: Require the Secretary of Education to establish a program to provide training and technical assistance to State and local education agencies in developing and implementing procedures to protect victims/witnesses of school crime, including protections associated with school disciplinary hearing, and require the Secretary of Education to utilize $500,000 of the funds appropriated under this bill to award grants for pilot school safety hotlines to provide K–12 students with confidential assistance regarding violence, crime, drugs, and threats to personal safety.

Mr. President, on behalf of the 52 million children who attend our schools this year, I urge adoption of this amendment.

AMENDMENT NO. 1101

(Purpose: To provide a comprehensive program for the prevention of Fetal Alcohol Syndrome)

At the appropriate place, insert the following:

SEC. ___. COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION.

(a) FINDINGS.—This section may be cited as the ''Comprehensive Fetal Alcohol Syndrome Prevention Act''.

(b) FINDINGS.—Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, 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 Effects, which are lesser, though still serious, alcohol-related birth defects;

(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 Effects 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 Effects 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 Effects 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 $2,700,000,000 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 Effects 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 Effects nationwide. Such program shall—

(1) coordinate, support, and conduct basic and applied epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

(2) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

(3) foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

(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 PROGRAM

''SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.

''(a) FETAL ALCOHOL SYNDROME PREVENTION PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effects prevention program that shall include—

''(1) an education and public awareness program to—

''(A) support, conduct, and evaluate the effectiveness of—

''(i) training programs concerning the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(ii) prevention and education programs, including school health education and school-based clinic programs for school-age children, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iii) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance to States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations concerning the programs referred to in subparagraph (A); and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) evaluating the effectiveness, with particular emphasis on the cultural competency and age-appropriateness, of programs referred to in subparagraph (A);

''(ii) providing training in the prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) educating school-age children, including pregnant and high-risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, with priority given to programs that are part of a sequential, comprehensive school health education program; and

''(iv) increasing public and community awareness concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects through culturally competent projects, programs, and campaigns, and improving the understanding of the general public and targeted groups concerning the most effective intervention methods to prevent fetal exposure to alcohol;

''(2) an applied epidemiologic research and prevention program to—

''(A) support and conduct research on the causes, mechanisms, diagnostic methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) provide technical and consultative assistance and training to States, Tribal governments, local governments, scientific and academic institutions, and nonprofit organizations engaged in the conduct of—

''(i) Fetal Alcohol Syndrome prevention and early intervention programs; and

''(ii) research relating to the causes, mechanisms, diagnosis methods, treatment, and prevention of Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(C) award grants to, and enter into cooperative agreements and contracts with, States, Indian tribal governments, local governments, scientific and academic institutions, and nonprofit organizations for the purpose of—

''(i) conducting innovative demonstration and evaluation projects designed to determine effective strategies, including community-based prevention programs and multicultural education campaigns, for preventing and intervening in fetal exposure to alcohol;

''(ii) improving and coordinating the surveillance and ongoing assessment methods implemented by such entities and the Federal Government with respect to Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(iii) developing and evaluating effective age-appropriate and culturally competent prevention programs for children, adolescents, and adults identified as being at-risk of becoming chemically dependent on alcohol and associated with or developing Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(iv) facilitating coordination and collaboration among Federal, State, local government, Indian tribal, and community-based Fetal Alcohol Syndrome prevention programs;

''(3) a basic research program to support and conduct basic research on services and effective prevention treatments and interventions for pregnant alcohol-dependent women and individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(4) a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effects 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; and

''(5) the establishment, in accordance with subsection (b), of an inter-agency task force on Fetal Alcohol Syndrome and Fetal Alcohol Effects to foster coordination among all Federal agencies that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effects research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effects.

''(b) INTER-AGENCY TASK FORCE.—

''(1) MEMBERSHIP.—The Task Force established pursuant to paragraph (5) of subsection (a) shall—

''(A) be chaired by the Secretary or a designee of the Secretary; and

''(B) include representatives from all relevant agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention, the National Institutes of Health, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, and any other relevant agencies of the Department of Health and Human Services.

''(2) FUNCTIONS.—The Task Force shall—

''(A) coordinate all relevant programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effects, including programs that—

''(i) target individuals, families, and populations identified as being at risk of acquiring Fetal Alcohol Syndrome and Fetal Alcohol Effects; and

''(ii) provide health, education, treatment, and social services to infants, children, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effects;

''(B) coordinate its efforts with existing Department of Health and Human Services task forces on substance abuse prevention and maternal and child health; 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, including a proposal for a Federal Interagency Task Force to include representatives from all relevant agencies and offices within the Department of Health and Human Services, the Department of Agriculture, the Department of Education, the Department of Defense, the Department of the Interior, the Department of Justice, the Department of Veterans Affairs, the Bureau of Alcohol, Tobacco and Firearms, the Federal Trade Commission, and any other relevant Federal agency.

''(c) SCIENTIFIC RESEARCH AND TRAINING.—The Director of the National Institute on Alcohol Abuse and Alcoholism, with the cooperation of members of the interagency task force established under subsection (b), shall establish a collaborative program to provide for the conduct and support of research, training, and dissemination of information to researchers, clinicians, health professionals and the public, with respect to the cause, prevention, diagnosis, and treatment of Fetal Alcohol Syndrome and the related condition know as Fetal Alcohol Effects.

''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.

''There are authorized to be appropriated to carry out this part, such sums as are necessary for each of the fiscal years 1998 through 2002.''.

AMENDMENT NO. 1102

(Purpose: To require that the Secretary of Education certify the use of funds appropriated to the Department of Education for students and teachers)

On page 61, after line 25, add the following:

SEC. . The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

Mr. FAIRCLOTH. Mr. President, my amendment will directly help students and teachers in this country. It is an amendment that simply requires accountability of our spending at the Department of Education. This amendment will require the Secretary of Education to certify that 95 percent of the amount we appropriate in this bill goes directly to students and teachers. If the Secretary cannot certify that 95 percent of our spending directly benefits students and teachers, then the Secretary must certify what percentage is being spent.

Mr. President, the Department of Education will spend $31 billion in 1998. The Department is receiving an increase of nearly $3 billion in funding for 1998. No one is a stronger supporter of education than I am, but education has, and hopefully will be, a local issue. So I would hope that the role of a Federal Department of Education is to provide additional funds for students and teachers, not bureaucrats.

I think we need to fire bureaucrats, and feed teachers!

The Department will spend $400 million on management alone. My concern is the Department is rife with wasteful programs. For example, there is $4 million for the John F. Kennedy Center for Performing Arts. There is money for education of prisoners in Hawaii and money to study waste disposal in Hawaii. There is $15 million for education of juveniles in prison. More than $64 million will be spent on just research. These are just a few examples.

Most people think the Department is spending money on teachers and students alone. But we know this is not true. This amendment will for the first time require the Department of Education to tell the American people just how much is being spent by the Federal Government on teachers and students, not bureaucrats and wasteful programs.

Mr. CRAIG. Mr. President, I rise in support of the amendment spoken of by my colleague, Senator FAIRCLOTH. The Faircloth-Craig amendment would require that the Secretary of Education certify each year the percentage of Federal moneys used directly for teachers and students.

The point of the amendment is not the 95 percent figure—it is to draw attention to the vast amount of Federal waste inherent in the Department of Education. Much of what we spend on education each year is lost by Federal managers and bureaucrats.

Increased spending has done little to advance classroom instruction. Federal spending on education has increased 41 percent since 1989. Yet, per-pupil spending at the school level has increased only 34 percent. The rest has been siphoned off to support the enormous Federal bureaucracy.

This year's appropriations bill includes a significant increase in education—we don't know yet how much of it will ever see the inside of a classroom.

Mr. President, teachers in Idaho, and around the country, want to know where their money has gone. I believe we must, in a time of fiscal restraint, examine where each Federal dollar is spent and cut waste wherever it is found.

The Faircloth-Craig amendment is a sound first step in the right direction.

AMENDMENT NO. 1103

(Purpose: To require the Secretary of Education to conduct a study regarding the costs of the anticipated increase in enrollments of secondary school students during the period 1998 through 2008, and the creation of smaller class sizes for students enrolled in grades 1 through 3)

On page 61, after line 25, insert the following:

SEC. . (a) The Secretary of Education shall conduct a study that examines—

(1) the economic, educational, and societal costs of—

(A) the increase in enrollments of secondary school students during the period 1998 through 2008;

(B) the creation of smaller class sizes for students enrolled in grades 1 through 3; and

(C) the increase in enrollments described in subparagraph (A) in relation to the creation of smaller class sizes described in subparagraph (B); and

(2) the costs to States and local school districts for taking no action with respect to such increase in enrollments and smaller class sizes.

(b) The Secretary of Education shall report to Congress within 9 months of the date of enactment of this Act regarding the results of the study conducted under subsection (a). Such report shall include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of the increase in enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

Mr. FEINGOLD. Mr. President, I want to thank the distinguished managers of this bill for including language in the managers' amendment at my request. The amendment I intended to offer, which has been included in the managers' amendment, directs the Department of Education to conduct a study of the economic costs of addressing our Nation's burgeoning elementary and secondary student enrollment, projected to grow by over 2 million young people in the next decade, and the expected impact that this growth will have on student achievement. It directs the Department to estimate the costs to local school districts, States, and the Federal Government of the upcoming surge in enrollment, and to outline policy options for addressing this issue and make recommendations to resolve it. In estimating the costs and impact on students of increasing enrollment and making policy recommendations to address this problem, the study will also consider the costs and benefits of reducing class sizes in the earliest grades.

Mr. President, parents are increasingly interested in enrolling their young children in schools that place an emphasis on small class size and individualized attention from teachers. Cities and States across the country are developing programs to help schools meet this goal. California's statewide initiative to reduce all classes in grades K–3 to no more than 20 students is the most ambitious, but by no means the only example.

In my own State of Wisconsin, the Student Achievement Guarantee in Education, or SAGE, Program was developed several years ago to study the benefits of small class size in schools with high poverty rates. With student-teacher ratios of 15:1, the program is extremely popular with students, parents, teachers, and school administrators. Although is has only been implemented in a relatively small number of Wisconsin communities thus far, the reason for the program's widespread appeal is obvious—with fewer students in the classroom, teachers have more time and energy to devote to meeting children's particular needs and helping to spark their interest in learning in creative ways. This may seem like common sense, and it is—but now, we have science to back up what parents and teachers have known for years.

Research indicates that children who are placed in small classes—classes of 15 to 20 students—in the earliest years of elementary school achieve better academically than their peers in larger classes. These benefits are retained in later years of school, even if students are not kept in small classes for later grades. The leading scientific studies of the impact of small class size, Tennessee's STAR study and its follow-up, the Lasting Benefits Study, found that small class sizes in grades K–3 produce substantial improvements in learning which are sustained in later years, even if students are placed in larger classes for later grades.

Unfortunately, at the very time that States and localities are starting to apply the lessons learned in the Tennessee studies, many of our Nation's schools are on the brink of an explosion in student enrollment. According to a report released last month by Education Secretary Richard Riley, entitled ''A Back to School Special Report on the Baby Boom Echo: Here Come the Teenagers,'' there will be more elementary and secondary students in America this school year than there ever have been before. These increases will occur primarily among secondary school students; public high school enrollment is projected to increase by 13% in the next 10 years, while elementary school enrollment will increase only slightly. Total public and private school enrollment in the 1997–98 school year will rise to a record level of 52.2 million students, and it won't stop there. By the year 2007, total enrollment is expected to peak at 54.3 million students.

Mr. President, this is a problem that isn't going away. Unlike our past experience with the baby boom, when there was a sharp rise in student enrollment which eventually declined, the U.S. Bureau of the Census projects that the number of births will remain stable or even increase slightly in the next few decades. States and local school districts are going to have to develop strategies for accommodating and educating very large numbers of students. This is likely to be costly, and will require creative solutions and the balancing of priorities.

To some degree, this is a regional problem. Wisconsin, for example, along with many States in the Midwest, will actually experience small decreases in student population in the next decade. However, this will certainly not be the case in every community in my State, or in any of the States which are projected to experience decreases in student enrollment. Across the Nation, school districts are going to need to adapt to their larger student bodies, at the same time that many of them, rightly, will be investing in the creation of smaller classes for their early elementary students.

Mr. President, smaller class sizes are the wave of the future. Parents want them, students benefit from them, and schools are recognizing the need. I thank my colleagues, the Senators from Pennsylvania and Iowa, once again for accepting my amendment, which will lay out options for schools to consider as they plan for a future with smaller classes and larger enrollment.

AMENDMENT NO. 1104

(Purpose: To increase funding for the National Occupational Information Coordinating Committee, offset by reducing other national activities)

On page 3, line 3 strike ''$8,000,000'' and insert in lieu thereof: ''$10,000,000''.

AMENDMENT NO. 1105

(Purpose: To provide a disability return to work demonstration initiative)

On page 70, line 1, strike ''$16,160,300,000'' and insert in lieu thereof: ''$16,162,525,000''.

On page 70, before the period on line 4, insert the following: ''*:Provided further,* That not less than $2,225,000 shall be available for conducting a disability return to work demonstration initiative, which focuses on providing persons who have lost limbs with an integrated program of prosthetic and rehabilitative care and job placement assistance''.

Mr. INHOFE. Mr. President, my amendment would provide $2,225,000 to establish a demonstration project to assist persons with disabilities due to the loss of a limb to return to work.

According to a 1996 GAO report on SSA disability programs, ''[r]eturn-to-work strategies and practices may hold the potential for improving federal disability programs by helping people with disabilities return to productive activity in the workplace and at the same time reduce program costs.''

The GAO report goes on to note that the three most important strategies to mainstream individuals back into the work force are: intervene as soon as possible; identify and provide necessary return-to-work assistance; and structure benefits to encourage people to return to work.

Using these GAO suggestions as a guide, I have attempted to address the medical, rehabilitative, and job training needs of individuals who have lost their limbs.

Experience has shown that for people who have lost limbs, access to appropriate medical rehabilitation can mean the difference between prolonged dependence and a successful return to the work place. Due to advancement in modern rehabilitation medicine, persons who experience limb loss can now routinely expect to attain high levels of independence and functionality.

Over the last several years, I have worked with Limbs for Life Foundation which provides financial help to amputees nationwide. As a result of my association with them, I have observed

that a significant percentage of people who lose limbs do not return to the work force and subsequently become dependent on Social Security's Supplemental Security Income [SSI] and Disability Insurance [DI] programs. A leading cause for this dependence has been the inability to gain access to appropriate rehabilitation care.

According to the Social Security Administration, less than half of 1 percent of Social Security beneficiaries return to work. Yet, they also estimate that as many as 3 out of 10 persons on disability may be good candidates for return to work but the system does not encourage it.

I believe this partial due to the Social Security Administration's process for determining disability which does not generally assess the individuals functional capacity to work, but rather presumes that certain medical conditions are in themselves sufficient to preclude work. However, the link between medical condition and work incapacity is weak. While there are certainly some medical impairments which prevent individuals from working, others factors such as vocational, psychological, economic, environmental, and motivational are often more important determinants of work capacity.

My proposed demonstration program will result in a better rate of return to work because it will provide people with the tools needed to successfully overcome many of the impediments which have traditionally held them back from main streaming into the work place.

Specifically, by providing appropriate prosthetic and rehabilitation services, followed by an intensive regimen of occupational therapy the demonstration program will prepare amputees to meet the physical demands of the work place. Practical assistance such as job training and job placement are also critical for successful main streaming and would be a part of the program.

Not only will we be helping people who want to work, but will more effectively spend our limited disability money. The Social Security Administration's estimates that lifetime cash benefits are reduced by $60,000 when an individual receiving Disability Insurance returns to work; $30,000 when an individual receiving Supplemental Security Income returns to work.

The Limbs for Life Foundation has estimated that they could provide services for 775 individuals with the proposed $2,225,000 demonstration program. Under their proposal, this money would be combined with the Foundation's own funds and services and result in a net savings of $9 million.

Mr. President, I believe this is a sound investment and I urge my colleagues to support my amendment.

AMENDMENT NO. 1106

(Purpose: Provide for additional Security Administration continuing disability reviews as authorized by cap adjustment legislation)

On page 71, line 23, strike ''$245,000,000'' and insert in lieu thereof: $290,000,000.

On page 71, line 25, after ''Public Law 104–121'' insert: '', section 10203 of Public Law 105–33,''.

AMENDMENT NO. 1107

(Purpose: Millennium 2000 Project)

On page 60, line 7, strike ''$338,964,000'' and insert in lieu thereof ''$340,064,000: *Provided*, That $1,000,000 shall be used for the Millennium 2000 project''.

On page 56, line 21, strike ''$8,557,741,000'' and insert in lieu thereof ''$8,556,641,000''.

Mr. WARNER. Mr. President, I rise to thank the managers of this legislation for including language offered by myself and Senator KENNEDY that will provide the Department of Education with $1.1 million to begin planning efforts for the Nation's celebration of the millennium. These funds were requested by the Department of Education and will be offset within the Department.

The Clinton administration recently established the White House Millennium Program to coordinate the Nation's efforts to celebrate the millennium. Having served as Administrator of the American Revolution Bicentennial Administration, I know the importance of advance planning and preparation for national events. While not comparable in historic significance to our bicentennial, the millennium is, nevertheless, an event many Americans will wish to recognize and to participate in. To the extent there is national governmental participation, it should be to focus on dignity and quality. These funds will be critical to that effort.

It is my hope that the White House Millennium Program will work closely with an organization I have been affiliated with for a number of years—the Millennium Society. This respected international organization has been in existence since 1979 and is devoted to organizing a global celebration of the millennium. Most importantly, the Millennium Society has focused much of its efforts on establishing and administering the Millennium Society Scholarship Program.

I would like to particularly recognize Cate Magennis Wyatt, a founder of the Millennium Society, who was instrumental in building the organization. Her dedication and hard work have focused international attention on this issue in a positive manner.

Over the past several years, along with much support from Senators DODD and STEVENS and others, I have worked closely with the firm of Alcalde & Fay and, in recent months, Tommy Boggs, a volunteer counselor. All of us have worked with one goal in mind—ensure that the millennium is celebrated in a proper and dignified manner. Providing adequate planning funds will help us achieve that goal.

AMENDMENT NO. 1108

(Purpose: Provide authority to use fees collected for provider requested audits to cover the cost of such audits)

On page 39, line 17, after the word ''expended'' insert: '', and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended''.

AMENDMENT NO. 1109

(Purpose: To require that estimates of certain employer contributions be included in an individual's social security account statement)

On page 49, after line 26, add the following:

SEC. . Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1230b–13(a)(2)(B), (C)) are each amended by striking ''employee'' and inserting ''employer, employee,''.

AMENDMENT NO. 1110

(Purpose: Reduce unemployment insurance service administrative expenses to offset costs of administering a welfare-to-work jobs initiative)

On page 9, line 11, strike ''$3,292,476,000'' and insert in lieu thereof: ''$3,286,276,000''.

On page 10, line 18, strike ''$216,333,000'' and insert in lieu thereof: ''$210,133,000''.

On page 12, line 11, strike ''$84,308,000'' and insert in lieu thereof: ''$90,508,000''.

AMENDMENT NO. 1111

(Purpose: Provide start-up funding for the National Bi-partisan Commission on the Future of Medicare)

On page 39, line 21, after the word ''appropriation'' insert: '': *Provided further*, That $900,000 shall be for carrying out section 4021 of Public Law 105–33''.

On page 39, line 22, strike ''$55,000,000'' and insert in lieu thereof: ''$54,100,000''.

Mr. SPECTER. Mr. President, these amendments are offered but not to be accepted.

I have set forth the purpose of the amendments in my introductory statement.

Mr. HARKIN. Mr. President, following the lead of our distinguished chairman, my colleague from Pennsylvania, we have a number of amendments. Some of them have been cleared on both sides.

AMENDMENT NO. 1112

(Purpose: To increase funds for education infrastructure)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1112.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 56, line 22, before the period, insert the following: '': *Provided further*, That $60,000,000 shall be for education infrastructure authorized under Title XII of the Elementary and Secondary Education Act to be derived from unobligated balances''.

Mr. HARKIN. This amendment has been cleared on both sides.

Mr. SPECTER. Mr. President, I accept the representation of my colleague.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1112) was agreed to.

AMENDMENT NO. 1113

(Purpose: To expand efforts to combat Medicare waste, fraud, and abuse)

Mr. HARKIN. Mr. President I have another amendment to send to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1113.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 39, at the end of line 25 before the period, insert the following: ": *Provided further,* That no less than $50,000,000 appropriated under this heading in fiscal year 1997 shall be obligated in fiscal year 1997 to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare''.

Mr. HARKIN. Mr. President, for many years, I have worked to identify and eliminate fraud, waste, and abuse in the Medicare Program. Senator SPECTER and I have held hearing after hearing and released report after report through our subcommittee. And along the way, we have had some successes. We've stopped a number of scams and ripoffs and we've forced Medicare to reduce excessive prices for a number of devices. These actions have saved Medicare and taxpayers over $1 billion. However, the problem continues to grow. Much more needs to be done.

Several years ago, the General Accounting Office testified before our Appropriations Subcommittee that, based on their analysis, Medicare was losing up to 10 percent of its expenditures, or $16 billion to fraud, waste, and abuse. However, on July 17, HHS Inspector General June Gibbs Brown released a major new report that indicated that the problem was even worse. It was the first national audit of a statistically significant sample of Medicare claims for payment errors. This chief financial officer [CFO] audit found that up to 14 percent of Medicare payments in 1996 were made inappropriately. That's up to $24 billion in 1 year alone.

And this was not a flimsy study. It was detailed and in-depth; 5,300 claims of all types—physician and hospital services, home health care, lab tests—were thoroughly audited. Patient medical records were reviewed and providers and beneficiaries were interviewed. Fully one third of all the claims were found to contain mispayments—all or a portion of the claims should not have been paid.

Some 46 percent of the mispayments were for claims that had either inadequate or no documentation to justify their need; 36 percent of the payment errors involved services that upon review were found not medically necessary. For example, Medicare was charged for x rays on both knees for one patient, when the patient only had problems with one knee. And 8 percent of the payment errors were due to improper billing codes used by health care providers. For example, a physician billed for one office procedure when upon review of the medical records it was found another less expensive procedure was actually performed.

This report is a devastating indictment of the administration of Medicare. And if it goes unaddressed, Medicare will lose as much money over the next 5 years to fraud, waste, and abuse as was cut by the balanced budget act we just passed. That is simply unacceptable.

Making sure that doesn't happen should be at the top of the priority list for the Department of Health and Human Services and this administration. I am afraid, however, that this may not be the case.

The Department has drafted a corrective action plan that, if fully implemented, would take some important steps to addressing the problems identified in the CFO audit. My understanding is that it calls for a 10-percent increase in medical reviews, a 20-percent increase in prepayment review of hospital claims, a 20-percent increase in post-payment review of physician claims, and increases in provider education, expanded audits of home health agencies and nursing, and other improvements.

These are important improvements, but they are woefully inadequate. We need to at least double the number of audits Medicare is conducting. Right now, only about 3 percent of claims are reviewed and only 3 of every 1,000 providers receive a comprehensive audit in any year. That needs to change. And this amendment would help Medicare meet this need.

I send an amendment to the desk for myself and Senator GRAHAM of Florida, who has been tireless in the fight against Medicare fraud, and ask for its immediate consideration.

This amendment would direct the Department of Health and Human Services to obligate no less than an addition $50 million this fiscal year to increase Medicare audits and to comply with its correction action plan developed in response to the CFO audit.

Mr. President, there is about $53 million in the Medicare contractor account for fiscal year 1997 that will likely go unspent. This is due to problems the Department has encountered in the administration of its Medicare transaction system [MTS] initiative. Rather than seeing this money lapse or be rushed inefficiently into a last minute contract, our amendment would assure that this money is well spent to address a pressing problem. It would be easy for the Department to implement because it would simply obligate it to existing contractors to expand the number of audits and reviews that they undertake—it will simply, in effect, increase a current work order.

Mr. President, it would be unconscionable for the Department to let these funds lapse when they know how inadequate their current efforts and resources are to combat Medicare fraud, waste, and abuse. This is not time for bureaucratic business as usual. We need to take bold action to begin to turn the tide against these losses. Our amendment is a simple, commonsense step that would have a significant impact.

If properly implemented, it would more than double the percentage of problem providers receiving comprehensive audits. This would save Medicare and taxpayers many times over its costs.

I understand the amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1113) was agreed to.

AMENDMENT NO. 1114

(Purpose: To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998 and 1999)

Mr. HARKIN. Mr. President, I offer an amendment on behalf of Senator GRAHAM, who is proposing this on behalf of Senators KENNEDY and ABRAHAM. I also lend my support to the measure. I understand it also has been accepted by both sides. This has to do with immigration.

Mr. SPECTER. That amendment has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] for Mr. GRAHAM, for himself, Mr. KENNEDY and Mr. ABRAHAM, proposes amendment numbered 1114.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, insert the following:

SEC. . That Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ''fiscal year 1995, fiscal year 1996, and fiscal year 1997'' and inserting ''each of fiscal years 1998, and 1999''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1997.

Mr. HARKIN. The United States has for years been a leader in refugee protection. Since 1975, over 2 million refugees have resettled in the United States. The Refugee Act is the core of U.S. refugee policy. This act sets out the criteria for persons to be designated as refugees. In addition, the

Refugee Act allows the Department of Health and Human Services to run several important programs to assist refugees in adjusting to their new life in the United States. These programs include the Refugee Assistance Program, which provides assistance to refugees to help them become self-sufficient in the shortest time possible, social services programs which provide funding to States to support English language classes and employment training for refugees. Refugees receiving cash and medical assistance under this program are required to be enrolled in employment services and accept employment offers.

Furthermore, the Refugee Act allows HHS to provide overseas medical screening of refugees before they enter the United States. Also, it provides targeted assistance to States and counties with high refugee populations. For instance, in 1996, Polk County IA received $160,500 in targeted assistance. HHS also provides a matching grant to voluntary agencies which take responsibility for resetting refugees and ensuring they become self-sufficient. In Iowa, the Refugee Act allowed HHS to provide a targeted assistance award of almost $50,000 to the State and Lutheran Social Services for a program which helps former political prisoners achieve economic independence.

Mr. GRAHAM. Mr. President, I am very pleased today to be working with Senators KENNEDY, ABRAHAM, and HARKIN in their efforts to reauthorize the Refugee Act of 1980.

Through the Office of the U.S. Coordinator for Refugee Affairs, we are better able to develop a comprehensive national strategy to help our State and local governments assimilate the individuals that have fled persecution, injustice, and war.

The Federal Government has welcomed these individuals to our shores. Our local governments welcome them to their communities—and through the programs of the Office of Refugee Resettlement, we make sure that they acquire the skills needed to adjust to our society and become self-sufficient, productive members of society, as soon as possible.

More than 17,000 refugees and entrants arrived in Florida in fiscal year 1996. In fiscal year 1995, this number was higher than 36,000. Between 1992 and 1996, more than 70,000 refugees and entrants settled in Dade County. Without the programs of the Office of Refugee Resettlement, this influx would be a tremendous financial burden on State and local governments.

The arrival of refugees and entrants is a Federal decision; these costs should not be shifted to State and local taxpayers.

By reauthorizing the Refugee Act of 1980, we can continue to offer protection from those fleeing persecution—and make sure that we are addressing the needs of these vulnerable members of our society in a humane, just, comprehensive, and cost-effective manner.

Senator KENNEDY is to be commended on his leadership on this issue. I am proud to work with him and our Senate colleagues to ensure the passage of this measure.

Mr. KENNEDY. Mr. President, Senator GRAHAM has introduced, on behalf of Senator ABRAHAM and me, a 2-year extension of the Refugee Act. That act is the core of U.S. refugee policy. It sets the criteria under which persons can be designated as refugees and provides funds for refugee resettlement. Last year, the United States admitted more than 75,000 refugees under the Refugee Act's criteria.

In addition to determining who qualifies as a refugee, the Refugee Act allows the Department of Health and Human Services, through the Office of Refugee Resettlement [ORR], to provide services to refugees resettled in the United States. For example, ORR provides job training and employment assistance to new refugees to help them become economically self-sufficient. ORR helps States provide English language classes, preventive health services, and cash assistance to new refugees to help them get on their feet in the United States. Refugees often arrive here terrified and with few possessions. Most have fled persecution in their home countries and left virtually all their possessions behind. These programs make a refugee's assimilation into the United States a little easier.

In addition to providing assistance directly to refugees, the Refugee Act makes funds available to the Public Health Service to provide overseas medical screening for U.S.-bound refugees for the protection of public health against contagious diseases. ORR also provides targeted assistance to States and counties with large refugee populations and has matching grant programs for voluntary agencies to assist States in refugee resettlement. For example, the Boston Tech Center in Massachusetts received $250,000 in discretionary targeted assistance to give refugees short-term skills training and teach basic English and math. The International Rescue Committee in Boston received funds under the Refugee Act to provide a youth program for newly arrived Somali children.

The Refugee Act is the heart of our refugee law and policy. If it is not reauthorized, the United States will send a signal worldwide that refugees are no longer welcome here. We cannot let that happen. The act deserves to be extended and I urge the Senate to approve this amendment.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1114) was agreed to.

AMENDMENTS NOS. 1087, 1088, 1089

Mr. HARKIN. Now, Mr. President, I have three amendments on behalf of Mr. WELLSTONE which I am resubmitting for him.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. WELLSTONE, proposes amendments numbered 1087, 1088, 1089.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

Mr. HARKIN. Mr. President, I further ask, in accordance with the procedures set forth by the chairman, they be set aside.

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

AMENDMENT NO. 1115

(Purpose: To authorize the National Assessment Governing Board to develop policy for voluntary national tests in reading and mathematics)

Mr. HARKIN. Mr. President, I have an amendment for myself and Mr. BINGAMAN and Mr. KENNEDY regarding school testing. This has not been agreed to either.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. BINGAMAN, and Mr. KENNEDY, proposes amendment 1115.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . (a) Notwithstanding any other provision of law, the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011), using funds appropriated under section 413(c) of that Act (20 U.S.C. 9012(c)), shall formulate policy guidelines for voluntary national tests of reading or mathematics for which the Secretary of Education uses funds appropriated to the Department of Education.

(b) In carrying out subsection (a), the National Assessment Governing Board shall—

(1) develop test objectives and specifications; test methodology; guidelines for test administration, including guidelines for inclusion of, and accommodations for, students with disabilities and students with limited English proficiency; guidelines for reporting test results, including the use of performance levels; and guidelines for test use;

(2) have final authority over the appropriateness of cognitive items; and

(3) ensure that all items selected for use on the test are free from racial, cultural, or gender bias.

Mr. BINGAMAN. Mr. President, I would like to express my strong support for the amendment being offered by Senator HARKIN.

As I have said on the floor a number of times today and in the past, we must not delay the time when every parent and teacher really knows how each child is doing academically.

For that reason, I am proud to cosponsor the amendment, which transfers oversight over the new tests to the independent and bipartisan National Assessment Governing Board.

This is an approach that I, having long worked with this Board through

my participation on the National Education Goals Panel, believe will ensure that the new tests are fair, and independent of political influence.

Mr. HARKIN. Again, in accordance with the procedure, I ask the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the amendment will be set aside.

AMENDMENT NO. 1116

(Purpose: To express the sense of the Senate regarding Federal Pell Grants and a child literacy initiative)

Mr. HARKIN. Mr. President, I have another amendment I send to the desk on behalf of Senator DASCHLE and Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself and Mr. KENNEDY, proposes an amendment numbered 1116.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 61, after line 25, insert the following:

SEC. . (a) The Senate finds that—

(1) Federal Pell Grants are a crucial source of college aid for low- and middle-income students;

(2) in addition to the increase in the maximum Federal Pell Grant from $2,700 to $3,000, which will increase aid to more than 3,600,000 low- and middle-income students, our Nation should provide an additional $700,000,000 to help more than 250,000 independent and dependent students obtain crucial aid in order to help the students obtain the education, training, or retraining the students need to obtain good jobs;

(3) our Nation needs to help children learn to read well in fiscal year 1998, as 40 percent of the Nation's young children cannot read at the basic level; and

(4) the Bipartisan Budget Agreement includes a total funding level for fiscal year 1998 of $7,600,000,000 for Federal Pell Grants, and of $260,000,000 for a child literacy initiative.

(b) It is the sense of the Senate that the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998, should—

(1) provide $700,000,000 to fund the change in the needs analysis for Federal Pell Grants for independent and for dependent students;

(2) add $260,000,000 in fiscal year 1998 for a child literacy initiative; and

(3) pay for the increase in the Federal Pell Grant funding and the child literacy initiative from funds that are available for fiscal year 1998 and not yet appropriated.

Mr. HARKIN. Again, I also ask it be temporarily set aside.

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

AMENDMENT NO. 1094

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. HARKIN. Mr. President, I request we call up the Reid amendment, No. 1094.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REID, for himself and Mrs. BOXER, proposes an amendment numbered 1094.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

Mr. HARKIN. Mr. President, I ask to vitiate the yeas and nays.

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

AMENDMENT NO. 1094, AS MODIFIED

(Purpose: To provide for the conduct of a study concerning the health and safety effects of perchlorate on human beings)

Mr. HARKIN. Mr. President, I send a modification to the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. REID, for himself and Mrs. BOXER, proposes an amendment numbered 1094, as modified.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, after line 26, add the following:

SEC. . (a) STUDY.—From amounts appropriated under this title, the Secretary should conduct a study on the health effects of perchlorate on humans with particular emphasis on the health risks to vulnerable subpopulations including pregnant women, children, and the elderly.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, and annually thereafter, the National Institutes of Health should prepare and submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report concerning the results of the study conducted under subsection (a), including whether further health effects research is necessary.

Mr. HARKIN. Mr. President, I understand that amendment has been agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1094) as modified, was agreed to.

Mr. HARKIN. Yes, as modified it was agreed to. That was the modification I sent to the desk.

The PRESIDING OFFICER. The Senator is correct and that is the Chair's understanding.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1078

(Purpose: To repeal the tobacco industry settlement credit contained in the Balanced Budget Act of 1997 as amended)

Mr. FORD. Mr. President, I think it is in order that I ask for the regular order on amendment No. 1078.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Ms. COLLINS, proposes an amendment numbered 1078.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF TOBACCO INDUSTRY SETTLEMENT CREDIT.—Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief Act of 1997, is repealed.

AMENDMENT NO. 1117 TO AMENDMENT NO. 1078

Mr. FORD. Mr. President, I send an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for himself, Mr. FAIRCLOTH, Mr. MCCONNELL, Mr. HELMS, Mr. ROBB, and Mr. HOLLINGS, proposes an amendment numbered 1117 to amendment No. 1078.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following new section:

"SEC. . SENSE OF THE SENATE ON COMPENSATION FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE NATIONAL TOBACCO SETTLEMENT.

''(a) FINDINGS.—

''(1) On June 20, 1997, representatives of tobacco manufacturers, public health organizations, and Attorneys General from a majority of the States announced that an agreement had been reached on a national tobacco settlement;

''(2) The national tobacco settlement was intended to provide a comprehensive framework for dealing with several issues relevant to the tobacco industry, including youth smoking prevention, legal liabilities, and the sales and marketing practices of the industry;

''(3) Implementation of the national tobacco settlement requires the enactment of federal legislation by the Congress and the President;

''(4) There are more than 125,000 farms in the United States which derive a substantial portion of their income from the cultivation and sale of tobacco;

''(5) Representatives of tobacco growers were completely excluded from the negotiations on the national tobacco settlement, and were poorly informed, or not informed at all, of any details of the settlement negotiations by any participants in those negotiations;

''(6) The national tobacco settlement includes compensation for several adversely affected groups, including NASCAR, rodeo, and other event sponsors, but includes absolutely no compensation whatsoever or other provisions relating to the impact of the settlement on tobacco growers;

''(7) No other group has their livelihoods affected by the national tobacco settlement as adversely as tobacco growers;

''(8) The local economies of tobacco growing communities will be adversely affected by implementation of the national tobacco settlement;

''(9) The national tobacco settlement contemplates $368.5 billion in payments from tobacco manufacturers over the next 25 years, and not all of this amount has been specifically earmarked by the agreement; and

''(10) The federal tobacco program was designed to operate at no net cost to the federal taxpayer, the national tobacco settlement does not contemplate any changes to the operation of this program, and even many critics of the national tobacco settlement, including representatives from the public health community, have expressed support for the continued operation of a federal tobacco program which operates at no net cost to taxpayers.

''(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

''(1) Tobacco growers should be fairly compensated as part of any federal legislation for the adverse impact which will follow from the enactment of the national tobacco settlement;

''(2) Tobacco growing communities should be provided sufficient resources to adequately adjust to the impact on their local economies which will result from the enactment of the national tobacco settlement;

''(3) Any compensation provided to tobacco growers and tobacco growing communities as part of federal legislation to implement the national tobacco settlement should be included within the $368.5 billion in payments which are to be provided over the next 25 years; and

''(4) No provisions should be included in any federal legislation to implement the national tobacco settlement which would restrict or adversely affect the continued administration of a viable federal tobacco program which operates at no net cost to the taxpayer.''

Mr. FORD. It will be perfectly all right to have this set aside, Mr. President. What I wish to do is have a sense of the Senate in the second degree to the amendment of the Senator from Illinois [Mr. DURBIN], as it relates to the tobacco tax. What my amendment does is outlines the parameters on which, I hope, if any agreement is reached as it relates to attorneys general and the Congress and the tobacco manufacturers, that my farmers will be taken care of. This is basically a sense of the Senate that they do that.

I ask unanimous consent now the amendment be set aside.

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

The Senator from Washington.

AMENDMENTS NOS. 1118 AND 1119

Mrs. MURRAY. Mr. President, I ask unanimous consent to set aside the pending amendment and I send two amendments to the desk.

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

Mrs. MURRAY. Mr. President, I ask unanimous consent to send two amendments to the desk, one on behalf of myself and Senator WELLSTONE regarding family violence option under the temporary assistance to needy families program and another regarding funding for the National Institute for Literacy.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments numbered 1118 and 1119.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1118

(Purpose: To clarify the family violence option under the temporary assistance to needy families program)

On page 49, after line 26, add the following:

SEC. . PROTECTING VICTIMS OF FAMILY VIOLENCE.

(a) FINDINGS.—Congress finds that—

(1) the intent of Congress in amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary; and

(4) good cause waivers granted pursuant to section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)) are intended to be temporary and directed only at particular program requirements when needed on an individual case-by-case basis, and are intended to facilitate the ability of victims of domestic violence to move forward and meet program requirements when safe and feasible without interference by domestic violence.

(b) CLARIFICATION OF WAIVER PROVISIONS.—

(1) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

''(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

''(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

(c) FEDERAL PARENT LOCATOR SERVICE.—

(1) IN GENERAL.—Section 453 of the Social Security Act (42 U.S.C. 653), as amended by section 5534 of the Balanced Budget Act of 1997 (Public law 105–33; 111 Stat. 627), is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding subparagraph (A), by inserting ''or that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information,'' before ''provided that'';

(ii) in subparagraph (A), by inserting '', that the health, safety, or liberty or a parent or child would by unreasonably put at risk by the disclosure of such information,'' before ''and that information;'' and

(iii) in subparagraph (B)(i), by striking ''be harmful to the parent or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonably at risk''; and

(B) in subsection (c)(2), by inserting '', or to serve as the initiating court in an action to seek and order,'' before ''against a noncustodial''.

(2) STATE PLAN.—Section 545(26) of the Social Security Act (42 U.S.C. 654), as amended by section 5552 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 635), is amended—

(A) in subparagraph (C), by striking ''result in physical or emotional harm to the party or the child'' and inserting ''place the health, safety, or liberty of a parent or child unreasonable at risk'';

(B) in subparagraph (D), by striking ''of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child'' and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information''; and

(C) in subparagraph (E), by striking ''of domestic violence'' and all that follows through the semicolon and inserting ''that the health, safety, or liberty of a parent or child would be unreasonably put at risk by the disclosure of such information pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person or persons of information received from the Secretary could place the health, safety, or liberty of a parent or child unreasonably at risk (if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure);''.

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 day after the effective date described in section 5557(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

AMENDMENT NO. 1119

(Purpose: To provide funding for the National Institute for Literacy)

On page 55, line 26, strike ''$1,486,698,000'' and insert ''$1,487,698,000''.

On page 56, line 3, strike ''$4,491,000'' and insert ''$5,491,000''.

On page 56, line 1, strike ''$1,483,598,000'' and insert ''$1,484,598,000''.

On page 56, line 5, after Sec. 384(c) insert the following: ''which shall be derived from unobligated . . .''

Mrs. MURRAY. I ask unanimous consent that these amendments be set aside for consideration at a later point.

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

The Senator from Kentucky.

Mr. FORD. Mr. President, I ask unanimous consent, on the sense-of-the-Senate amendment that I just sent to the desk, that the cosponsors be Senator HOLLINGS, Senator ROBB, Senator HELMS, Senator MCCONNELL and Senator FAIRCLOTH.

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

AMENDMENT NO. 1120

(Purpose: To award a grant to a State educational agency to help pay the expenses associated with exchanging State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument)

Mr. HARKIN. Mr. President, I have an amendment I send to the desk on behalf of Senator BENNETT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. BENNETT, proposes an amendment numbered 1120.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 53, line 16, after ''Act'' insert '': *Provided further,* That—

''(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award $1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

''(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

''(A) has a national monument declared within the State under the authority of the Act entitled ''An Act for the preservation of American antiquities'', approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

''(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States.''.

Mr. HARKIN. Mr. President, I ask the amendment be temporarily set aside.

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

The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that, as in morning business, I be allowed no more than 7 minutes.

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

REGARDING ELECTIONS FOR THE LEGISLATURE OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Mr. HELMS. Mr. President, I send a resolution to the desk and I ask it be read in its entirety.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The legislative clerk read as follows:

S. CON. RES. 51

Whereas the 1984 Sino-British Joint Declaration on Hong Kong guarantees Hong Kong a high degree autonomy in all matters except defense and foreign affairs, and an elected legislature;

Whereas the United States policy regarding Hong Kong, as stated in the United States-Hong Kong Policy Act of 1992 (Public Law 102–383), is based on the autonomy and self-governance of Hong Kong by the Hong Kong people;

Whereas a democratically elected legislature enabling the Hong Kong people to elect representatives of their choice is essential to the autonomy and self-governance of Hong Kong;

Whereas the provisional legislature of Hong Kong was selected through an undemocratic process controlled by the People's Republic of China;

Whereas this provisional legislature has adopted rules for the creation of the first legislature of the Hong Kong Special Administrative Region which rules are designed to disadvantage and reduce the number of prodemocracy politicians in the legislature; and

Whereas the autonomy of Hong Kong cannot exist without a legislature that is elected freely and fairly according to rules approved by the Hong Kong people or their democratically elected representatives; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges Hong Kong Chief Executive C.H. Tung and the government of the Hong Kong Special Administrative Region to schedule and conduct elections for the first legislature of the Hong Kong Special Administrative Region according to rules approved by the Hong Kong people through an election-law convention, referendum, or both.

The PRESIDING OFFICER. The resolution will be appropriately referred.

The Senator from North Carolina.

Mr. HELMS. Mr. President, as I offered this resolution just now regarding Hong Kong, it occurred to me that it is a coincidence that Hong Kong's Chief Executive, the Honorable C.H. Tung, is visiting in the United States this week.

I confess the hope that he will get the message everywhere he goes on Capitol Hill, and everywhere else in Washington, that the provisional legislature's attacks on civil liberties, which Mr. Tung has defended, along with a new plan for an undemocratic legislature for Hong Kong, are totally unacceptable.

Incidentally, Mr. President, I am grateful to the several cosponsors who are joining in the offering of this resolution: Mr. LIEBERMAN, Mr. KERRY of Massachusetts, Mr. THOMAS, and Mr. MACK of Florida.

Last July 1, when Hong Kong was returned to China, in accordance with the terms of the 1984 Sino-British Joint Declaration, the joint declaration made absolutely clear that Hong Kong was to be autonomous and have an elected legislature, among many other things.

But, Mr. President, in the past few weeks, new rules for Hong Kong elections have been prepared that clearly violate the joint declaration and threaten to cause irreparable damage to Hong Kong's autonomy. New rules being prepared by the provisional legislature—a body that itself is a violation of the joint declaration because it is unelected, and this provisional legislature, it will be remembered, is the body chosen last December in a process tightly controlled by Beijing. Though the people of Hong Kong had no say whatsoever, yet, it is this very provisional legislature that is writing the rules for Hong Kong's elections.

Mr. President, this provisional legislature is now planning to adopt election rules for a new body comprising 40 totally undemocratic seats. Thirty of these seats will be ''functional constituency'' seats, as they have been described. The functional constituencies allow small numbers of trade, professional and other groups to choose a representative. In many cases, these functional constituencies are tiny—about 1,000 members.

Britain introduced this system during its colonial rule, and it was a mistake. Britain's last governor, Chris Patten, attempted to improve upon the system by adding new, larger constituencies. Reportedly, even these broader functional constituencies will be slashed, drastically reduced in terms of the number of voters. The functional constituencies belong, as the Wall Street Journal stated, ''on the ash heap of history.'' Ten more seats will be chosen by an election committee comprised of pro-Beijing groups.

Finally, the real motives of the provisional legislature can be discerned in their treatment of the 20 democratically elected seats. These seats will be chosen according to a proportional representation scheme expressly designed to reduce the number of prodemocracy candidates in the legislature.

Mr. President, this is by no means inadvertent. It is deliberate. It is a deliberate attempt to reduce the influence of the most popular and ardently prodemocracy candidates and parties.

The resolution just offered urges C. H. Tung and the Government of Hong Kong to schedule and conduct elections for the first legislature of the Hong Kong Special Administrative Region according to the rules approved by the Hong Kong people through an election law convention, referendum, or both.

If the United States is to have a relationship with an autonomous Hong Kong, Hong Kong must have the democratically elected legislature it was promised—it was promised, Mr. President—in the joint declaration. The provisional legislature, which the United States has rejected as illegitimate and unjustified, is simply not intended to produce a legitimate electoral law.

Mr. President, I yield the floor, and I yield back such time as I may have.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. HARKIN. Mr. President, I want Senators to know that under the unanimous-consent agreement entered into last week, all amendments to this pending bill, Labor, Health and Human Services appropriations bill, have to be in by the close of business today, and business is about to be closed. So if Senators have amendments, I suggest they get them in in a hurry or forever