Despite the unresolved issues I have mentioned, I am introducing the Administration's legislation today because I believe it will provide a strong incentive for everyone to stay at the table and resolve these issues. All of us—the President, Congress, health care professionals and consumer advocates—we all share the common goal of protecting patients from abuse, neglect and maltreatment. We must keep working together to create a viable national system that will prevent abusive workers from working with patients.

Although the remaining days of this Congress are few, we all need to come together once again to reach consensus on the remaining issues and prepare to move this process forward. This legislation gives us an opportunity to act now. I look forward to continuing our work on this issue, and I welcome comments and suggestions for improving the bill.

Mr. President, I want to repeat that I strongly believe that most nursing homes and their staff provide the highest quality care. However, it is imperative that Congress act immediately to get rid of the few that don't. When a patient checks into a nursing home, they should not have to give up their right to be free from abuse, neglect, or mistreatment. They should not have to worry about dying from malnutrition and dehydration.

Our nation's seniors made our country what it is today. Before we cross that bridge to the next century that we have all heard so much about, we must make sure we treat the people that brought us this far with the dignity, care, and respect they deserve. I look forward to working with my colleagues and the administration in this effort to protect patients. Our Nation's seniors and disabled deserve nothing less than our full attention to this matter.

Mr. President, I ask that the text of the bill be printed in the RECORD.

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

Mr. REID. Mr. President, I rise today to join my colleague, Senator KOHL, in introducing the ''Long Term Care Patient Protection Act of 1998''. This legislation represents our latest step in a series of efforts to institute greater protections for nursing home residents.

Over the past year, Senator KOHL and I, along with our colleagues on the Senate Special Committee on Aging, have worked to ensure that seniors are not placed in the hands of criminals in nursing homes. The disturbing problem of nursing home abuse by workers with a violent or criminal history was brought to our attention just over a year ago. Shortly thereafter, Senator KOHL, GRASSLEY, and I introduced S. 1122, ''The Patient Abuse Prevention Act.'' This measure would require criminal background checks for potential long-term care facility workers and would create a national registry of abusive health care workers.

This past July, Senator KOHL and I sponsored an amendment that would authorize nursing homes and home health agencies to use the FBI criminal background check system. This amendment is an important step towards our goal of mandatory background checks, and I am proud to report that this language was included in the Commerce, Justice, State Appropriations Bill.

Upon our request, the Senate Special Committee and Aging dedicated a hearing to the issue of criminal background checks for long-term care workers. At this time, the Office of the Inspector General (OIG) at the Department of Health and Human Services released a report entitling, ''Safeguarding Long Term Care Residents''. The year-long investigation by the OIG spanning facilities across the country produced the very recommendations Senator KOHL and I have been advocating for over a year. Specifically, the OIG concurred with our proposal to develop criminal background checks, and to create a national registry for nursing facility employees. Their findings were consistent with our position that a criminal background check system could help weed out potential employees with a history of abuse and prevent them from working with patients.

Recently, President Clinton acknowledged the need for tough legislative and administrative actions to improve the quality of nursing homes. Using our original legislation as a guide, the Administration drafted a proposal to address the crucial issue of criminal background checks for nursing home workers. I am pleased that the Administration has recognized the need for criminal background checks and has modeled its initiative after our legislation. I am introducing the ''Long-Term Care Patient Protection Act of 1998'' on behalf of the Administration because it builds on our extensive work in this area and represents an important step in the right direction.

The ''Long-Term Care Patient Protection Act of 1998'' would create a national registry of abusive workers. Further, the bill would expand the existing State nurse aide registries to include substantiated findings of abuse by all nursing facility employees, not just nurse aides. States would be required to submit any existing or newly acquired information contained in the State registries to the national registry of abusive workers. This provision is crucial because it would ensure that once an employee is added to the national registry, the offender will not be able to simply cross state lines and find employment in another nursing home where he may continue to prey on vulnerable seniors.

Another important portion of the bill outlines the process by which nursing homes must screen prospective employees. According to this legislation, all nursing homes must first initiate a search of the national registry of abusive workers. In cases where the prospective employee is not listed on the registry, the nursing home would be required to conduct a State and national criminal background check on the individual through the Federal Bureau of Investigations.

Finally, nursing homes would be required to report to the State any instance in which the facility determines that an employee has committee an act of resident neglect, abuse, or theft of a resident's property during the course of employment. The OIG at the Department of Health and Human Services reported that 46 percent of facilities believe that incidents of abuse are underreported. This provision would ensure that offenders are reported and added to the national registry before they have the opportunity to strike again.

One of the most difficult times for any individual or family is when they must make the decision to rely upon the support and services of a long-term care facility. Families should not have to live with the fear that their loved one is being left in the hands of an individual with a criminal record. No one should have to endure the pain and outrage of learning that their loved one has fallen prey to a nursing home employee with a violent or criminal record. At last month's Aging Committee hearing, we heard the real life nightmare of Richard Meyer, whose 92 year-old mother was sexually assaulted by a male certified nursing assistant who had previously been charged and convicted for sexually assaulting a young girl. We can and we must work to prevent tragedies like this one from occurring again in the future.

Americans over the age of 85 are the fastest growing segment of our elderly population. There are 31.6 million Americans over the age of sixty-five, and as the baby boom generation ages, that number will skyrocket. Over 43 percent of Americans will likely spend time in a nursing home. As our nation seeks ways to care for an aging population, we must establish greater protections to ensure that our seniors will receive the best care possible.

I have visited countless nursing homes in my home state of Nevada. During these visits, I have always been impressed by the compassion and dedication of the staff. Most nurse aides and health care workers are professional, honest, and dedicated. Unfortunately, it only takes one abusive staff member to terrorize the lives of the residents. That is why we must work to wed our the ''bad apples'' who do not have the best interest of the patient in mind. I urge you join Senator KOHL and me in our efforts to provide greater protections for all nursing home residents.

By Mr. LIEBERMAN:

S. 2571. A bill to reduce errors and increase accuracy and efficiency in the administration of Federal benefit programs, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL BENEFIT VERIFICATION AND INTEGRITY ACT

Mr. LIEBERMAN. Mr. President, today I introduce the Federal Benefit

Verification and Integrity Act. This legislation takes a government-wide approach to improving eligibility verification and debt collection in Federal benefit and assistance programs by identifying, testing, evaluating, and, in some cases, implementing ''data sharing'' information technologies. Federal agencies would be encouraged to make use of federal, state, and private databases such as the National Directory of New Hires and credit bureau data to help ensure that the government delivers benefits to the right person, at the right time, for the right amount. This bill mirrors Title VI of H.R. 4243, a bill introduced in the House by Representatives STEVE HORN and CAROLYN MALONEY.

The President's Council on Integrity and Efficiency has found that the federal government loses billions of dollars each year by not adequately verifying information in applications for federal benefit programs. For example, an audit by the Department of Education's Office of Inspector General disclosed that approximately $109 million in Pell grants had been over-awarded in 1996 because students failed to report or under-reported their income. The Department of Housing and Urban Development projected that during the same year it had paid out at least $600 million in excess rental subsidies because of tenants' under-reporting of income.

News reports confirm the pervasiveness of this type of fraud against the government. One story in the Wall Street Journal described how ''student-aid consultants'' charged clients $350 each for phony tax returns, which would under-report the student's family income. Because the government does not compare the tax return accompanying the student loan application with the tax forms that had been submitted to the IRS, the student can fraudulently apply to the government for financial aid and receive thousands of dollars in Pell grants. In another example, the Washington Post reported that an owner of a California trade school was indicted on allegations that he stole $1 million in federal Pell grants by creating imaginary students. Since the government never compared the names of these students with information it already had, the school was able to hide its crimes for years.

The report of the President's Council on Integrity and Efficiency concluded that federal agencies need eligibility verification to deter and detect the growing fraud in federal benefit and assistance programs. Several federal agencies do have procedures to try to verify information submitted by applicants by comparing it with information contained in various federal and state government databases. Unfortunately the legislative authority for gaining access to this verifying data often does not encompass many of the most useful government sources: there is no comprehensive authority to share data among agencies. Private industry has made great strides in improving eligibility information accuracy, and the federal government could clearly learn from the best business practices of companies like American Express, Visa, Citicorp and Nationsbank. This bill contains provisions to encourage the government to test and incorporate best commercial business practices for eligibility verification.

Similarly, information contained in the National Directory of New Hires and other databases could be a vital aid to the Department of Education's efforts to locate debtors under its student loan programs, and to other agencies trying to locate and collect from debtors. The Department of Education devotes 70% of its debt collection efforts to locating debtors. The National Directory of New Hires, a comprehensive database that lists where virtually all Americans are employed, was recently established as part of the legislation to find and crack down on ''deadbeat dads''. The Directory is maintained by the Department of Health and Human Services, and the data contained in the database cannot be shared with other agencies without explicit legislative authorization. As with child support collection, the Department of Education could use the New Hires directory as an enormously helpful tool to locate where a debtor lives and works. Once a debtor is found, the Department could then use its existing authority to notify the debtor, and then as a last resort and after meeting all due process requirements, the Department could garnish the debtor's wages.

To improve government-wide data-sharing coordination, this legislation creates a ''Federal Benefit Verification and Payment Integrity Board'' which would provide oversight and foster agency interest in pursuing data sharing ideas and technologies. Once an agency tests an idea and obtains a positive result, the Board can recommend to the Congress that permanent authorizing legislation be enacted. Federally funded benefit programs that could use data-sharing technologies include: the Pell Grant program, federal student loan programs, Medicaid, the Food Stamp program, USDA and HUD housing programs, veterans compensation programs, Social Security programs, the Railroad Retirement Survivor program, the Civil Service Retirement Program, Small Business Administration programs, and USDA business programs. While this list is not exhaustive, the legislation would promote data-sharing between agencies that have the current statutory authority to do so.

In addition, this legislation balances the need for data in verifying eligibility with the paperwork burden and privacy intrusion that data sharing imposes. In fact, this legislation contains a number of increased privacy protections, including requiring that agency proposals contain administrative, technical, and physical safeguards to ensure the security and confidentiality of records; prohibiting nonessential duplication and re-disclosure of records within or outside an agency receiving information for a test; expanding encryption and electronic signature technology to protect the confidentiality and integrity of information; and doubling the penalty for willfully violating the privacy act to $10,000. Existing computer matching and privacy act laws will not be changed.

The act also expands on the present full due process rights of beneficiaries, including all rights under the Fair Debt Collection Practices Act. The bill ensures that agencies administering federally funded benefit programs adequately inform applicants applying for benefits that their data can be shared to verify their eligibility for those benefits. The agency will be required to maintain a record of each applicant's acknowledgment. In this way, agencies can encourage individuals to provide accurate information when applying for benefits. Moreover, applicants will be given the opportunity to explain inconsistencies.

Finally, the Committee recognizes the importance of keeping the National Directory of New Hires data secure and private. Consequently, this legislation intends that any agency requesting access to the National Directory of New Hires have the statutory authorization to access the same kind of data from other data sources. Also, all data matches with the New Hires database must occur under the Department of Health and Human Services, the agency who owns this information. This way, the government would be able to centralize all data matches at one location—where the data resides.

By using data-sharing technologies, agencies can deter and prevent fraud while becoming more accurate and efficient. This bill promotes data-sharing tools which can save taxpayers substantial resources and at the same time encourage beneficiaries of government programs to deal honestly with their government. Accordingly, I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2571

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Benefit Verification and Integrity Act''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To reduce errors in Federal benefit programs that lead to waste, fraud, or abuse and encourage agencies to work together to identify common sources of errors.

(2) To identify solutions to common problems that will save money for the taxpayer and demonstrate the Government's ability to deliver Federal benefits to the right person, at the right time, for the right amount.

(3) To focus on increasing accuracy and efficiency for Federal benefit program eligibility, financial and program management, and debt collection.

(4) To improve the coordination of Government information resources across Government agencies to strengthen the delivery of Federal benefits.

(5) To balance the need for data in verifying eligibility with the paperwork burden and privacy intrusion that data sharing imposes.

(6) To emphasize deterring and preventing fraud in the provision of Federal benefits, rather than seeking to detect fraud after Federal benefits have been provided.

(7) To ensure that agencies administering federally funded benefit programs inform applicants applying for benefits under those programs that their data can be shared to verify their eligibility for those benefits.

(8) To encourage individuals to provide accurate information when applying for benefits under federally funded benefit programs.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD.—The term ''Board'' means the Federal Benefit Verification and Payment Integrity Board established under this Act.

(2) FEDERAL BENEFIT PROGRAM.—The term ''Federal benefit program'' means any program administered or funded by the Federal Government, or by any agent or State on behalf of the Federal Government, providing cash assistance or in-kind assistance in the form of payments, grants, loans, or loan guarantees to or for the benefit of any person.

TITLE I—NOTIFICATION OF FEDERAL BENEFIT RECIPIENTS REGARDING DATA VERIFICATION

SEC. 101. PROGRAM AGENCY RESPONSIBILITY TO PROVIDE CORRECT INFORMATION.

(a) IN GENERAL.—An agency that administers a Federal benefit payment program shall provide notice informing applicants under the program, in information material and instructions accompanying program application forms, that applicants' data may be verified to the extent permitted by law.

(b) AGENCY COMPLIANCE.—An agency may comply with subsection (a) by modifying program materials and applications to include such notice as part of their normal reissuance cycle for reprinting forms, but in no case later than December 31, 2000.

(c) RECORD OF ACKNOWLEDGMENTS.—The head of each agency that administers a Federal benefit program shall maintain a record of each applicant's acknowledgment that the applicant has received notice of the uses and disclosures to be made of the applicant's information, for as long as the applicant receives benefits from or owes a debt to the Government under the program.

TITLE II—FEDERAL BENEFIT PROGRAM MANAGEMENT IMPROVEMENT TESTS

SEC. 201. TESTS OF PRACTICES AND TECHNIQUES FOR IMPROVING FEDERAL BENEFIT PROGRAM MANAGEMENT.

(a) AUTHORITY TO CONDUCT TESTS.—

(1) IN GENERAL.—A Federal agency that administers a Federal benefit program may conduct a test of information technology practices or techniques to improve income verification, debt collection, data privacy and integrity protection, and identification authentication in the administration of the program, in accordance with a proposal approved by the Federal Benefit Verification and Payment Integrity Board established by this title.

(2) WAIVER OF REGULATIONS.—Upon the request of the Board, the head of an agency may waive the enforcement of any regulation of the agency for the purposes of carrying out a test under this section.

(3) IDENTIFICATION OF TEST AREAS.—The Director of the Office of Management and Budget and the Chief Information Officers' Council shall each recommend to the Board, within 120 days after the date of enactment of this Act, various information technology practices and techniques that should be tested under this title.

(b) APPROVAL OF AGENCY PROPOSALS.—

(1) IN GENERAL.—The head of a Federal agency may develop and submit to the Board a proposal for carrying out a test under this section for a specific Federal benefit program administered by the agency. The proposal shall contain specific goals, including a schedule, for improving customer service and error reduction in the program and other information requested by the Board.

(2) CONTENTS.—The proposal shall provide for the testing of information sharing in an integrated manner where feasible of electronic practices and techniques for improving Federal benefit program management, including the following:

(A) Use of encryption and electronic signature technology consistent with techniques acceptable to the National Institute of Standards and Technology, to protect the confidentiality and integrity of information.

(B) Use of other security controls and monitoring tools.

(C) Use of risk profiles and risk alert technologies, including use of Federal, State, and private databases such as the National Directory of New Hires, Federal and State tax data, and credit bureau data.

(D) Establishment of a management framework for exploring and reducing the information security risks associated with Federal agency operations and technologies, including risk assessments and disaster recovery planning.

(3) CONSULTATION.—Any agency whose proposals would require access to another agency's database shall consult with that agency prior to submission of the proposal to the Board, including consultation with the appropriate data integrity board.

(4) PRIVACY SAFEGUARDS.—A proposal submitted to the Board must contain a description of appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual with respect to whom information is maintained. The proposal shall include, in particular, prohibitions on duplication and redisclosure of records provided by the source agency within or outside the recipient entity, except where required by law or essential to the conduct of the test.

(5) AGENCY REIMBURSEMENT.—The proposal shall include an estimate for reimbursement that may be charged by a Federal agency to another agency in conducting tests under the proposal.

(6) REVIEW OF PROPOSALS.—Not later than 60 days after the date of receipt of a proposal under this subsection, the Board shall review and recommend disposition of the proposal to the heads of the data sharing agencies under the proposal. The head of the agency shall respond to the Board within 90 days. Such a response shall include findings as appropriate by the data integrity board.

(c) COOPERATIVE AGREEMENTS AND CONTRACTS.—The head of an agency participating in a test under this section, in consultation with the Board, may enter into a cooperative agreement with a State or contract with a private entity under which the State or private entity, respectively, may provide services on behalf of the Federal agency in carrying out the test.

(d) GENERAL IMPLEMENTATION PLAN.—The Board shall prepare a plan for the implementation of this section, including for the coordination of the conduct of tests under this title and the procedures for submission of proposals for those tests.

(e) REPORTS ON RESULTS OF TESTS.—

(1) ANNUAL REPORT.—Beginning not later than 1 year after the date of enactment of this Act, the Board shall submit annually to the Congress a report on the tests conducted under this section.

(2) CONTENT.—The report shall include—

(A) an estimate of potential cost savings and other impacts demonstrated by the tests;

(B) an analysis of the feasibility of applying the practices and techniques demonstrated in each test within the Federal Government, including analysis of what was the least amount of information that was necessary to verify eligibility of applicants under each Federal benefit program that participated in the tests;

(C) an assessment of the value of State data in those tests. and

(D) such recommendations as the Board considers appropriate.

(f) RECOMMENDATIONS ON IMPLEMENTATION OF ACT.—The Chairperson of the Board shall make recommendations annually to the Director of the Office of Management and Budget regarding how savings resulting from the implementation of the Federal Benefit Verification and Integrity Act may be used to enhance program integrity in high-risk programs such as Medicare and to reduce the potential of waste, fraud, and erroneous payments.

(g) AUTHORITY TO REQUEST TEST.—The Board may request the head of a Federal agency that administers a Federal benefit program to conduct a test under this section, including the preparation and submission of a proposal for such a test in accordance with this section. The head of an agency shall respond within 30 days by approving or disapproving such a request of the Board.

(h) USE OF TEST INFORMATION.—Information on any individual obtained in the course of a test under this section shall not be used as the exclusive basis of a decision concerning the rights, benefits, or privileges of any individual.

SEC. 202. SHARING OF INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.

(a) AVAILABILITY OF INFORMATION.—Notwithstanding section 453(l) of the Social Security Act (42 U.S.C. 653(l)), the Secretary of Health and Human Services may disclose information to another Federal agency from the National Directory of New Hires established pursuant to section 453(i) of that Act (42 U.S.C. 653(i)) based on matches conducted by the Department of Health and Human Services for purposes of conducting a test under this title. In determining whether to disclose such information to a Federal agency for such a test, the Secretary shall take into consideration the potential negative impact of the disclosure or use of such information on the effective operation of the Federal Parent Locator Service under section 453 of such Act, and of other Federal and State child support enforcement activities under part D of title IV of such Act.

(b) FEE.—The head of an agency to which information is disclosed pursuant to subsection (a) shall reimburse the Secretary of Health and Human Services in accordance with section 453(k)(3) of the Social Security Act.

(c) AUTHORITY TO DISCLOSE INFORMATION.—The head of an agency to whom information is disclosed under this section may disclose the information to another Federal agency for use by the agency only as specified under a test proposal under this title. The head of

a Federal agency to whom information is disclosed under this subsection may disclose such information to a State agency administering a federally funded benefit program, a public housing authority, or a guaranty agency (as that term is defined in section 435(j) of the Higher Education Act of 1965) only for the purpose of conducting the test.

(d) REDISCLOSURE LIMITATION.—An entity that receives information for use in a test under this title that it was not otherwise authorized by law to obtain may not redisclose the information or use it for any other purpose.

(e) SHARING OF STATE INFORMATION.—The provision of information pursuant to subsection (a) shall not affect any determination of whether a State meets the requirements of section 303(h)(1)(C) of the Social Security Act.

SEC. 203. INCREASED PENALTIES AND PUNITIVE DAMAGES UNDER PRIVACY ACT.

(a) INCREASED PENALTIES.—Section 552a(i) of title 5, United States Code, is amended in each of paragraphs (1) and (3) by striking ''shall be guilty'' and all that follows through the period and inserting ''shall be fined not more than $10,000, imprisoned for not more than one year, or both.''.

(b) PUNITIVE DAMAGES.—Section 552a(g)(4) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by inserting ''(A)'' after ''(4)''; and

(3) by adding at the end the following:

''(B) In any such suit in which the court determines that the agency acted in a manner that was willful and intentional, the court may award punitive damages in addition to damages and costs referred to in subparagraph (A).''.

SEC. 204. ESTABLISHMENT OF THE FEDERAL BENEFIT VERIFICATION AND PAYMENT INTEGRITY BOARD.

(a) ESTABLISHMENT.—There is established the Federal Benefit Verification and Payment Integrity Board.

(b) MEMBERSHIP.—The Board shall be composed of 10 members appointed from among Federal or State employees, as follows:

(1) 3 members, of whom one shall be appointed by the head of each of 3 Federal agencies designated by the Director of the Office of Management and Budget. The Director shall designate agencies under this paragraph from among the Federal agencies responsible for administering Federal benefit programs.

(2) 2 members appointed by the Director of the Office of Management and Budget, of whom at least one shall be a State employee appointed to represent federally funded State administered benefits programs.

(3) 1 member appointed by the Secretary of Health and Human Services.

(4) 1 member appointed by the Secretary of the Treasury.

(5) 1 member appointed by the Commissioner of Social Security.

(6) 1 member appointed by the Secretary of Labor.

(7) 1 member appointed by the Director of the Office of Management and Budget to address privacy concerns.

(c) CHAIRPERSON.—The Director of the Office of Management and Budget shall designate one of the members of the Board as the chairperson of the Board.

(d) ADMINISTRATIVE SUPPORT.—The heads of Federal agencies having a member on the Board may provide to the Board such administrative and other support services and facilities as the Board may require to perform its functions under this title.

(e) TRAVEL EXPENSES.—Members of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) REPORTS.—The Board shall periodically report to the Director of the Office of Management and Budget regarding its activities.

SEC. 205. RECIPIENT BENEFIT ACCESS; IMPLEMENTATION OF TESTED INFORMATION TECHNOLOGY PRACTICES OR TECHNIQUES.

(a) COMMERCIAL SERVICES FOR ELECTRONIC SUBMISSIONS.—

(1) IN GENERAL.—The Administrator of General Services may acquire on behalf of Federal agencies commercial services for accepting electronic payments for grants or loans and electronic claims submissions from the public. Such services shall be based on accepted commercial practices for electronic identification, authentication, and income verification.

(2) AGENCY REGULATIONS.—The head of each Federal agency shall promulgate regulations providing for the use of the services described in paragraph (1) by program recipients.

(3) FUNDING.—The Administrator may expend such funds as may be required for the design, testing, and pilot of a standard method by which the public may be provided consistent, secure, and convenient electronic access in applying to Federal agencies for loans and grants and in submitting claims. Beginning in fiscal year 2002, the Administrator may finance the acquisition and management of the commercial services described in paragraph (1).

(4) DEFINITION OF ELECTRONIC.—For purposes of this subsection, the term ''electronic'' means through the Internet or telephonically.

(b) RECOMMENDATIONS.—If the Board determines that any information technology practice, technique, or information sharing initiative tested under this title was successfully demonstrated in the test and should be implemented in the administration of a Federal benefit program, the Board shall—

(1) recommend regulations or legislation to implement that practice, technique, or initiative, if the Board determines that implementation is not otherwise prohibited under another law; or

(2) include in its annual report to the Congress under section 201 recommendations for such legislation as may be necessary to authorize that implementation.

(c) REQUIREMENTS REGARDING DATA PROCESSING SYSTEMS.—The Board shall include in any recommendation of regulations under subsection (a)—

(1) provisions that ensure use of generally accepted data processing system development methodology; and

(2) provisions that will result in system architecture that will facilitate information exchange, increase data sharing, and reduce costs, by elimination of redundancy in development and acquisition of data processing systems.

By Mr. SARBANES:

S. 2572. A bill to amend the International Maritime Satellite Telecommunications Act to ensure the continuing provision of certain global satellite safety services after the privatization of the business operations of the International Mobile Satellite Organization, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERNATIONAL MOBILE SATELLITE ORGANIZATION

• Mr. SARBANES. Mr. President, today I am introducing legislation to authorize continued U.S. participation in the International Mobile Satellite Organization, currently known as ''Inmarsat'', during and after its restructuring, scheduled to take place April 1. The United States is currently a member of this organization, but its structure and functions are slated for significant reform. Rather than actually owning and operating mobile satellite telecommunications facilities, the intergovernmental institution will retain the much more limited role of overseeing the provision of global maritime distress and safety services, ensuring that this important function is carried out properly and effectively under contract. U.S. participation in the organization—which will keep the same name but change its acronym to ''IMSO''—will not require a U.S. financial contribution and will not impose any new legal obligations upon the U.S. government. Privatization of Inmarsat's commercial satellite business is an objective broadly shared by the legislative and executive branches, American businesses, COMSAT, which is the U.S. signatory entity, and the international community.

To give some brief background, Inmarsat was established in 1979 to serve the global maritime industry by developing satellite communications for ship management and distress and safety applications. Over the past 19 years, Inmarsat has expanded both in terms of membership and mission. The intergovernmental organization now counts 84 member countries and has expanded into land-mobile and aeronautical communications.

Inmarsat's governing bodies, the Inmarsat Council and the Assembly of Parties, recently reached an agreement to restructure the organization, a move that has been strongly supported and encouraged by the United States. This restructuring will shift Inmarsat's commercial activities out of the intergovernmental organization and into a broadly-owned public corporation by next spring. The new corporation will acquire all of Inmarsat's operational assets, including its satellites, and will assume all of Inmarsat's operational functions. All that will remain of the intergovernmental institution is a scaled-down secretariat with a small staff to ensure that the new corporation continues to meet certain public service obligations, such as the Global Maritime Distress and Safety System (GMDSS). It is important to U.S. interests that we participate in the oversight of this function, as well as that we be fully represented in the organization throughout the process of privatization.

The legislation I am introducing will enable a smooth transition to the new structure. It contains two major provisions. First, it authorizes the President to maintain U.S. membership in IMSO after restructuring to ensure the continued provision of global maritime distress and safety satellite communications services. Second, it repeals those provisions of the International

Maritime Satellite Telecommunications Act that will be rendered obsolete by the restructuring of Inmarsat, including all those relating to COMSAT's role as the United States' signatory. The bill's provisions will take effect on the date that Inmarsat transfers its commercial operations to the new corporation.

Mr. President, I urge my colleagues to join me in support of this measure and ask unanimous consent that a copy of this legislation be included in the RECORD.

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

S. 2572

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

SECTION 1. CONTINUING PROVISION OF GLOBAL SATELLITE SAFETY SERVICES AFTER PRIVATIZATION OF BUSINESS OPERATIONS OF INTERNATIONAL MOBILE SATELLITE ORGANIZATION.

(a) AUTHORITY.—The International Maritime Satellite Telecommunications Act (47 U.S.C. 751 et seq.) is amended by adding at the end the following:

''GLOBAL SATELLITE SAFETY SERVICES AFTER PRIVATIZATION OF BUSINESS OPERATIONS OF INMARSAT

''SEC. 506. In order to ensure the continued provision of global maritime distress and safety satellite telecommunications services after the privatization of the business operations of INMARSAT, the President may maintain on behalf of the United States membership in the International Mobile Satellite Organization.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—

(1) REPEAL.—That Act is further amended by striking sections 502, 503, 504, and 505 (47 U.S.C. 751, 752, 753, and 757).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date on which the International Mobile Satellite Organization ceases to operate directly a global mobile satellite system.●

By Mr. LAUTENBERG:

S. 2573. A bill to make spending reductions to save taxpayers money; to the Committee on Armed Services.

SAVING TAXPAYERS FROM OBSOLETE PROGRAMS AND SPENDING ACT OF 1998

● Mr. LAUTENBERG. Mr. President, today I introduce the Saving Taxpayers from Obsolete Programs and Spending Act of 1998 also known as the STOP Spending Act of 1998. This legislation cuts or eliminates over 25 unnecessary federal programs and would save approximately $80 billion over the next five years.

This legislation targets programs throughout the government—from the Pentagon, to the Departments of Agriculture, Interior and Energy, to NASA. If this legislation were to be enacted, we would have a leaner, better, smarter government. Many of these programs, like the peanut quota program, are outdated relics of a different era. Others, like the cancellation of an unnecessary tactical aircraft program, just represent new thinking that more properly reflects a changing international security environment.

Mr. President, the federal government spends about $1.7 trillion each year. Much of this is for important programs that provide health care to American families, Social Security and Medicare to senior citizens, education for our kids, roads for our cars, security for our nation, housing for families with modest incomes, protection for the environment, and research to advance our civilization. However, there also is too much waste in government. And we must constantly reassess our spending priorities.

Many of the programs targeted in this legislation represent bad policy and bad economics. The benefits go primarily to a narrow group of beneficiaries, while the costs are borne by consumers, taxpayers, and in some cases, the environment. The U.S. Department of Agriculture's sugar program is one example of a program which interferes with the proper functioning of the marketplace at the expense of consumers and the general public. This program guarantees U.S. sugar growers a price that is well above the world price of sugar and results in American consumers paying over $1 billion extra for sugar products each year. In addition, since the artificially high sugar prices that result from the sugar program encourages cultivation of marginal agricultural lands near the Florida Everglades, much environmental damage has been done as a result of increased pollution and runoff from these lands. Unfortunately, the benefits from this program primarily go to very few large and politically powerful corporations, not small farmers.

This is but one example of the many wasteful and outdated programs cut or eliminated as part of this legislation. There are many more examples which I will not detail at this time. However, the bottom line is that we can make our government more effective and save money at the same time if we make the commitment to do so.

Mr. President, I understand that with the limited time remaining in the 105th Congress, this legislation is not likely to be approved before the end of this session. And I realize that many of these proposals would face strong opposition. But I hope my colleagues will review this legislation and support my efforts to reduce government spending in the future by cutting these outdated and wasteful programs.

I ask unanimous consent that a table showing the spending cuts included in this legislation be included in the RECORD.

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

THE STOP SPENDING ACT OF 1998

Program cut	Five-year total savings (In Billions)
Terminate Agricultural subsidies in 2003	$4.00
Eliminate the Market Access Program	0.45
Phase out the sugar program	0.00
Phase out the peanut program	0.00
Elimnate Wildlife Services Predator Control Program	0.05
Extend deficit reduction assessment on tobacco farmers	0.15
Eliminate Rural Utilities Service electricity loan subsidies	0.18
Means-test irrigation subsidies	0.05
Update domestic livestock grazing fees	0.25
Update hardrock mining royalties	1.00
Sell Power Marketing Administrations	6.60
Terminate funding for DOE's Plutonium Pyroprocessing program	0.23
Terminate DOE's Petroleum R&D Program	0.24
Cut funding for construction of new forest roads	0.25
Adjust price of timber sold by Forest Service	1.00
Abolish the Forest Service Salvage Fund	0.18
Cancel tactical aircraft program & procure current generation plan (e.g., F–22)	13.70
Close Uniformed Services University of the Health Services	0.30
Return inflation windfall in DoD funds to the Treasury	23.00
Delay next stage funding of THAAD	1.10
Reform troop transport to deployed ships	7.00
Accelerate Start II implementation	5.10
Discontinue D5 missile	3.00
Reduce excess DoD inventory	0.50
Eliminate Navy's ELF Communications System	0.07
Consolidate pilot training programs	0.60
Terminate Space Station	10.65
Total savings	$79.65●

By Ms. SNOWE (for herself, Ms. MIKULSKI, Ms. COLLINS, Mrs. HUTCHISON, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mrs. BOXER, Mr. DODD, Mr. JEFFORDS, Mr. REID, Mr. D'AMATO, Mr. ROCKEFELLER, Mr. KERREY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. DURBIN, Mr. SARBANES, Mr. KERRY, Mr. LAUTENBERG, Mr. INOUYE, and Mr. LEAHY):

S. 2576. A bill to create a National Museum of Women's History Advisory Committee; to the Committee on Rules and Administration.

ADVISORY COMMISSION FOR THE NATIONAL MUSEUM OF WOMEN'S HISTORY

● Ms. SNOWE. Mr. President, today I am introducing legislation to create an Advisory Committee for the National Museum of Women's History. And I am pleased to be joined by 20 of my colleagues: Senators MIKULSKI, COLLINS, DODD, JEFFORDS, ROCKEFELLER, D'AMATO, HUTCHISON, KERREY (NB), LIEBERMAN, MOSELEY-BRAUN, MURRAY, REID, TORRICELLI, DURBIN, SARBANES, KERRY (MA), LAUTENBERG, BOXER, INOUYE, and LEAHY.

For far too long, women have contributed to history, but seem to have largely been forgotten in our history books, as well as our monuments and museums. It is long past time that the roles women have played be removed from the shadows of indifference and given a place where they can shine.

The bill we are introducing today will create a 26 member Advisory Committee will look at the following three issues and report back to Congress on (1) identifying a site for the museum in the District of Columbia; (2) developing a business plan to allow the creation and maintenance of the museum to be done solely with private contributions and (3) assistance with the collection and program of the museum.

It is important to note that this bill does not commit Congress to spending any money for this museum. The Committee's report will tell us the feasibility of funding the museum privately. And I believe that the Museum's Board

has shown that they have the ability to do just that.

The concept for the National Museum of Women's History (NMWH) was created back in 1996. Since that time, the Board of Directors, lead by President Karen Staser, has worked tirelessly to build support and interest for this project. And judging by the fact that they have raised close to $10 million for the project, lent their support to the moving of the Suffragette statute from the crypt to the Rotunda, and raised $85,000 for that effort, I'd say they are well on their way to success.

In fact, just this summer they donated a bust of Sojourner Truth that was unveiled during the 150th anniversary of the Suffragette movement. And on September 28 they opened their ''cyber museum'' to the computer-going public (www.nmwh.org), which will serve as the Museum's ''home'' until there is a building. To steal a line from a song, these sisters are truly ''doing it for themselves''!

They have also spent a lot of time answering the question ''why do we need a women's museum when we have the Smithsonian.'' The first answer to that comes from Edith Mayo, Curator Emeritus of the Smithsonian National Museum of American History, who notes that since 1963 only two exhibits—two—were dedicated to the role of women in history.

Is it any wonder, then, that Congress got in the habit of designating March as National Women's History Month? The fact is, in the story of America's success, the chapter on women's contributions has largely been left on the editing room floor.

Here's what I mean: We all know that JOHN GLENN, the distinguished Senator from the State of Ohio, was the first American to orbit the earth on board Friendship 7 in 1962—and we wish him godspeed as he embarks on his second journey into space at the end of this month. But how many people know that Margaret Reha Seddon was the first U.S. woman to achieve the full rank of astronaut, and flew her first space mission aboard the Space Shuttle ''Discovery'' in 1985, twenty three years after Senator GLENN's historic flight?

And I can guarantee you more people know the last person to hit over .400 in baseball—Ted Williams—than can name the first woman elected to Congress—Jeannette Rankin of Montana, who was elected in 1916, four years before ratification of the 19th Amendment gave women the right to vote. And how many people can tell you that, in 1924 Nellie Ross of Wyoming was the first woman elected governor of a state? Or that it wasn't until 1974—50 years later—that the first woman governor was elected in her own right: Connecticut's Ella Grasso?

History is filled with such little known but important milestones: like the first woman elected to the United States Senate was Hattie Wyatt Caraway from Louisiana in 1932. That Maine's own Margaret Chase Smith was the first woman elected to the U.S. Senate in her own right in 1948, and in 1962 became the first woman to run for the U.S. Presidency in the primaries of a major political party. Or that the first female cabinet member was Frances Perkins, who was Secretary of Labor for FDR.

Hardly household names. But they should be. And with a place to showcase their accomplishments, perhaps one day they will take their rightful place beside America's greatest minds, visionary leaders, and groundbreaking figures.

But until then, we have a long way to go. Many of us know that women fought and got the vote in 1920, with the ratification of the 19th Amendment to the Constitution. But how many know that Wyoming gave women the right to vote in 1869, 51 years earlier, and that by 1900 Utah, Colorado and Idaho had granted women the right to vote? Or that the suffragette movement took 72 years to meet its goal? And few know that the women of Utah sewed dresses made from silk for the Suffragettes on their cross country tour.

Rosie the Riverter was the name given to the hundreds of thousands of women who entered the workforce to help the war effort during World War II on the home front. But our history books don't discuss Jacquline Cochran and Nancy Harkness Love.

Jackie was a pilot who went to Great Britain with 21 other women and ferried planes. In fact, she created quite a stir when she ferried a new bomber from Canada to England on the trip overseas.

Nancy created a ferrying program in Connecticut, known as the Women's Auxiliary Ferrying Squadron, which also ferried planes in the states. They made an important contribution to our war effort, yet both of them have ''flown under the radar screen'' of history for far too many years.

We now have two women on the Supreme Court; Sandra Day O'Conner appointed in 1981, and Ruth Bader Ginsberg who joined her in 1993. But what we never learned is that in 1870, Iowa became the first state to admit a woman to the bar: Arabella Mansfield. Or that the first woman was allowed to practice before the U.S. Supreme Court in 1879, and her name was Belva Lockwood.

Whatever period of history you chose—women played a role. Sybil Ludington, a 16 year old, rode through parts of New York and Connecticut in April of 1777 to warn that the Redcoats were coming. Sacajawea, the Shoshone Indian guide, helped escort Lewis and Clark on their 8000 mile expedition. Rosa Parks, Jo Ann Robinson and Myrlie Evers played important roles in the civil rights movement in the 50's and 60's. And as we move into the 21st century, the role of women—who now make up 52 percent of the population—will continue to be integral to the future success of this country.

In fact the real question about the building of a women's museum is not so much where it will be built—although that remains to be explored. And it's not even who will pay for it—as I've said, it will be done entirely with private funds. The real question when it comes to a museum dedicated to women's history is, where will they put it all!

I would argue that we have a solemn responsibility to teach our children, and ourselves, about our rich past—and that includes the myriad contributions of women, in all fields and every endeavor. These women can serve as role models and inspire our youth. They can teach us about our past and guide us into our future. They can even prompt young women to consider a career in public service—as Senator Smith of Maine did for me.

Instead, today in America, more young women probably know the names of the latest super models then the names of the female members of this Administration's Cabinet. That is why we need a National Museum of Women's History, that is why I am proud to sponsor this legislation, and that is why I hope that my colleagues will join us in supporting the creation of this Advisory Committee as a first step toward writing the forgotten chapters of the history of our nation.●

By Mr. CHAFEE (for himself and Mr. MOYNIHAN):

S. 2575. A bill to expand authority for programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles to include an option to pay cash for agency-provided parking spaces, and for other purposes; to the Committee on Governmental Affairs.

THE ''FEDERAL EMPLOYEE FLEXIBILITY ACT OF 1998''

Mr. CHAFEE. Mr. President, I rise today to introduce, with Senator MOYNIHAN, the ''Federal Employee Flexibility Act of 1998,'' a bill that would provide flexibility and choices for Federal employees. This flexibility was provided to private sector employees in the Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century, so-called TEA 21. We believe that these provisions provide to employers and employees important new flexibility which should reduce single occupant vehicle trips from our highways and therefore contribute to reduced congestion, a cleaner environment, and increased energy conservation.

The Taxpayer Relief Act of 1997 and the Transportation Equity Act for the 21st Century include significant changes to the way the Internal Revenue Code treats employer-provided transportation fringe benefits. Unfortunately, we have become aware that personnel compensation law for Federal employees restricts implementation of this new flexibility.

Prior to enactment of these two bills, the Federal tax code provided that employer-provided parking is not subject

to Federal taxation, up to $170 per month. However, this tax exemption was lost for all employees if the parking was offered in lieu of compensation for just one employee. In other words, if an employer gave just one employee a choice between parking and some other benefit (such as a transit pass, or increased salary), the parking of all other employees in the company became taxable. It goes without saying that no employers jeopardized a tax benefit for the overwhelming majority of their employees to provide flexibility to others. In effect, the tax code prohibited employers from offering their employees a choice. Parking was a take-it or leave-it benefit.

The changes in these two laws make it possible for employers to offer their employees more choices by eliminating the take-it or leave-it restriction in the Federal tax code. Employees whose only transportation benefit is parking can now instead accept a salary enhancement, and find other means to get to work such as car pooling, van pooling, biking, walking, or taking transit.

Unfortunately, Federal employees will not be able to benefit from the increased flexibility available to private sector employees, unless Federal compensation law is modified. Current Federal law provides that a Federal employee may not receive additional pay unless specifically authorized by law. Therefore, a Federal employee could not ''cash out'' a parking space at work, and instead receive cash or other benefits.

To address this limitation for transit passes and similar benefits, the ''Federal Employees Clean Air Incentives Act'' allows the Federal government to provide transit benefits, bicycle services, and non-monetary incentives to employees. However, when this legislation was enacted, the Federal tax code prohibited the so-called ''cash out'' option discussed above, and therefore was not included in the list of transportation-related exemptions in that statute.

The short and simple bill we introduce today would add ''taxable cash reimbursement for the value of an employer-provided parking space'' to the list of benefits that can be received by Federal employees.

Let me assure my colleagues and Federal employees that this bill would not require that Federal employees lose their parking spaces, as may be feared when there is discussion of Federal employee parking spaces. The bill simply provides Federal employees the same flexibility that is available to private sector employees. Employees who want to retain their tax-free parking space would be free to do so.

We think it is vital that the Federal government show leadership on the application of new and innovative ways to solve our transportation and environmental problems. I hope that my colleagues will join me in supporting this bill and that we can act swiftly on it in the next session of Congress.

Mr. President, I ask that the text of the bill be printed in the RECORD.

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

S. 2575

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

SECTION 1. CASH PAYMENT TO FEDERAL EMPLOYEES FOR PARKING SPACES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Flexibility Act of 1998''.

(b) IN GENERAL.—Section 7905(b)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B) by striking ''and'' after the semicolon;

(2) in subparagraph (C) by striking the period and inserting a semicolon and ''and''; and

(3) by adding at the end the following:

''(D) taxable cash payment to an employee in lieu of an agency-provided parking space.''.

Mr. MOYNIHAN. Mr. President, I rise today with my friend and colleague Senator CHAFEE to introduce the ''Federal Employee Flexibility Act of 1998,'' a bill to provide Federal employees with the commuting benefits that were created in the Transportation Equity Act for the 21st Century, known as TEA–21, and are now available for private sector employees.

This Act is part of an ongoing effort that we started over seven years ago in the Intermodal Surface Transportation Efficiency Act to introduce pricing and economic incentives into our national transportation policy. Traditionally, U.S. transportation policy has favored new highway construction over repair and maintenance and auto travel over transit and other modes. Our tax code also reflected this bias by providing large incentives to employers to offer their employees tax-free parking spaces, while making it less attractive to provide transit or cash benefits in lieu of parking.

The Finance Committee first set out to tackle this problem in the National Energy Policy Act of 1992. That Act capped non-taxable monthly parking benefits at $155, increased monthly transit benefits from $21 to $60, and added an annual COLA adjustment for both. However, because of the ''constructive receipt'' principle in the tax code, under the 1992 Act, an employer could not offer his employees the tax-free commuting benefits in lieu of taxable salary.

In other words, if an employer offered to provide his employees non-taxable $65 monthly transit passes but lower their salaries by $65 a month, and any employee chose to keep the salary—maybe they walk to work—under the ''constructive receipt'' principle, the transit passes for the other employees would lose their tax-free status. This made the transit benefit program of only limited attractiveness to employers since they could only offer it as part of a negotiated increase in salary, not as a benefit in lieu of existing salary.

Likewise, Federal tax code allowed an employer to offer tax-free parking up to a value of 4170 per month per employee. However, if an employer gave just one employee a choice between parking and some other taxable benefit—such as increased salary—the parking of all other employees in the company became taxable. The result—employers have had no incentive to offer employees the opportunity to ''cash out'' their parking, perhaps taking an increase in salary and using mass transit or carpooling. That hidden pro-parking bias in the tax code has likely resulted in far too many employees choosing to drive to work over riding transit and other modes.

The tax title of TEA–21 now contains the proper language and offsets in place to eliminate this ''constructive receipt'' requirement—and increase the transit benefit from its current $65 to $100 in 2002. It means that employers who provide the transit benefit in lieu of salary will pay less in payroll taxes, while employees will receive a benefit worth a full $65, instead of taxable income of $65. Likewise employers can now offer employee cash instead of a tax-free parking parking space, and we hope reduce the number of employees who drive to work. The measure is ''paid for,'' in Budget Act parlance, by a one-year freeze in the COLA adjustments for parking benefits, currently at $175 per month, and transit benefits.

But, unfortunately, the job is not quite done. Federal employees will not be able to benefit from the increased flexibility available to private sector employees, unless Federal compensation law is modified. Current Federal law provides that a Federal employee may not receive additional pay unless specifically authorized by law. Therefore, a Federal employee could not ''cash out'' a parking space at work, and instead receive cash or other benefits. This has particularly unfortunate consequences here in Washington, one of the most congested cities in the country, with an enormous Federal workforce, the great majority of whom drive single-occupancy vehicles to work every day.

The simple bill that Senator CHAFEE and I introduce today would add ''taxable cash reimbursement for the value of an employer-provided parking space'' to the list of benefits Federal employees can receive. I hope my colleagues will join us in supporting this bill and that we can act swiftly on this bill in the next session of Congress.

ADDITIONAL COSPONSORS

S. 1286

At the request of Mr. JEFFORDS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1286, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain amounts received as scholarships by an individual under the National Health Corps Scholarship Program.